

How to Serve Divorce Papers in Oklahoma

A Step-by-Step Guide for Pro Se Litigants

With Oklahoma Statute Citations and Required Document Checklists

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Required Documents Checklist

Before you serve divorce papers in Oklahoma, gather every document on this list. Check off each item as you complete it. Missing documents can delay your case or cause the court to reject your filing.

Documents to File with the Court

Document	Required?	Notes
Petition for Dissolution of Marriage	Yes	Filed with the court clerk
Summons	Yes	Court clerk issues after filing
Marriage License / Certificate	Yes	Copy attached to petition
Civil Cover Sheet	Yes	Verify with the court for local form
Verification / Affidavit (under oath)	Yes	Must be notarized
Confidential Information Form	Yes	Varies by county; verify with court
Parenting Plan (if children)	Yes	Required for minor children
Child Support Computation	Yes	Required for minor children
Financial Affidavit(s)	Verify with court	Some counties require this
Entry of Appearance (Pro Se)	Yes	If representing yourself

Documents for Service of Process

You must provide enough copies for every person who needs to be served.

Document	Copies Needed	Purpose
Summons (original + copies)	1 per defendant	Issued by court clerk
Petition for Dissolution	1 per defendant	File-stamped copy
Automatic Temporary Injunction Notice	1 per defendant	43 O.S. §110
Notice of Hearing (if any)	1 per defendant	At least 5 days notice



Post-Service Documents

Document	Deadline	Filed With
Affidavit of Service (Return)	Promptly after service	Court clerk
Non-Military Affidavit (SCRA)	Before default judgment	Court clerk
Waiver of Service (if signed)	Before answer due	Court clerk

[12 O.S. §2004(G)(2)] If service is made by a person other than a sheriff or deputy sheriff, the licensed process server shall make affidavit thereof. The return shall set forth the county of issuance, the name of the person served and the date, place and method of service.



Understanding the Timeline

Divorce cases in Oklahoma have strict deadlines. Missing a deadline can cause your case to be dismissed. The table below shows key deadlines with the statute that creates each one.

Step / Deadline	Time Limit	Source
File Petition for Dissolution	Day 0 - starting point	12 O.S. §2004(A)
Clerk issues summons	Upon filing (same day)	12 O.S. §2004(A)
Serve divorce papers on respondent	Within 180 days of filing	12 O.S. §2004(I)
Automatic temporary injunction takes effect	Upon filing AND personal service	43 O.S. §110
Defendant files answer	Within 20 days after service	District Court Rule 2
File proof of service (return)	Promptly; before answer due	12 O.S. §2004(G)(1)
Notice of hearing for temporary orders	At least 5 days before hearing	43 O.S. §110(B)(1)
Postjudgment motions in divorce	Served per 12 O.S. §2004(C)	12 O.S. §2005.1

The 180-Day Rule

Oklahoma law gives you 180 days to serve the divorce papers after you file the petition. This is the most important deadline. If you miss it, your case may be dismissed.

If service is not made within 180 days and you cannot show good cause, the court must dismiss the case as to that defendant without prejudice. This means you can file again, but you lose all the time spent. The court may also enter a dismissal order within 200 days if no service has been made on any defendant.

[12 O.S. §2004(I)] If service of process is not made upon a defendant within one hundred eighty (180) days after the filing of the petition and the plaintiff has not shown good cause why such service was not made within that period, the action shall be deemed dismissed as to that defendant without prejudice.

The 20-Day Answer Deadline

Once the respondent is served, they have 20 days to file an answer with the court clerk. If they do not answer, you may be able to ask for a default judgment. Before you do, you must file a military affidavit.



[District Court Rule 2] Defendants shall file their responsive pleading within 20 days after being served with process unless the time is extended by the service and filing of a motion or by the entry of an appearance.

The Automatic Temporary Injunction

When you file for divorce in Oklahoma, an automatic temporary injunction goes into effect against both parties. This happens when you file the petition AND when the respondent is personally served. The injunction prevents both parties from:

0. Selling, transferring, or hiding marital property
1. Changing insurance policies or beneficiaries
2. Removing children from Oklahoma without consent
3. Harassing or threatening the other party
4. Incurring large debts that affect marital property

[43 O.S. §110] Upon the filing of a petition for dissolution of marriage and upon personal service of the petition and summons on the respondent, or upon waiver and acceptance of service by the respondent, an automatic temporary injunction shall be in effect against both parties.



Methods of Service Comparison

Oklahoma law allows several ways to serve divorce papers. Each method has different rules and outcomes. Choose the method that works best for your situation.

Method	How It Works	Best For	Limitations
Personal Service	Hand papers directly to respondent; or leave at dwelling with person age 15+	Most reliable; preferred method	Requires finding the respondent
Certified Mail	Court clerk sends by certified mail, return receipt, addressee only	Cooperative respondent with known address	Must be receipted or refused; mail may not be signed
Publication	Notice in legal newspaper, 1 day/week for 3 consecutive weeks	Cannot find respondent after due diligence	Requires court order and affidavit; least preferred
Waiver of Service	Respondent signs waiver accepting service without formal delivery	Uncontested divorce; cooperative parties	Respondent must cooperate; some rights waived
Substituted Service	Leaving copies at dwelling with person age 15+ residing there	When respondent avoids direct service	Must be the dwelling house; not any location

[12 O.S. §2004(C)(1)(c)(1)] Service on an individual: by delivering a copy of the summons and petition personally, or by leaving copies at the person's dwelling house with some person then residing therein who is fifteen (15) years of age or older.

Personal Service (Most Common)

Personal service is the most common and reliable method. A licensed Oklahoma process server, sheriff, or specially appointed person delivers the papers directly to the respondent. The server then files an Affidavit of Service with the court.

Who can serve: A sheriff or deputy sheriff; a licensed Oklahoma process server; or a person specially appointed by the court. The court shall freely make special appointments.

Cost: Verify current sheriff fees with the county. Licensed process servers set their own fees. Verify with the court or server.



[12 O.S. §2004(C)(1)(a)] At the election of the plaintiff, process shall be served by a sheriff or deputy sheriff, a person licensed to make service of process in civil cases, or a person specially appointed for that purpose. The court shall freely make special appointments.

Certified Mail

Certified mail must be sent by certified mail, return receipt requested, with delivery restricted to the addressee only. Service is effective on the date of receipt. If the respondent refuses the mail, service is effective on the date of refusal.

Note: Only a sheriff, deputy sheriff, or licensed process server can complete service by certified mail. You cannot mail the papers yourself.

[12 O.S. §2004(C)(2)] Service by mail shall be accomplished by certified mail, return receipt requested and delivery restricted to the addressee. Service by mail is effective on the date of receipt or, if refused, on the date of refusal.

Service by Publication

Publication is a last resort. You must show the court that you tried other methods first. You must file an affidavit stating that with due diligence, service cannot be made by any other method.

If the court approves, a notice is published one day per week for three consecutive weeks in a newspaper authorized to publish legal notices in the county where the petition was filed.

[12 O.S. §2004(C)(3)] Service of summons upon a named defendant may be made by publication when it is stated in the petition, verified by the plaintiff or the plaintiff's attorney, that with due diligence service cannot be made upon the defendant by any other method. Service shall be made by publication one day a week for three consecutive weeks in a newspaper authorized by law to publish legal notices.

Waiver of Service

If the respondent is willing to cooperate, they can sign a Waiver of Service. This means they accept the papers without formal service. This is common in uncontested divorces. The waiver must be filed with the court.

[12 O.S. §2004(C)(5)] An acknowledgment on the back of the summons or the voluntary appearance of a defendant is equivalent to service.

Who May Serve Process

Oklahoma law requires that anyone who serves divorce papers must be one of the following:



Server Type	Requirements	Scope
Sheriff or Deputy Sheriff	No special license needed	County of service or statewide
Licensed Process Server	Licensed under 12 O.S. §158.1; \$5,000 bond; \$150 fee	Statewide authority
Specially Appointed Person	Appointed by court order	As specified in order

Verify with the court that your chosen server is properly licensed or appointed before you designate them.

[12 O.S. §158.1] Any person who knowingly and willfully serves process in Oklahoma without a process server license shall, upon conviction, be guilty of a misdemeanor.

[Tulsa County Rule 17] Any person using a licensed process server shall designate on the face of the summons or order the name and license number(s) of the process server.



Step-by-Step Process

Follow these steps in order. Each step builds on the one before it. Do not skip any step.

Step 1: File the Petition for Dissolution

Go to the court clerk's office in the county where you or your spouse lives. File the original Petition for Dissolution of Marriage with all required attachments. Pay the filing fee. Verify the current fee with the court clerk, as fees vary by county and may change.

The clerk will assign a case number and issue file-stamped copies. Keep your copy in a safe place. You will need the case number for all future documents.

[12 O.S. §2004(A)] Upon filing of the petition, the clerk shall forthwith issue a summons.

Step 2: Request the Summons

Ask the court clerk to issue a summons for each defendant who needs to be served. The clerk will prepare the summons with the case number, court name, and parties listed. Review the summons for accuracy before leaving the courthouse.

If you are using a licensed process server, you must designate the server's name and license number on the face of the summons. In Tulsa County, this is required by local rule.

[Tulsa County Rule 17] Any person using a licensed process server shall designate on the face of the summons or order the name and license number(s) of the process server or servers selected from the Court Clerk's approved list and shall sign the designation.

Step 3: Choose a Service Method

Decide which method of service is best for your case. Review the Methods of Service Comparison table in Section 3. Personal service is the most reliable and is preferred by most courts.

If you hire a process server, ask for their license number. You can verify it with the Administrative Office of the Courts statewide registry or the court clerk's list.

Step 4: Prepare Copies for Service

Make the correct number of copies of every document to be served:



Document	Copies per Defendant
Summons	1 copy
Petition for Dissolution	1 copy
Automatic Temporary Injunction Notice	1 copy (if separate)
Notice of Hearing	1 copy (if scheduled)

Give these copies to the person who will serve the papers. Keep your originals safe.

[12 O.S. §2004(D)] The summons and petition shall be served together. The plaintiff shall furnish the person making service with such copies as are necessary.

Step 5: Execute Service

The server delivers the papers to the respondent using the chosen method. The server must:

5. Deliver a copy of the summons and petition together
6. If serving personally, state the date of service on the copy left with the respondent
7. Be at least 18 years old and properly licensed or appointed
8. Carry their license while on duty (licensed process servers)
9. Not use any badge (licensed process servers)
10. Not carry a weapon unless lawfully authorized

If the server cannot find the respondent after reasonable attempts, talk to the server about next steps. You may need to try a different method or ask the court for guidance.

Step 6: File Proof of Service

After service is complete, the server must file proof of service promptly. This is called the return of service. The return must include:

11. The county where the summons was issued
12. The name of the person who was served
13. The date service was made
14. The place where service was made
15. The method of service used



If a licensed process server made service, they must file an affidavit of service. If the sheriff served the papers, the clerk sends a copy of the return to the plaintiff's attorney (or to you if you are pro se) within 3 days after the return is filed.

[12 O.S. §2004(G)(1)] The person serving the process shall make proof of service thereof to the court promptly and in any event within the time during which the person served must respond to the process.

[12 O.S. §2004(G)(2)] If service is made by a person other than a sheriff or deputy sheriff, the licensed process server shall make affidavit thereof. The return shall set forth the county of issuance, the name of the person served and the date, place and method of service.

Step 7: Wait for the Answer (or Prepare for Default)

After the respondent is served, they have 20 days to file an answer. If they file an answer, the case moves toward settlement or trial.

If the respondent does not answer within 20 days, you may file a Motion for Default Judgment. Before the court will grant a default, you must:

16. File a Non-Military Affidavit stating whether the respondent is on active military duty
17. Show the method and date of service
18. Show the date proof of service was filed
19. Show the date by which the respondent was required to respond
20. Give notice of the default to the respondent

[District Court Rule 2] Defendants shall file their responsive pleading within 20 days after being served with process.

[Cleveland County Rule 19] Servicemember's affidavit in accordance with the Servicemember's Civil Relief Act of 2003 and Department of Defense Status Report in all civil cases involving individuals.

Step 8: Serve All Post-Petition Documents

After the initial service is complete, you must serve every document you file with the court on the other party. This includes:

Document Type	Service Method
Responsive pleadings (answer, counterclaim)	12 O.S. §2005(B)
Written motions	12 O.S. §2005(A)
Discovery papers	12 O.S. §2005(A)



Document Type	Service Method
Written notices	12 O.S. §2005(A)
Postjudgment motions in divorce	12 O.S. §2004(C) methods per 12 O.S. §2005.1

Post-petition service can be made by delivering a copy, mailing it, sending by commercial carrier, or by electronic means if the other party has given written consent.

[12 O.S. §2005(A)] Every pleading subsequent to the original petition, every paper relating to discovery, every written motion other than ex parte, and every written notice shall be served upon each of the parties.

[12 O.S. §2005.1] All postjudgment motions pertaining to divorce proceedings shall be served in accordance with subsection C of Section 2004 of Title 12 of the Oklahoma Statutes.



Common Reasons Service Fails

Service of divorce papers gets rejected for many reasons. Knowing the common mistakes helps you avoid them. This table lists why service fails and how to prevent each problem.

Reason Service Fails	Why It Happens	How to Avoid It
Wrong address or old address	Respondent moved; petitioner used old info	Verify current address before filing; use skip tracing if needed
Server not licensed in Oklahoma	Unlicensed person served the papers	Use only licensed process servers, sheriff, or court-appointed persons
Proof of service missing or incomplete	Return lacks date, place, or method	Verify the affidavit includes all required information before filing
Papers served past 180-day deadline	Delayed service; missed deadline	Start service immediately after filing; track the deadline
Summons and petition not served together	Only one document was delivered	Always provide both documents to the server together
Substituted service at wrong location	Papers left at workplace, not dwelling	Substituted service must be at the dwelling house only, with a person age 15+ residing there
Certified mail not restricted to addressee	Anyone at address signed for it	Delivery must be restricted to the named addressee only
Publication without affidavit of due diligence	Court did not approve publication method	File affidavit showing attempts at personal service first
Service on a minor under age 15	Papers given to a child at the residence	Substituted service recipient must be age 15 or older
No Non-Military Affidavit before default	SCRA requirement overlooked	Always check military status before requesting default judgment
Server used a badge or impersonated law enforcement	Violates process server rules	Server must show license and identify as process server only
Proof of service not filed promptly	Server delayed filing the return	Ask server to file within a few days of service; follow up

If your service is rejected for any reason, you can usually fix the problem and try again. The court may allow amendments to process or proof of service unless material prejudice would result. Talk to the court clerk about the correction process.



[12 O.S. §2004(H)] At any time in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result.



Military Service Considerations

If the respondent is in the military, special rules apply. The Servicemembers Civil Relief Act (SCRA) protects active duty military members in civil court cases, including divorce. You must follow these rules or your case can be delayed or reversed.

The SCRA Affidavit Requirement

Before a court can enter a default judgment against a respondent who does not appear, you must file a Non-Military Affidavit. This affidavit states whether or not the respondent is on active military duty.

The affidavit must include facts that support your statement. If you cannot determine military status, your affidavit must state that you are unable to determine it. You can verify military status through the Defense Manpower Data Center (DMDC) website.

[50 U.S.C. §3931(b)(1)] If a defendant does not make an appearance, the court may not enter a default judgment until the plaintiff files an affidavit stating whether or not the defendant is in military service and showing necessary facts in support of the affidavit.

If the Respondent Is on Active Duty

If the court determines the respondent is in military service, the court cannot enter a judgment until after the court appoints an attorney to represent the respondent. The court may also require you to post a bond to protect the respondent if they are later found to have been on active duty.

If the respondent is in military service and does not appear, the court must grant a stay of proceedings for at least 90 days if:

21. There may be a defense that cannot be presented without the respondent's presence; or
22. After due diligence, appointed counsel cannot contact the respondent.

[50 U.S.C. §3931(b)(2)] If the court determines that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant.

[50 U.S.C. §3931(d)] In an action in which the defendant is in military service, the court shall grant a stay of proceedings for a minimum period of 90 days upon application of counsel.

Reopening a Default Judgment

If a default judgment is entered against a servicemember during active duty (or within 60 days after



discharge), the servicemember can apply to reopen the judgment within 90 days after discharge. The court must reopen the judgment if the servicemember was prejudiced by military service in making a defense and has a meritorious defense.

[50 U.S.C. §3931(g)] If a default judgment is entered against a servicemember during the period of military service (or within 60 days after termination), the court shall reopen the judgment upon application if it appears the servicemember was materially affected by military service in making a defense and has a meritorious defense.

How to Verify Military Status

You can check military status through the DMDC Single Record Request at <https://scra.dmdc.osd.mil>. You need the respondent's last name and Social Security number. If you do not have the Social Security number, contact the DMDC by mail.

Keep a copy of the DMDC report with your case files. File it with the court if you request a default judgment.

Covered Military Members

Branch / Status	Covered?
Army, Navy, Air Force, Marine Corps on active duty	Yes
Coast Guard on active duty	Yes
Reserves on federal active duty	Yes
National Guard called to active duty for 30+ days	Yes
PHS and NOAA commissioned officers	Yes
Retired military (not active duty)	No - verify status

[50 U.S.C. §3911] This section applies to members of the Army, Navy, Air Force, Marine Corps, and Coast Guard on active duty; members of the National Guard called to active duty for more than 30 days under federal orders; and commissioned officers of the Public Health Service and National Oceanic and Atmospheric Administration.



Important Reminders

Key Points to Remember

Topic	Reminder
Time Limit	You have 180 days from filing to serve papers. Track this date.
Service Methods	Personal service is most reliable. Keep certified mail and publication as backups.
Who Can Serve	Only licensed process servers, sheriffs, or court-appointed persons may serve.
Proof of Service	File the return promptly. Incomplete returns cause delays.
Military Status	Always check SCRA status before default judgment.
Automatic Injunction	The injunction starts at filing for you and at service for the respondent.
Postjudgment Motions	Divorce postjudgment motions must be served using 12 O.S. §2004(C) methods.
Amendments	The court can amend service papers if needed. Ask the clerk for help.

What to Do If You Get Stuck

If you are unsure about any step in this process, contact the court clerk's office. The clerk can explain court procedures. The clerk cannot give legal advice, but they can tell you what forms and fees are required.

You can also visit the Oklahoma Supreme Court Network (OSCN) website at www.oscn.net for forms and county court information.

Process Server Licensing

To verify that a process server is licensed in Oklahoma, ask for their license number. You can also check with the court clerk's office or the Administrative Office of the Courts statewide registry.

To obtain a process server license, a person must be:

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23. At least 18 years old
24. Of good moral character
25. An Oklahoma resident for at least 6 months
26. A county resident for at least 30 days
27. Bonded for \$5,000
28. Licensed with the \$150 statewide fee (initial, then \$15 per 3-year renewal)

[12 O.S. §158.1] The applicant filing for a license to serve process anywhere in this state shall pay a license fee of One Hundred Fifty Dollars (\$150.00)... upon executing bond running to the State of Oklahoma in the amount of Five Thousand Dollars (\$5,000.00).

E-Filing in Oklahoma

Some Oklahoma courts allow electronic filing. If you e-file, all documents must be in text-based PDF format. The first page needs a 2-inch top margin for the electronic file stamp. Documents submitted after business hours are treated as filed the next business day.

Electronic service is only allowed for documents that can be served by first-class mail, express mail, or overnight delivery. You cannot serve the original divorce petition and summons electronically. Personal service or certified mail is required for initial service.

[Electronic Filing Rule 8] Electronic Service of Documents is limited to those Documents permitted to be served by first-class mail, express mail, overnight delivery, or facsimile transmission. Service of process and service of Documents that require personal service as a matter of law may not be accomplished electronically.



Disclaimer

NOT A LAW FIRM This document provides procedural information only. It does not give legal advice. The information is based on Oklahoma statutes and court rules as of the date shown.

VERIFY BEFORE RELYING Laws and court rules change. Always verify current procedures, fees, and deadlines with the court clerk before taking action. Each county may have local rules that affect your case.

NO ATTORNEY-CLIENT RELATIONSHIP Reading this document does not create an attorney-client relationship. If you need legal advice, consult a licensed Oklahoma attorney.

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