



SUBJECT: Civil Process	POLICY NO: 508.1-508.8
DISTRIBUTION: Sheriff's Office	NO. PAGES: 13
EFFECTIVE DATE: April 29, 2021 REVISION DATE: January 24, 2024	
SPECIAL INSTRUCTIONS:	

508.1 PURPOSE

The purpose of this policy is to establish guidelines and procedures regarding the documentation and execution of civil process.

508.2 POLICY

It is the policy of the Office to assist in the execution of civil process. Deputies shall enforce all laws while offering professional, non-biased assistance; their primary role is to ensure the safety of all persons involved.

508.3 DEFINITIONS

Civil Process: Writs, summonses, mandates, or other process from a court of law or equity pertaining to a civil matter. The term includes process to be served by the Sheriff's Office in any action involving civil litigants.


Civil Standby: The response of sworn Office personnel to the request of one or more parties who are hostile toward each other in a civil matter for the express purpose of keeping the peace.

Civil Arrest Warrant: A written order of the court issued in a non-criminal matter, directed to any peace officer in the state, to arrest the individual named in the warrant and take him/her before the court.

Injunction Against Harassment: A court order prohibiting a person from harassing another person. An act of harassment must have occurred without a relationship of the parties involved. The Injunction Against Harassment is comprised of the following five pages:

1. Petition for Injunction Against Harassment: The petition consists of two pages indicating what the plaintiff is requesting.

2. Injunction Against Harassment: The injunction consists of two pages indicating what has been ordered by the court.

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3. Certificate or Affidavit of Service: The certificate or affidavit consists of one page that is used to indicate when the service of the order was conducted.

Order of Protection: A court order issued to restrain a person from committing an act included, but not limited to, domestic violence. The Order of Protection is comprised of the following five or more pages:

1. Petition for Order of Protection: The petition consists of two pages indicating what the plaintiff is requesting.

2. Order of Protection: The order consists of two pages indicating what has been ordered by the court.

3. Certificate or Affidavit of Service: The certificate or affidavit consists of one page that is used to indicate when the service of the order was conducted.

4. Defendant's Guide Sheet and a Brady Warning Document: These forms may also be included in the Order of Protection document package. They are required to be served as part of the Order of Protection.

5. Confidential Service Document/Form: This form may be included as part of the Order of Protection document package. This form is a confidential form that is filled out by the Petitioner/Plaintiff to aid law enforcement in the service of the Order of Protection. It contains confidential contact information so that the Petitioner/Plaintiff can be contacted as well as other relevant information to aid in the service. The Confidential Service Document/Form is not to be given, shared with, or viewed in any way by the person being served. This document is to be shredded upon completion of the service.

Injunction Against Harassment in the Workplace: Orders issued by a court to prohibit persons or businesses from taking specified actions.

Order to Take Physical Custody of a Child: An order from the Superior Court, decreeing that the "Sheriff or any Arizona Law Enforcement Officer" take custody of the subject children and turn them to a specified person or Child Protective Services. Deputies must insure that the order is valid before taking action.

Out of State Orders: Orders from other states, except for protective orders, are not enforceable in Arizona until they have been domesticated through judicial review with the Superior Court of Arizona. Deputies presented with an out-of-state court order, and the proper documentation and confirmation showing that the order has been domesticated with the Superior Court in this State, should handle the order in the same manner as any other court order issued in this State.

Writ of Replevin: An order by the court issued to take possession of and deliver personal property (i.e vehicles). It is recommended that a Writ of Replevin be served by a Civil Deputy or under the direction and supervision of the Administrative Manager. A Writ of Replevin is comprised of the following documents:

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1. Copy of Order for Provisional Remedy without Notice.
2. Summons and Complaint
3. Notice pursuant to § 12-2402
4. Notice pursuant to § 12-2406.C
5. Affidavit
6. Certificate of Compulsory Arbitration

Note: *A Writ of Replevin requires a bond for double the amount of the cost of the vehicle.*

Writ of Restitution: An order from the court granting possession of a property as part of an eviction. It is recommended that a Writ of Restitution be served by a Civil Deputy or under the direction and supervision of the Administrative Manager. A Writ of Restitution includes the original and copy of Restitution and Judgment.

Writ of Garnishment: An order by the court issued for only service rather than seizure. A Writ of Garnishment is directed against a defendant's wages. It is recommended that a Writ of Garnishment be served by a Civil Deputy or under the direction of the Administrative Manager.

Writ of Execution: An order by the court issued to take possession of any property as a result of a legal judgment or post judgment collection remedy. It may be a Writ of General Execution or a Writ of Special Execution. An original and copy of execution and judgment is required.

A Writ of General Execution commands the officer to satisfy the judgment out of the defendant's personal and/or real property.

A Writ of Special Execution directs the Sheriff to seize specific personal or real property. Judgment will specifically state to take possession and deliver real or person property to the plaintiff. Some judgments will command the deputy to seize a specific item and deliver to the plaintiff at the time of seizure.

Note: *A Writ of General or Special Execution will be handled by the Civil Deputy.*

Lifetime No Contact Injunction: A court order prohibiting the defendant from contacting the victim/plaintiff, valid for the duration of the defendant's natural life and issued at the time of the defendant's sentencing. A Lifetime No Contact Order can be issued when the defendant is found guilty of a dangerous felony offense under A.R.S. § 13-105, serious offense or violent or aggravated felony under A.R.S. § 13-706, felony offense under A.R.S. Title 13, Chapter 14 or 35.1.

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508.4 GENERAL INFORMATION

The Civil Department is charged with serving legal documents originating from the Superior Courts, Justice Courts, attorneys and private individuals. The Civil Department also assists citizens and attorneys in both pre-judgment and post-judgment remedies by executing on writs of execution, writs of restitution, writs of replevin, writs of garnishment, writs of attachment, etc. All processes will be served in accordance with Arizona Statutes and Arizona Rules of Civil procedures unless otherwise directed in writing by a Court Order.

The following chart provides information regarding the type of legal documentation that the Civil Department is charged with serving, this chart includes fees associated with the request for process service and whether this documentation may be accepted after hours. These fees apply to requests for process service received from the public. The Civil Department accepts Deferral of Court Fees when applicable.

Type of Document	Fee	Accepted After Hours
Child Support Packet	\$56	NO
Dissolution/Divorce Packet	\$72	NO
Injunction Against Harassment	NO FEE	YES
Order of Protection	NO FEE	YES
Lifetime No Contact Injunction	NO FEE	YES
Order to Show Cause	\$56	NO
Subpoena	\$56	NO
Subpoena Deuces Tecum	\$56	NO
Summons and Forcible Detainer	\$56	NO
Summons (Small Claims)	\$56	NO
Summons and Complaint	\$56	NO
Summons and Petition	\$56	NO
Temporary or Emergency Restraining Order	NO FEE	YES
Writ of General Execution	\$200	NO
Writ of Special Execution	\$200	NO
Writ of Restitution	\$200	NO
Writ of Attachment	\$200	NO
Writ of Replevin	\$200	NO
Writ of Garnishment	\$200	NO

A. Fees:

1. Civil service fees are calculated according to A.R.S. 11-445, any overage from the deposit received will be refunded to the requesting party. Any outstanding balance owed will be billed to the party requesting the service.

508.5 CIVIL DEPARTMENT PROCEDURESApproved: 

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A. Acceptance of Civil Process: Civil process is to be accepted for service at the public counter located in the Civil Division or by mail. The Civil Division will record the date, hour, and minute on the document at the time of acceptance. The Civil Division shall then complete an intake sheet that contains the following information:

1. The date and time the document was received
2. An accurate and complete description of the process received, such as summons, subpoena, or civil writ.
3. The name of the plaintiff and defendant or person to be served, the respective court, and the court docket number.
4. Intake sheet will be reviewed by the requesting party for accuracy and signed if requesting party approves the information noted on the intake sheet.
5. Plaintiff or requesting party will be notified that up to three (3) attempts at service will be made and if those attempts are unsuccessful, additional mileage fees will apply.
 - a. Prior to making any additional attempts, approval must be obtained from the plaintiff or requesting party.

B. Processing:

1. Documents will be entered into our computer system and a civil case number will be assigned to them. Documents will be processed for service by creating an affidavit of service and an attempt sheet.

C. Completion of Service:

1. Upon completion of service, or inability to complete service, the document and worksheet will be returned to the Civil Department for the appropriate disposition or retention in accordance with current guidelines.
2. When unable to complete service; an affidavit of non-service will be filed with the appropriate court and any documents provided for the service will be destroyed unless the requesting party states in their letter of instructions or at the time of in person request that their documents be returned to them.
3. Once a civil document is served an original affidavit of service will be filed with the appropriate court in a timely manner; if there is not a court associated with the affidavit of service; the original affidavit of service will be mailed to the party requesting service.
4. When a deputy attempts to serve civil process, the Civil Department will verify that the following information is recorded on the attempt sheet.

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- a. The address at which service was attempted.
 - b. The date and time of the attempt.
 - c. The name and badge number of the deputy attempting to complete the service.
 - d. The progress, results, disposition, or an explanation of the non-service of the civil process.
2. When a deputy serves civil process, the Civil Department will verify that the following information is recorded on the Certificate of Service.
- a. The name and signature of the party who was served.
 - b. The date, time and location of service.
 - c. The name and/or signature and identification number of the deputy or Civil Process Server who completed the service.
 - d. On certificates of service for orders of protection, the Civil Department will verify that the Deputy or Civil Process Server also records the physical description of the party who was served to include identification number if available.
 - e. If any information required on a certificate of service is missing or needs to be corrected, a staff member from the Civil Department will contact the Deputy or Process Server who executed the service.

D. After Business Hours

Orders of protections, Injunctions Against Harassment, and Lifetime No Contact Injunctions can be accepted after business hours. The public may contact the Yuma County Sheriff's Office in person or via telephone to request the service of an Order of Protection, an Injunction Against Harassment and/or a Lifetime No Contact Injunction after regular business hours. After regular business hours is any time before 08:00 a.m. and after 5:00 p.m. The Communications Department will assign a deputy to make contact with the party requesting service and obtain copies of all documentation to be served which include a copy of the Order signed by a judge, Petition and Defendant's Guide sheet. When a deputy is not available to make contact with the party at the time of the request, the Communications Department will create a call for service and dispatch a deputy when a deputy is available. After contacting the party requesting service and obtaining the required documents, the deputy will make a copy of all documentation received and will forward to the Civil Department. An attempt to

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locate the defendant will be made on the same day. If there is negative contact with the defendant, all documentation will be forwarded to the Civil Department including information obtained on the party requesting service and the party to be served (Full name, date of birth, driver's license number and/or social security number, last known address and telephone number). Only the documents mentioned in this section will be accepted after regular business hours.

508.6 BEST PRACTICES WHEN ATTEMPTING SERVICE AND COMPLETING SERVICE

A. General

1. The preferred and most effective method of service upon a party is in-person delivery to the named party.
2. When in-person service upon a named party cannot be effectuated, the next best method of service is in-person delivery of process to a person authorized by the Court Rules or Statute to deliver process to on behalf of the named party. (Subservice)
3. When service cannot be affect as described in no. 1 and 2 above, the next best method of service is by alternate means authorized by court rule or statute upon a demonstration of the facts, and shall be done in a manner reasonably calculated to provide actual notice to the named party. This includes service by mail, posting and/or publication.
4. Documentation to be served must be concealed and secured within your vehicle when making service attempts. Documentation must be returned to the Civil Department when not actively attempting service or at the end of your work day.

B. Identification of Party to be Served and Civil Process Service

1. The Deputy or Process Server must identify the party being served either by:
 - a. Picture Identification
 - b. Identification acknowledged by party served
 - c. Identification by third party
2. Personally serve party by:
 - a. Handing documents to them.
 - b. Placing and leaving documents within their physical control, and notifying them of the contents should they refuse to accept service.
 - c. Request party to complete and sign Certificate of Service in a legible manner.

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- d. Orders of Protection, Injunctions Against Harassment and Lifetime no Contact Injunctions do not require the signature of the party being served. The Deputy or Process server may request that individual sign the certificate of service. (There is no specific area for a signature)
- e. When the party being served refuses to sign the certificate of service, the Deputy or Process Server will write the words "Refused" under the name and signature section of the certificate of service.

C. Attempt Sheet and Certificate of Service

1. Attempt Sheets must include the following information:
 - a. Exact dates and time of attempts.
 - I. Attempts must include an early morning, midafternoon and a late evening, one of which should be on a weekend day.
 - b. When service is attempted outside the Yuma County Sheriff's Office, the deputy shall provide a description of results or event, such as evidence of occupancy, i.e. occupants visible and activity within address.
 - c. Any verification of residency by third parties.
2. Certificate of Service must include the following information:
 - a. Date time and location of service
 - b. Name and signature of person served.
 - c. Process Server or Deputy's Signature and Identifier (P-Number)
3. Certificate of Service for an Order of Protection or Injunction against Harassment must include the following information:
 - a. Date, time and location of service.
 - b. Name of Person who was served
 - c. Physical description of party served to include Identification Number if available.
 - d. Documentation served
 - d. Process Server or Deputy's signature and Identifier (P-Unit Number)

508.7 PROCEDURE FOR EACH DOCUMENT SERVED

A. Order of Protection

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1. Prior to service of an Order of Protection, the deputy or process server will verify that the order is valid by checking that the Order contains a valid Judge's signature.
2. When attempting service, identify the party to be served by following section 508.6 B 1 of this policy.
3. Briefly explain the contents of the order to the party being served and provide a copy of the following document to the party being served:
 - a. Order
 - b. Petition
 - c. Defendant's Guide Sheet

B. Order of Protection – Take Weapons

1. Only the items listed under Arizona Firearms Law section of the Order of Protection will be seized.
2. Firearms receipt will be filled out with information on the weapons and items being seized and the pink copy of the receipt will be left with the defendant.
3. A DC-1 Case report will be taken to document the seizure. All items seized will be held in the Evidence Department for safekeeping.

C. Order of Protection – Animals

1. A plaintiff or defendant may take possession of an animal when the order specifically states under the "Animals" section that he or she was granted custody of the animal.

D. Order of Protection – Exclusive Use

1. When an Order of Protection grants exclusive use of a property to the plaintiff, the address to the property will be noted under section titled "Protected Location" of the Order of Protection. The deputy must notify the party being served that he or she is being ordered to leave the property.

E. Order of Protection - Civil Standby:

1. Deputies will assist with a civil standby as ordered by the court via an order of protection and by appointment only. The purpose of the civil standby is to keep the peace. The deputy shall not intervene in favor of any party. If the desired transaction cannot be accomplished peacefully, the deputy shall defer to the party in current possession of the property or premises in question, and ensure the departure of all other parties. The deputy will advise all parties to seek a legal resolution to the matter and warn that any

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confrontation which includes an illegal act, or constitutes a breach of the peace can result in an arrest.

2. Generally, the person requesting a civil standby will be permitted to take clothing, medicines and hygiene items for themselves and any children and it may include toys, and tools of the trade, no major appliances or other non-personal property will be removed, with the exception of portable and easily carried items. The deputy shall use his or her discretion for questionable items, as the situation dictates. The person will have no more than 20 minutes to gather his or her property.

F. Emergency Order of Protection


1. Is requested by the deputy and served on the defendant following the method used when serving a regular Order of Protection. (Section A above)

G. Service of Summons and Complaint, Summons and Petition, Notice to Appear, Dissolution Packet, Small Claims, Civil Law Suits, Subpoena, Child Support Packet, Order to Take Physical Custody of a Child, Out of State Orders

1. Identify the party to be served by following section **508.6 B 1** of this policy.
2. Only the party named defendant or respondent may be served.
3. Briefly explain the contents of the document.

H. Serving a Juvenile

1. Order of Protection or Injunction Against Harassment
 - a. Juvenile must be served in person. The manner of service will follow the same procedure when serving an adult. An adult does not need to be present at the time of service.
 - b. The parent or guardian will also be served with a copy of the Order of Protection or Injunction Against Harassment.
 - c. If the parent or guardian is not present when the juvenile is served, the deputy must return to the home at a later time to serve the parent.
2. Notice to Appear
 - a. The notice will be served on the parent/guardian and the juvenile. The juvenile does not need to be personally served. The parent or guardian may be served for the juvenile.

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b. A juvenile will NOT be sub-served a Notice to Appear for the parent.

I. Sub-Service

1. Only allowed when specified by the party requesting service and the documentation to be served can be sub-served in accordance with Arizona Rules of Civil Procedure.
2. Anyone over the age of 16 may be sub-served.
3. Manner of service will follow the same procedure when serving an adult.

J. Summons and Complaint for Eviction Action

1. May be served on anyone in possession of the property.
2. Manner of service follow the same procedure when serving an adult.
3. After three (3) unsuccessful attempts, the deputy may post documentation where it can be easily seen by the tenant, the deputy must then take a photograph of where documentation was posted and email the photograph to the administrative manager as part of the proof of service.

K. Writ of Restitution

1. Will be served on the party named on the Writ or any party in possession of the property.
2. Manner of Service will follow the same procedure when serving an adult.
3. Notice of Lockout
 - a. A notice of lockout is part of the Writ of Restitution. A notice of lockout notifies the tenant that they have until the date and time on the Notice of Lockout to vacate the residence.
 - b. On lockout day, the deputy will arrive at the property and take possession of the property by ensuring that the tenants have vacated the residence. In the event that the tenants failed to vacate the property, the deputy will escort the tenants out of the property and proceed with the lockout. A deputy may make an arrest under A.R.S. § 33-1502 if a tenant refuses to vacate the property.
 1. A locksmith will be present at the scene at the time of lockout, it is the landlord's responsibility to hire a locksmith.

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- c. The deputy will inform the landlord that under the Landlord Tenant Act, any property that is left by the tenants must be secured and not disposed of.
- d. The deputy will take a DC-1 Case Number for the Writ of Restitution.

L. Writ of General Execution and Sheriff's Sale/Auction

1. Will be served on the party named on the Writ.
2. Manner of service will follow the same procedure when serving an adult.
3. Verification that a money judgment exists is required.
4. Execution is against the property of the judgment debtor and is satisfied out of personal property or real property when there is not enough personal property that will satisfy the judgment
 - a. Seizure stickers are placed on personal property with item description. The item is documented on a property list and a photograph is taken of the item. Items may be seized in place at the time of service or may be removed and stored at a storage facility provided by the plaintiff.
5. The Administrative Manager is in charge of setting the Sheriff's sale date, time and location. The Sheriff's sale is publicly announced for three weeks prior to the sale.

M. Writ of Special Execution

1. Will be served on the party named on the Writ.
2. Manner of service will follow the same procedure when serving an adult.
3. The deputy will execute the writ by taking possession of the property specified in the judgment.
 - a. A deputy may be ordered to take possession of specific property and deliver the property to the plaintiff at the time of seizure.
4. If a Sheriff Sale/Auction is required it will follow the same process under a Writ of General Execution.
5. Deputy will take a DC-1 Case number for the Writ of Special Execution.

N. Writ of Replevin

1. Will be served on the party named on the Writ.
2. Manner of service will follow the same procedure when serving an adult.

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3. When taking possession of a vehicle.
 - a. Contact the next on call 926. If a specific tow truck was requested by the plaintiff, that Tow Company will be contacted. If the requesting party's tow company of choice is not available to respond in a timely manner, the next on call 926 will be contact.
 - b. A 48 hour hold will be noted on the tow-sheet
 - c. Deputy will take a DC-1 case for the Writ of Replevin

O. Civil Arrest Warrant

Please see Policy 328.1-328.5 Civil Arrest Warrants.

P. Lifetime No Contact Injunction

1. Prior to service, the deputy or process server will verify that the order is valid by checking that the Order is signed by a judge.
2. When attempting service, identify the party to be served by following section 508.6 B 1 of this policy.
3. Briefly explain the contents of the order to the party being served and provide a copy of the following document to the party being served:
 - a. Order
 - b. Petition
 - c. Defendant's Guide Sheet

508.8 AMENDMENT

This policy is subject to amendment, revision or rescission, as required.

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