

NEWS RELEASE

Arizona Supreme Court
Administrative Office of the Courts



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Service of Process in Health Care Institutions During COVID-19 Pandemic

PHOENIX – The Arizona Supreme Court implemented changes in the rules affecting probate proceedings that impose certain notarial requirements and service of process requirements. These changes are needed given the current health emergency and in the interest of protecting the public while maintaining access to courts and court operations.

Arizona Rules of Civil Procedure, Rule 4(d) lists individuals who can serve legal process, including law enforcement officials, private process servers, and others authorized by the court. The rule changes implemented today add the Administrator of a Health Care Institution as defined in [A.R.S. § 36-401\(22\)](#) or such person(s) designated by the Administrator as someone who can serve a person who is the subject of a guardianship or conservatorship. The change relates to documents identified in Arizona’s Revised Statutes, [Title 14](#), Chapter 5, when those documents require personal service on an individual.

The change allows an Administrator to serve the principal of a health care directive with any documents required to be personally served in an action brought under [Title 36](#), Chapter 32 of the statutes in cases to determine the validity of, or to enforce, the principal’s health care directive. Service is effectuated by delivering the documents to the patient, by noting delivery in the patient’s medical chart, and by the person who serves the documents signing a Declaration of Service substantially similar to the template attached to the Court’s Administrative Order 2020-67 at <http://www.azcourts.gov/Portals/22/admorder/Orders20/2020-67.pdf?ver=2020-04-16-163025-497>. The petitioner must ensure the Declaration of Service is filed with the court. The Administrator of a Health Care Institution is not required to serve documents or to designate someone to serve documents.

The Court's order states that the petitioner and an interested person who opposes the relief requested in a petition may attend the initial hearing on the petition by telephone, videoconferencing, or other available audio or audiovisual technology.

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