

# You've Been Served

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## A Guide for Recipients in Oklahoma

What to do, what to know, and where to get help

Being served is serious, but it is not the end of the world.

This guide will help you understand what happened and what to do next.



## What Just Happened?

Someone just handed you papers. That is called being served. It means someone has started a legal case and the court requires you to be told about it. This is normal. It is how the legal system works.

- Someone handed you papers directly, or left them with someone at your home
- The papers include a Summons (a paper that tells you a court case has started)
- The papers include a case number (write this down)
- There is a court date or a deadline to respond
- Your name appears on the papers (you are called the defendant or respondent)

## Understanding Your Papers

You may receive different kinds of legal documents. Here is what each one means.

| Document             | What It Means  | What To Do   |
|----------------------|--|--|
| Summons              | Tells you a court case has started and names you as a party                            | Read it carefully. Note the deadline to respond.                 |
| Petition / Complaint | The legal document that explains why you are being sued and what the other party wants | Read every page. This tells you what the case is about.          |
| Subpoena             | Orders you to appear in court or provide documents                                     | You must follow it or the court may punish you. (12 O.S. 2004.1) |
| Writ                 | A court order telling someone to do or stop doing something                            | Read the order. It may have a deadline. Talk to a lawyer.        |
| Notice               | Tells you about a hearing, motion, or other court event                                | Note the date and time. Show up or respond as required.          |



## What Is a Process Server?

A process server is a person trained and licensed by the state to deliver legal papers. They are NOT law enforcement. They cannot arrest you. They cannot force you to do anything. Their only job is to hand you the papers and then tell the court they did so.

### Process servers in Oklahoma must:

- Be at least 18 years old
- Be a resident of Oklahoma for at least 6 months
- Have a license issued by the court
- Carry a \$5,000 bond for faithful performance

Process servers must show their license when serving you. They must tell you they are a process server. They cannot carry a badge. They are officers of the court only for the purpose of delivering papers. (Source: 12 O.S. 158.1)

## Important Deadlines

Deadlines matter. Missing a deadline can hurt your case. Here is what to know.

| When                   | What Happens  |
|------------------------|---|
| Day 0 (Today)          | You were served. The clock starts now. Keep all papers safe.                          |
| Within 20 Days         | You must file a response with the court. This is called an Answer. (Rule 2)           |
| If You Miss 20 Days    | The other side may ask for a default judgment. That means they win without a trial.   |
| Court Date (if listed) | You must appear in court on this date. Bring all your papers.                         |
| If You Do Nothing      | The court may enter a judgment against you. Your wages or property could be affected. |



## Your Options

You have choices. Each option has different results. Read this table carefully.

| Option           | What It Means   | Result   |
|------------------|---|--|
| Hire a Lawyer    | A lawyer handles the case for you and speaks for you in court | Best protection. You have someone who knows the law on your side.    |
| Respond Yourself | You file your own Answer with the court within 20 days        | You stay in control of the case. The court will hear your side.      |
| Seek Legal Aid   | Free or low-cost legal help for people who qualify            | You get help without the cost. Call Legal Aid Services of Oklahoma.  |
| Negotiate        | You talk to the other side and try to reach an agreement      | Can save time and money. Get any agreement in writing.               |
| Do Nothing       | Ignore the papers and miss the deadline                       | The other side wins by default. Your wages or property may be taken. |

## Common Questions

- Is this real?** Yes. If the papers have a case number and court name, they are real court papers.
- Do I have to sign?** No. Signing only proves you received the papers. It does not mean you agree.
- Can I refuse?** You can try, but service still counts even if you refuse. (12 O.S. 2004)
- What if I throw it away?** The case still goes on. You just will not know what is happening.
- Can they come back?** Usually no. One valid service is enough.
- Will I go to jail?** No. Being served is not a crime. It is just delivery of papers.
- Can I be served at work?** Yes. Process servers can serve you at work, home, or in public.



## Myths vs. Reality

Many people have wrong ideas about being served. Here are the facts.

| Myth (Wrong Idea)                                  | Reality (The Truth)   |
|--|---|
| If I do not touch the papers, it does not count    | Service still counts even if you refuse to take the papers        |
| A process server is a police officer               | Process servers are not police. They cannot arrest you            |
| I can go to jail for being served                  | Being served is not a crime. It is just paper delivery            |
| If I ignore it, the case goes away                 | The case continues without you. The other side can win by default |
| I have to sign or it is not valid                  | You do not have to sign. Service is still valid                   |
| I can only be served at home                       | You can be served at work, home, or in public places              |
| The 20-day deadline starts when the case was filed | The 20 days starts on the day you were served, not when filed     |

## Where to Get Help

You do not have to face this alone. Here are places that can help.

| Organization                   | Phone / Website   | What They Do                                 |
|--------------------------------|---|--|
| Legal Aid Services of Oklahoma | 1-888-534-5243   <a href="http://legallaidok.org">legallaidok.org</a> | Free legal help for low-income Oklahomans    |
| Oklahoma Bar Association       | (405) 524-2365   <a href="http://okbar.com">okbar.com</a>             | Lawyer referral service and legal info       |
| OSCN (Court Records)           | <a href="http://oscn.net">oscn.net</a>                                | Free online access to Oklahoma court records |
| Oklahoma Courts                | <a href="http://oscn.net">oscn.net</a>                                | Court forms, rules, and procedures           |



## Key Takeaways

- ✓ Read your papers carefully as soon as you get them
- ✓ Write down the case number, court name, and all deadlines
- ✓ You have 20 days to respond after being served (Rule 2)
- ✓ Talk to a lawyer if you can, even for a short consultation
- ✓ If you cannot afford a lawyer, call Legal Aid at 1-888-534-5243
- ✓ Do not ignore the papers. The case will not go away
- ✓ Keep all papers in a safe place. You may need them later

## Important Notice

This document provides procedural information only. It is not legal advice. Every case is different. Verify all deadlines and procedures with the court handling your case. Not a law firm.