

LAW LIBRARY RESOURCE CENTER

PROCEDURES: How to serve Family Case Notice To an Incarcerated Person

I. Background

This kind of service describes steps to provide an exact copy of the documents you filed to the party in your case who is incarcerated in a jail, prison, or a correctional facility, in Arizona or any other state in the U.S. To properly serve the incarcerated person, you must serve the party **twice**: 1) By mail or national courier service **with** return or confirmation of service **signed** by a jail or prison official, **and** 2) **Also** send copies of your filed papers to the inmate by first class mail.

Service to the inmate is made by the party (or their attorney) who starts the case and files the documents with the Clerk of Superior Court.

Service to an incarcerated person is effective if the return receipt or signature confirmation is signed and returned by an official of the jail, prison, or the correctional facility. When the party originating the service of process files the return receipt or signature confirmation with the affidavit of service, the service of process on the incarcerated person is deemed sufficient evidence of service. A copy of the affidavit you will need is provided in the packet.

II. Requirements – To **prove** to the court you properly served the incarcerated person, you must:

- A. **Make 4 copies** of your original petition, summons, and other required papers for Step 1 of the packet.
- B. File all sets of documents:
 - 1. **Original** (For the Clerk of Superior Court), and
 - 2. Copy (For the judicial officer), and
 - 3. Copy (For you), and
 - 4. Copy (For incarcerated party with Signature returned/receipt), and
 - 5. Copy (For incarcerated party, sent by first class mail), andA copy to any other party entitled to be served (such as the Arizona Attorney General in a Title IV-D or TANF case.)
- C. After paying for the postage, you must keep your cash register receipt – or package label, and attach it to the affidavit.
- D. You must obtain the signature of the official at the jail or prison to whom the papers are delivered.
 - 1. You can generally obtain a copy of the signature within a few hours of delivery from the delivering company's web site, or
 - 2. By a toll-free phone call to have a copy of the signature sent to your fax machine, or
 - 3. 3. If using U.S. Mail with "Signature Confirmation", you may also use the same

toll-free number to request a printed copy of the signature be mailed to you, which should reach any U. S. destination within three to five business days.

E. You must attach both the cash register receipt (or package label) AND the signature confirmation to the Affidavit.

F. You must sign the Affidavit.

III. **STEP to Serve an Incarcerated Person AFTER Filing:**

STEP 1: ADDRESS 2 LARGE MANILA ENVELOPES with the inmate name, inmate number, jail or prison or correctional facility name & address. Also, write "LEGAL MAIL" on the envelope.

- PUT ONE SET OF COURT PAPERS IN ONE ENVELOPE, and the other set of documents in the other envelope.

STEP 2: GO TO THE POST OFFICE or any other business that delivers mail. Tell the clerk that you need to send the papers with signed confirmation of delivery and that you will need the signature on the confirmation receipt. Be sure to keep the cash register receipt or package label for the Affidavit, to prove to the court the date you sent the papers.

STEP 3: WAIT FOR the returned COPY OF the Jail or Prison OFFICIAL'S SIGNATURE. If using Certified Mail, wait for the green receipt card to be returned with the other party's signature. When you get the green receipt, note the date the other party signed for the papers, and attach the card (or a photocopy of both sides of the card) to the third page of the affidavit.

If you are using some other form of delivery with signature confirmation from the Postal Service or FedEx, etc., you may go to the company's web site to confirm delivery and get a copy of the signature of the party as described in the "Requirements" section above. Tape that copy of the signature to the Affidavit. Also, tape the cash register receipt or other proof of mailing to the Affidavit.

STEP 4: COMPLETE the Affidavit PAPERS. Complete the "Affidavit of Service with Signature Confirmation." Fill in ALL information requested on the form before proceeding. Be sure you fill in the date the jail or prison official received the papers. If you are unsure of the date, use the date you received the return receipt card (if using Certified Mail). If you fail to list a date, the court may not process your papers and your case may be delayed and possibly dismissed.

- **ATTACH:** You must attach a copy of the jail or prison official's signature confirming receipt of the court documents to the 3rd page of the Affidavit. If using Certified Mail, copy both sides of the green return receipt card and attach either the original or the photocopy to prove how and when you served the incarcerated party.
- **COPY:** Make yourself a copy of the entire "*Affidavit of Service by*

Signature Confirmation” including the third page with the return receipt card or copy of other document showing the signature of the other party acknowledging receipt of the documents *for your records*.

STEP 5: FILE AFFIDAVIT AT THE COURT. File the Original **“Affidavit of Service by Signature Confirmation”** with the green return receipt or other form of confirmation bearing the signature of the jail or prison official at the office of the Clerk of Superior Court at any of these Superior Court locations:

Central Court Building

201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Northwest Court Complex

14264 West Tierra Buena Lane
Surprise, Arizona 85374

Southeast Court Complex

222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northeast Court Complex

18380 North 40th Street
Phoenix, Arizona 85032

STEP 6: COUNT. Note the date the other party was served the papers and start counting the days the other party has to file a Response or Answer. When counting the days, start counting with the day **after** the other party signed the receipt.