

JUDICIAL BRANCH OF THE NAVAJO NATION ADMINISTRATIVE OFFICE OF THE COURTS

P.O. Box 520 ♦ Window Rock, Arizona 86515
Telephone 928-871-6762 ♦ Fax 928-871-6761

JOANN B. JAYNE
Chief Justice of the Navajo Nation



STEPHEN B. ETSITTY
Administrative Director of the Courts

Navajo Nation Fiscal Recovery Funds: SERVICE OF PROCESS Guidelines

Section One: Purpose

A. Navajo Nation Fiscal Recovery Funds (FRF) funds have been allocated to the Judicial Branch through Legislation CJY-41-21 to fund the service of Private Process Servers (JBO-01-89) as an immediate solution to the backlog of cases caused by the global pandemic.

Section Two: Registry and Eligibility

- A. The eligible civil case type is: 1) Domestic Violence. Any cases involving weapons will be immediately referred to the Navajo Police Department for service. If other cases become eligible during the below identified time period, this section shall be updated.
- B. A Process Server must be currently registered with a Navajo Nation Judicial District.
- C. Registered Process Servers will be selected sequentially from the list kept at the District in which service is requested.
- D. Cases filed between March 11, 2021 and October 31, 2026 will be eligible for this service.

Section Three: Process

- A. A Court will contact a registered process server and make arrangements for the process server to obtain the petition. In most cases, an appointment will be made for the process server to pick-up the petition at the courthouse. Alternatively, if the process server has a printer at home, the Court may email the petition to the process server.
- B. The Court contacted process server completes the service.
- C. The following case types have specific procedures:
- 1) For Domestic Abuse Cases, the process server must return the "Affidavit of Service of Process" to the Court within ten (10) days of when it was received. If the process server made an unsuccessful attempt to serve within these ten (10) days, the process server must return the petition to the Court.
 - a. Each successful service must include an "Affidavit of Service of Process" (attached). The process server must sign the Affidavit of Service of Process under oath of the successful service; this Affidavit is not required to be notarized.
 - b. A Court clerk will certify the Affidavit when it is returned to the Court.

Section Four: Required Documents to Become a Registered Process Server

- A. A fully executed Professional Services Contract with an assigned contract number.
 - 1) Process Server Certification by a Navajo Nation Judicial Court;
 - 2) Signed, current W-9 form;
 - 3) Proof of general liability and auto insurance for review by the Risk Management Department. General liability coverage must be at \$1,000,000 per claim and \$2,000,000 aggregate for one year. Auto liability with a minimum of \$1,000,000 coverage is required; and
 - 4) Signed Debarment & Suspension Certification form

Section Five: Payment Process

- A. Monthly payment requests to include:
 - 1) Contract Number;
 - 2) One (01) original invoice, per month, that includes Navajo Nation Tax of 6% for services, only. POV mileage expenses are excluded from Navajo Nation Tax;
 - 3) Affidavit of service; and
 - 4) Mileage Log (if over 35 miles)
- B. Once a payment packet is complete, each month, the court will forward it within five (5) business days to the Senior Budget Analyst to process for payment under the contract.
- C. Court Administrator is responsible for reconciling their Process Server contracts, monthly, to ensure they are within the budget of the contract.

Section Six: Process Server Compensation

- A. This funding source will provide funds to pay the process server a flat fee of one-hundred and fifty dollars (\$150.00) for a successful service.
- B. Travel over thirty-five (35) miles, roundtrip, by the process server will be reimbursed up to four-hundred (400) miles traveled at the “Federal Privately-Owned Vehicle Rate” of \$0.585/mile, for a maximum of two (02) attempts. (This rate is subject to change and dependent on the Federal CONUS rates.) To calculate total miles traveled, start counting miles from the location where the petition was received and proceed directly to the place of service. Multiply this number by two (2) to get the total miles traveled by the process server. Total miles traveled amounting to less than thirty-five (35) miles will not be reimbursed. A Court should utilize process servers who are closest to the anticipated location of service.
- C. Reimbursement payment for total miles traveled and service of process payment(s) can take up to eight (8) weeks to be received.