

**E-Filing Policy Issue - # 5**  
(Filing Certified Mail Return Receipt)

**Issue:** (State the issue and whether it is specific to a certain level of court or case type.)

When a small claims pleading is served by certified mail, can the signed return receipt card be e-filed?

**Discussion:** (Provide the factual setting or context for the issue.)

Pursuant to A.R.S. § 22-513, a small claims summons and complaint may be served by certified mail. The signed return receipt card must then be filed with the court to establish valid service. At least one county requires the signed return receipt card (which is approximately 5" x 3") to be physically attached to an approved form, then filed. Other courts permit the signed return receipt card to be filed on its own.

**Authorities:** (Provide references to specific statutes, rules, codes or administrative orders you believe are pertinent to the issue.)

Chapter 5: Small Claims Divisions of Justice Courts  
Article 2: Pleadings and Procedure

22-513. Method of service

A. In addition to any other available methods of service, the plaintiff may serve the summons and complaint by registered or certified mail. Service is deemed complete on the date of delivery of the registered or certified mail to the defendant as indicated on the return receipt that is received and filed with the court either in person or by first class mail. If the date of delivery was not entered by the postal carrier or is illegible, service is deemed complete on the date the return receipt is received and filed with the court, either in person or by first class mail. The clerk of the small claims division of the justice court may make service by certified restricted mail, return receipt requested.

**Alternative Solutions:** (List all identified alternative solutions for the issue.)

- Allow filers to scan and e-file the signed return receipt card.
- Require paper filing of the signed return receipt card.
- Encourage/require plaintiffs to use a private process server to serve a defendant so the private process server can then e-file a proof of service document.

Date: April 22, 2009  
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**Position/Recommendation:** (Does the AOC E-filing team have a recommendation on this issue?)

The AOC E-filing team recommends that filers be permitted to scan and e-file the signed return receipt card.

**Decision:**

The card becomes important only when a plaintiff seeks a default judgment. Electronic filings should be allowed; the receipt should be scanned and filed before any judgment is rendered. Alternatively, the TurboCourt instructions could specify that the card must be brought in person to court before judgment can be rendered.