IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	
AUTHORIZING A MODIFICATION	)	Administrative Order
OF COURT RULES DURING A	)	No. 2020 - 67
PUBLIC HEALTH EMERGENCY	)	
	)	

Due to a concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona has declared a statewide emergency pursuant to A.R.S. § 26-303 and in accordance with A.R.S. § 26-301(15). Cooperation by the Judicial Branch of government is essential to reducing the risks associated with this public health emergency.

The Arizona Judicial Branch remains open to serve the public. Nevertheless, given the current emergency, and in the interest of protecting the public, certain limitations and changes in the rules affecting probate proceedings that impose certain notarial requirements and service of process requirements are necessary.

Therefore, pursuant to Article VI, Sections 3 and 5, of the Arizona Constitution,

IT IS ORDERED that, in addition to those persons listed in Rule 4(d), Arizona Rules of Civil Procedure, the Administrator of a Health Care Institution as defined in A.R.S. § 36-401(22) or such person(s) designated by the Administrator (hereinafter referred to as "Administrator"), may serve the subject person of a guardianship or conservatorship with any documents that Chapter 5 of Title 14, A.R.S., requires to be personally served on that subject person. The Administrator also may serve the principal of a health care directive with any documents required to be personally served on the principal in an action brought pursuant to Chapter 32 of Title 36, A.R.S., 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 this order. The petitioner is responsible for ensuring that the Declaration of Service is filed with the court. Nothing in this order shall be construed to require the Administrator of a Health Care Institution to serve documents or to designate someone to serve documents.

IT IS FURTHER ORDERED that Courts may accept for filing any of the documents identified under Rule 10(a), Arizona Rules of Probate Procedure, without an acknowledgment (i.e., verification of the signer's identity) if a photocopy of the

signer's driver license or other government-issued identification card is attached to the document. The signer may redact from the driver license or other government-issued identification the signer's address and date of birth.

IT IS FURTHER ORDERED that, by administrative order, the Superior Court of Arizona in each county may order that the second sentence of the second paragraph of the Required Warning language set forth in Rule 16(b), Arizona Rules of Probate Procedure, be modified to read as follows:

> However, if you oppose any of the relief request in the petition that accompanies this notice, you must file with the court a written response at least 7 calendar days before the hearing date, or you or your attorney must contact the judicial division assigned to the case at the time of the hearing using the following instructions: [insert instructions for telephonic or video appearance].

The Superior Court in each county by administrative order or specific order entered in each individual case shall provide the instructions for telephonic or video appearance.

IT IS FURTHER ORDERED that, for purposes of Rule 17(a)(1), Arizona Rules of Probate Procedure, the petitioner may "attend" the initial hearing on the petition by telephone, videoconferencing, or other available audio or audiovisual technology by following the directions provided by the judicial division assigned to the case.

IT IS FURTHER ORDERED that, for purposes of Rule 17(a)(2)(B), Arizona Rules of Probate Procedure, an interested person who opposes the relief requested in a petition may "attend" the initial hearing on that petition by telephone, videoconferencing, or other available audio or audiovisual technology by following the directions provided in the Notice of Hearing.

This order shall remain in effect for the duration of the Governor's Executive Order dated March 11th, 2020, declaring a Public Health Emergency or upon further order.

DATED this 16th day of April, 2020.

ROBERT BRUTINEL
Chief Justice

IN THE SUPERIOR COURT OF ARIZONA

IN _____COUNTY

In the Matter of:
_____, Case No.:_____
An Adult

DECLARATION OF SERVICE

At approximately _____ __.m. on _____, 2020, I delivered the following documents directly to _____ (*name of person served*):

(*Separately list title of each document delivered. Attach additional pages if necessary*)

1.

2.

3.

4.

5.

6.

My name is _____. I am the Administrator of _____ (name of healthcare institution), or have been designated by the Administrator of that health care institution to serve documents.

I declare under penalty of perjury that the foregoing is true and correct.

_____ _____
Signature Date