



Oklahoma

Service of Process

Frequently Asked Questions

A Quick-Reference Guide to Oklahoma Process Serving Laws

24 Questions & Answers with Statute Citations

Organized by Topic: Basics, Methods, Deadlines,

Special Situations, After Service, and Electronic Service

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1. The Basics

Q1: What is service of process?

Service of process is the legal way to give court papers to a person or business. It lets them know they are being sued and gives them a chance to respond. The court needs proof that the papers were delivered.

Citation:Source: 12 O.S. §2004 (Oklahoma Pleading Code - Process)

Q2: Who can serve process in Oklahoma?

Process can be served by a sheriff or deputy sheriff, a licensed private process server, or a person specially appointed by the court. The court will freely make special appointments to serve process.

Citation:Source: 12 O.S. §2004(C)(1)(a); 12 O.S. §158.1 (Private process server licensing)

Q3: Do process servers need a license in Oklahoma?

Yes. A person must have a license issued by the State of Oklahoma to serve process. To get a license, you must be at least 18 years old, a resident of Oklahoma for 6 months, a resident of the county for 30 days, of good moral character, and post a \$5,000 bond. The statewide license fee is \$150. It is a misdemeanor to serve process without a license.

Citation:Source: 12 O.S. §158.1(B)-(C), (I)

Q4: What does a process server do?

A process server delivers legal papers to people or businesses involved in a court case. The server must deliver a copy of the summons and petition together. If serving in person, the server must write the date of service on the copy left with the person. After service, the server must file proof of service (a return or affidavit) with the court.

Citation:Source: 12 O.S. §2004(D), (G)

Q5: How much does service of process cost?

Fees vary by method. Sheriff service costs about \$50 in-county and \$60 out-of-county. Certified mail through the clerk's office costs about \$10. Private process server fees vary and must be approved by the court. In small claims cases, the private server fee is taxed as costs. No fees are charged for service in protective order cases unless the petition was filed frivolously.

Citation:Source: 12 O.S. §1764; 22 O.S. §60.25; Creek County Small Claims fee schedule

2. Methods of Service

Q6: What are the methods of service in Oklahoma?

Oklahoma law allows several ways to serve process. The chart below shows each method and when it is used.

Method	How It Works	Statute
Personal Delivery	Hand papers to the defendant personally	12 O.S. 2004(C)(1)
Substituted Service	Leave copies at dwelling with person age 15+	12 O.S. 2004(C)(1)(c)(1)
Certified Mail	Certified mail, return receipt, addressee only	12 O.S. 2004(C)(2)
Publication	Newspaper notice, 1 day/week for 3 weeks	12 O.S. 2004(C)(3)
Waiver/Acceptance	Defendant signs acceptance of service	12 O.S. 2004(C)(5)
Special Appointment	Court appoints a person to serve	12 O.S. 2004(C)(1)(a)

Citation:Source: 12 O.S. §2004(C)

Q7: What is substituted service?

Substituted service means leaving copies of the summons and petition at the person's dwelling house or usual place of abode with someone who lives there and is at least 15 years old. You can also serve an agent who is authorized by appointment or by law to receive service.

Citation:Source: 12 O.S. §2004(C)(1)(c)(1)

Q8: Can I be served by certified mail?

Yes. A summons and petition may be served by certified mail, return receipt requested, with delivery restricted to the addressee. Service by mail is effective on the date the mail is received. If the mail is refused, service is effective on the date of refusal.

Citation:Source: 12 O.S. §2004(C)(2)

Q9: What is service by publication?

Service by publication is used only when other methods fail. The plaintiff must show that with due diligence service cannot be made any other way. A notice must be published one day a week for three consecutive weeks in a newspaper authorized to publish legal notices.

Citation:Source: 12 O.S. §2004(C)(3)

Q10: Can I agree to accept service without being formally served?

Yes. A defendant can waive formal service by signing an acceptance or waiver of service. This is common when parties are cooperating. The Oklahoma Supreme Court provides forms for entry of appearance and waiver of service.

Citation:Source: 12 O.S. §2004(C)(5); OSCN Court Forms

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3. Deadlines and Timing

Q11: How long do I have to serve the defendant after filing the case?

You have 180 days after filing the petition to serve the defendant. If service is not made within 180 days and the plaintiff has not shown good cause, the case will be dismissed as to that defendant without prejudice. The court must enter a dismissal order within 200 days if no defendant has been served.

Citation:Source: 12 O.S. §2004(l)

Q12: How long does the defendant have to respond after being served?

A defendant has 20 days after being served to file a response with the court. This includes filing an answer or other responsive pleading. If the defendant does not respond in time, the plaintiff may ask for a default judgment.

Citation:Source: Oklahoma District Court Rule 2(b)(i)

Q13: What happens if service fails?

If one method fails, you can try another method. Oklahoma law provides several alternatives. You can try substituted service, certified mail, or in some cases publication. The court may also appoint a special process server. No prisoner in any jail or Department of Corrections facility can be appointed to serve process.

Citation:Source: 12 O.S. §2004(C)(6), (C)(7)

Q14: When does the clock start for deadlines?

Time starts running the day after the event that triggers it. For example, if served on Monday, the 20-day response period starts on Tuesday. If the last day falls on a weekend or legal holiday, the deadline extends to the next business day.

Citation:Source: 12 O.S. §2005; 12 O.S. §2006 (Time computation)

4. Special Situations

Q15: How do you serve someone who is in the military?

The Servicemembers Civil Relief Act (SCRA) protects active-duty military members. Before a court can enter a default judgment against a service member, the plaintiff must file a sworn statement about the defendant's military status. If the defendant is on active duty, the court may delay proceedings. Service can still be made through military channels.

Citation:Source: 50 U.S.C. §3931 (Servicemembers Civil Relief Act)

Q16: How do you serve someone who lives in another state?

To serve someone outside Oklahoma, you use the Uniform Interstate Depositions and Discovery Act (UIDDA). Oklahoma adopted this act at 12 O.S. 3250-3257. The process involves getting a local subpoena or summons in the target state. Each state has its own procedures under UIDDA.

Citation:Source: 12 O.S. §§3250-3257 (Uniform Interstate Depositions and Discovery Act)

Q17: How do you serve a business or corporation?

Service on a business is made by delivering copies to a registered agent, an officer, a managing agent, or any other agent authorized to receive service. If the business has no registered agent, service may be made on the Secretary of State as the business's agent. Service by certified mail to the business's registered address is also allowed.

Citation:Source: 12 O.S. §2004(C)(2), (C)(4)

Q18: How do you serve someone on tribal land?

Under the McGirt decision, certain lands remain tribal jurisdiction. Service on tribal members within tribal jurisdiction must follow tribal court rules. Each tribe has its own code of civil procedure. For example, the Choctaw Nation Code of Civil Procedure has rules similar to state rules for service and venue. Contact the specific tribal court for their procedures.

Citation:Source: McGirt v. Oklahoma, 591 U.S. ___ (2020); Choctaw Nation Code of Civil Procedure Rule 3

5. After Service

Q19: What is proof of service?

Proof of service is a document that shows the court how, when, and where the defendant was served. It must state the name of the person served and the date, place, and method of service. If a licensed process server made the service, they must file an affidavit. If the sheriff served the papers, a return of service is filed.

Citation:Source: 12 O.S. §2004(G)(1)-(2); Oklahoma District Court Rule 2(a)

Q20: How do I file proof of service?

File the proof of service with the court clerk. The proof must be filed promptly and within the time the defendant has to respond. All papers filed after the petition must include a statement with the names of persons served and the date, place, and method of service.

Citation:Source: 12 O.S. §2005(D); Oklahoma District Court Rule 2

<input type="checkbox"/>	Filing Steps
<input type="checkbox"/>	Complete the return of service or affidavit
<input type="checkbox"/>	Include the county of issuance

- | <input type="checkbox"/> Filing Steps |
|---|
| <input type="checkbox"/> Write the full name of the person served |
| <input type="checkbox"/> State the exact date of service |
| <input type="checkbox"/> State the place (address) of service |
| <input type="checkbox"/> State the method used (personal, mail, etc.) |
| <input type="checkbox"/> Sign and notarize (if required) |
| <input type="checkbox"/> File with the court clerk promptly |

Q21: Can service be challenged?

Yes. A defendant can challenge service of process. However, objections to service are waived if the defendant asks for affirmative relief in a permissive counterclaim, cross-claim, or third-party petition. The court may also allow service to be amended if there was a defect that did not cause prejudice.

Citation:Source: 12 O.S. §2004(H) (Amendment of process); Oklahoma District Court Rule 3

Q22: What if the defendant was served but did not actually get the papers?

Under Oklahoma law, service is generally effective when done properly, even if the defendant claims they did not receive the papers. For example, substituted service at the dwelling house is valid even if the defendant was not home. Service by certified mail is effective on the date of receipt or on the date of refusal if the addressee refuses to accept the mail.

Citation:Source: 12 O.S. §2004(C)(1)(c)(1), (C)(2); common law doctrine of valid service

6. Electronic Service

Q23: Can service of process be done by email?

No. Electronic service is not allowed for the original summons and petition. Electronic service is only allowed for documents that can be served by regular mail, express mail, or overnight delivery. Service of process and documents that require personal service cannot be done electronically. However, after the initial service, some documents may be served by email if the parties agree in writing.

Citation:Source: Electronic Filing Rule 8(a); Oklahoma District Court Rule 2.1(b)

Q24: Can I e-file my proof of service?

Yes. Electronic filing is available in Oklahoma courts that have adopted e-filing. Proof of service can be filed electronically through the Oklahoma Supreme Court Network (OSCN). Notarized documents and documents signed under penalty of perjury may be filed electronically. The filer must keep the original document for future production if needed.

Citation:Source: Oklahoma District Court Rule 2.1(c)(2); OSCN e-filing rules

Quick Reference: All Cited Statutes

Use this table to quickly find the statute for each topic discussed in this FAQ.

#	Topic	Primary Statute
1	What is service of process?	12 O.S. 2004
2	Who can serve process?	12 O.S. 2004(C)(1)(a)
3	Process server licensing	12 O.S. 158.1
4	What a process server does	12 O.S. 2004(D), (G)
5	Cost of service	12 O.S. 1764; 22 O.S. 60.25
6	Methods of service	12 O.S. 2004(C)
7	Substituted service	12 O.S. 2004(C)(1)(c)(1)
8	Service by certified mail	12 O.S. 2004(C)(2)
9	Service by publication	12 O.S. 2004(C)(3)
10	Waiver of service	12 O.S. 2004(C)(5)
11	180-day deadline	12 O.S. 2004(I)
12	20-day response time	Oklahoma District Court Rule 2
13	Failed service options	12 O.S. 2004(C)(6)-(7)
14	Deadline computation	12 O.S. 2005-2006
15	Military defendants	50 U.S.C. 3931 (SCRA)
16	Out-of-state service	12 O.S. 3250-3257 (UIDDA)
17	Serving businesses	12 O.S. 2004(C)(2), (C)(4)
18	Tribal land service	McGirt v. Oklahoma (2020)
19	Proof of service	12 O.S. 2004(G)
20	Filing proof of service	12 O.S. 2005(D)
21	Challenging service	12 O.S. 2004(H); Rule 3
22	Defendant didn't receive papers	12 O.S. 2004(C)(2)
23	Email service	E-Filing Rule 8; Rule 2.1
24	E-filing proof of service	Rule 2.1(c)(2)

Important Disclaimer

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This FAQ is for educational purposes. It does not create an attorney-client relationship. Laws change. Verify all information with the court or a licensed attorney before taking action.

Checklist: Before You Serve Process

Action Item

- Confirm the defendant's correct name and address
- Choose the best method of service for your case
- Hire a licensed process server or use the sheriff
- Serve within 180 days of filing the petition
- Ensure summons and petition are served together
- Get proof of service filed with the court
- Verify the defendant has 20 days to respond
- Verify all deadlines with the court clerk

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