



How to Serve Child Custody Papers in Oklahoma

A Step-by-Step Guide for Parents, Attorneys, and Process Servers

Document Type: Procedural Guide
Jurisdiction: Oklahoma State Courts
Version: v1.0 | April 20, 2026
Next Review: October 20, 2026
Reading Level: 8th Grade

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1. Overview

Serving child custody papers in Oklahoma is a required legal step. The other parent must receive official notice of the custody case. Without proper service, the court cannot hear your case.

This guide explains each step in simple terms. It covers the required documents, service methods, deadlines, and common mistakes to avoid. All laws cited are current as of April 2026.

Who Must Be Served

In a child custody case, you must serve:

- The other parent (respondent)
- Any person who has physical custody of the child
- Any person who claims custody or visitation rights
- The Guardian ad Litem (GAL), if one has been appointed

If you do not serve every required person, the court may delay your case.

2. Required Documents Checklist

Before you can serve custody papers, you must have the right documents. Each document serves a different legal purpose. Use the checklist below to make sure you have everything.

| <input type="checkbox"/> | Document | Purpose | Notes |
|--------------------------|----------------------------|---|--|
| <input type="checkbox"/> | Petition for Custody | Starts the custody case. Lists what you want. | File first. Clerk assigns case number. |
| <input type="checkbox"/> | Summons | Official notice that tells the other parent to respond. | Clerk issues after petition is filed. |
| <input type="checkbox"/> | UCCJEA Affidavit | Shows which state has jurisdiction. | List all states child lived in past 5 years. |
| <input type="checkbox"/> | Notice of Hearing | Tells the other parent when to come to court. | Required for temporary custody hearings. |
| <input type="checkbox"/> | Proof of Service Affidavit | Shows the court that service was completed. | Server fills out after delivery. |
| <input type="checkbox"/> | Military Affidavit (SCRA) | States whether the other parent is on active duty. | Required before any default judgment. |

About the UCCJEA Affidavit

The UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act) affidavit tells the court which state has power over the custody case. Oklahoma uses this form to decide if it is the right court to hear your case.

You must list every state where the child has lived in the past 5 years. You must also state whether any other court has made custody orders for this child.

Note: UCCJEA affidavit requirements are set by Oklahoma law. Verify the current form with the court clerk before filing. Court forms are available at oksc.oscn.net/forms/.

3. Key Deadlines and Time Limits

Custody cases have strict deadlines. Missing a deadline can delay your case or cause it to be dismissed. The table below shows each deadline and the law that created it.

| Deadline / Event | Time Limit | Legal Source | Details |
|------------------------|-------------|-----------------------|---|
| Serve the Summons | 180 days | 12 O.S. § 2004(I) | Action dismissed if not served on time without good cause. |
| Respond to Petition | 20 days | District Court Rule 2 | Defendant must file answer within 20 days of being served. |
| Notice of Hearing | 5 days min. | 43 O.S. § 110(B)(1) | Court cannot issue temporary order without 5 days notice. |
| Proof of Service Filed | Promptly | 12 O.S. § 2004(G)(1) | Must be filed within time the person served has to respond. |
| Home State Requirement | 6 months | UCCJEA | Child must have lived in Oklahoma 6 months continuously. |
| Publication Notice | 3 weeks | 12 O.S. § 2004(C)(3) | One day per week for 3 consecutive weeks. |

Home State Jurisdiction

Oklahoma can only hear your custody case if Oklahoma is the child's "home state." A home state means the child lived in Oklahoma for at least 6 months in a row right before the case was filed.

If the child is under 6 months old, the home state is where the child has lived since birth. If Oklahoma is not the home state, you may need to file in a different state. Verify home state rules with the court clerk.

Notice for Temporary Custody Hearings

If you ask the court for temporary custody orders, the other parent must get at least 5 days' notice of the hearing. This is required by 43 O.S. § 110(B)(1). You must serve both the application and a notice of hearing.

The court will not issue a temporary order until the other parent has had at least 5 days' notice. Plan ahead to avoid delays.

4. Methods of Service

Oklahoma law gives you several ways to serve custody papers. Each method has different rules and costs. Personal service is the most reliable. Other methods are used when personal service is not possible.

| Method | How It Works | Best For | Cost | Cautions |
|-----------------|--|--|----------------------------------|--|
| Personal | Hand papers directly to the person. | Best for all custody cases. | Sheriff or private server fee. | Most reliable. Hardest to challenge. |
| Substituted | Leave at home with person 15+ who lives there. | When person is not home. | Same as personal. | Must verify the person actually resides there. |
| Certified Mail | Send via certified mail, return receipt. | When person will accept mail. | Postage plus certified mail fee. | Person may refuse. Keep refusal notice. |
| Publication | Run notice in newspaper 3 weeks. | Last resort when person cannot be found. | Newspaper ad cost varies. | Weakest method. Court may limit orders. |
| Court-Appointed | Court names a person to serve. | Special situations. | No extra court fee. | Court must approve. Takes extra time. |

Personal Service (Best Method)

Personal service means handing the papers directly to the person being served. Under 12 O.S. § 2004(C)(1)(c)(1), the server must give a copy of the summons and petition to the person personally.

Personal service is the best method because it leaves no doubt that the person received the papers. It is also the hardest to challenge in court.

Substituted Service

If the person is not home, substituted service is allowed. The server can leave copies at the person's dwelling house with someone who lives there and is at least 15 years old. This is also found in 12 O.S. § 2004(C)(1)(c)(1).

The person who accepts the papers must actually reside at that address. You cannot leave papers with a visitor or neighbor.

Service by Certified Mail

Under 12 O.S. § 2004(C)(2), you can serve by certified mail with return receipt requested. The delivery must be restricted to the addressee only. Service is complete on the date the mail is received.

If the person refuses the mail, service is still effective on the date of refusal. Keep the return receipt as proof.

Service by Publication

If you cannot find the other parent after trying all other methods, you may use service by publication. Under 12 O.S. § 2004(C)(3), you must:

0. File an affidavit stating that with due diligence, service cannot be made by any other method
1. Publish a notice signed by the court clerk one day a week for three weeks in a row
2. Use a newspaper authorized to publish legal notices in the county where the petition was filed

Service by publication is the least reliable method. The court may limit what orders it can make. Use this method only as a last resort.

5. Step-by-Step Procedures

Follow these steps in order to properly serve child custody papers in Oklahoma. Each step builds on the one before it.

Step 1: File the Custody Petition

Take your completed petition, summons request, and UCCJEA affidavit to the district court clerk in the county where the child lives. Pay the filing fee. The clerk will assign a case number and issue a summons.

Under 12 O.S. § 2004(A), the clerk must issue a summons right after you file the petition. You can request separate or additional summonses for each person who must be served.

Step 2: Prepare Copies for Service

Make a complete copy of the petition and summons for each person being served. Under 12 O.S. § 2004(D), the summons and petition must be served together.

If serving by personal delivery, write the date of service on the copy that will be left with the person.

Step 3: Choose a Qualified Process Server

In Oklahoma, custody papers can be served by:

- A sheriff or deputy sheriff
- A licensed private process server (12 O.S. § 158.1)
- Any person age 18 or older who is specially appointed by the court

The court will freely make special appointments. You can find licensed process servers through the Administrative Office of Courts statewide registry.

Note: A prisoner, parolee, or probationer cannot serve process. 12 O.S. § 2004(C)(7).

Step 4: Deliver Papers to the Server

Give the server the original summons, copies of the petition, and any other required documents. Provide the server with the correct address and any special instructions.

Make sure the server knows the deadline. Service must be completed within 180 days after filing. 12 O.S. § 2004(I).

Step 5: Attempt Service

The server will attempt to deliver the papers. Best practice is to make the first attempt within 48 hours of receiving the papers.

The server should make at least 3 attempts at different times of day and on different days before giving up. Oklahoma Administrative Code § 340:25-5-190 defines "diligent efforts" as at least 3 repeated attempts at different times or days.

Step 6: Complete Proof of Service

After service is made, the server must complete proof of service. Under 12 O.S. § 2004(G)(2), the proof of service affidavit must include:

- The county where the summons was issued
- The name of the person served
- The date of service
- The place of service
- The method of service

The affidavit must be filed with the court clerk promptly. If a licensed process server made the service, the server must sign the affidavit personally.

Step 7: File Proof of Service with the Court

File the completed proof of service with the court clerk. The clerk will add it to the case file. Check the docket to confirm it was entered correctly.

Under 12 O.S. § 2005(D), all papers filed with the court must include a statement of the names of persons served and the date, place, and method of service.

6. Emergency Custody Service

In emergency situations, you may need a court order right away. Oklahoma law allows emergency custody orders when a child faces immediate danger.

For emergency custody hearings, the notice requirements may be shortened. The court can hold a hearing with less than 5 days' notice if the child is in immediate danger.

Even in an emergency, you must still serve the other parent as soon as possible. The court will set a return hearing where both parents can present their side.

Note: Emergency custody rules vary by county and judge. Verify specific requirements with the court clerk or your attorney.

7. Guardian ad Litem (GAL)

A Guardian ad Litem (GAL) is a person the court appoints to represent the child's best interests. The GAL investigates and makes recommendations to the court.

If a GAL has been appointed in your case, you must serve all custody papers on the GAL as well as on the other parent. Under 12 O.S. § 2005(A), all pleadings after the original petition must be served on each party, including the GAL.

The GAL's name and contact information will be in the court order that appointed them. If you are unsure who the GAL is, check the case docket or ask the court clerk.

8. Common Reasons Service Fails

Service fails more often than most people think. When service fails, your case is delayed. The table below shows the most common reasons and how to avoid them.

| Problem | What Happens | How to Prevent It |
|----------------------|--|--|
| Wrong Address | Server cannot find the person. Time is wasted. | Verify the address first. Use a skip trace if needed. |
| Wrong Person Served | Service is invalid. Case may be delayed. | Confirm identity with photo ID before serving. |
| Not Enough Copies | Some parties are not served properly. | Count all parties who need service. Make extra copies. |
| Proof Not Filed | Court does not know service happened. | File the proof of service affidavit as soon as possible. |
| 180 Days Pass | Case is dismissed without prejudice. | Track the deadline. Request more time if needed. |
| Missing Summons | The petition alone is not valid service. | Always serve the summons and petition together. |
| Child Served Instead | Children under 15 cannot accept service. | Only give papers to the named adult or a resident 15+. |
| Incomplete UCCJEA | Court may reject the filing. | List every state and every case. Use the current form. |
| GAL Not Served | Orders may be set aside later. | Check if a GAL was appointed. Serve them too. |

Military Status Check (SCRA)

Under the federal Servicemembers Civil Relief Act (50 U.S.C. § 3931), you must file an affidavit stating whether the other parent is on active military duty before the court can enter a default judgment. This law applies to all child custody proceedings.

You can check military status online at scra.dmdc.osd.mil. If you cannot determine military status, the court may require a bond or may appoint an attorney for the other parent.

9. Quick Reference

Use this section as a quick reminder of the most important rules.

Service at a Glance

| Question | Answer |
|---|---|
| Who can serve custody papers? | Sheriff, licensed process server, or court-appointed person age 18+. |
| What must be served together? | Summons and petition. Always. 12 O.S. § 2004(D). |
| How long do I have to serve? | 180 days from filing. 12 O.S. § 2004(I). |
| How long to respond? | 20 days after service. District Court Rule 2. |
| Can I serve by email? | Only if the other party agreed in writing. 12 O.S. § 2005(B). |
| What if I cannot find the other parent? | Try certified mail first. Then ask court for service by publication. |
| Do I need a process server license? | Only if you are the one serving. The plaintiff cannot serve their own papers. |
| What is the best service method? | Personal delivery by a professional. Most reliable. |

What to Do If You Get Stuck

- Call the court clerk in the county where you filed your case
- Contact a licensed Oklahoma process server for help
- Check OSCN at www.oscn.net for court forms and rules
- Ask the court for a special appointment if you need someone specific to serve the papers

Disclaimer

IMPORTANT NOTICE

Not a law firm. This document provides procedural information only. It does not give legal advice. Laws change. Rules vary by county. Always verify current procedures with the court clerk before filing or serving papers.

This guide is based on Oklahoma statutes and court rules as of April 2026. Some local courts may have additional rules. Some procedures may have changed after this document was published.

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