

**COMMENT DUE DATE: July 15, 2024**

**Date: July 3, 2024**

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It is important that you provide your comments regarding the **draft copy** of policy by the comment due date. Comments are directed to \*STO.LegalServices.Policy@okdhs.org.

**SUBJECT:**

**Chapter 25. Child Support Services  
340:25-5-190 ITS ONLY [AMENDED]  
(Reference WF 24-F)**

**SUMMARY:**

OAC 340:25-5-190 is amended to: (1) add CSS ensures appropriate parents and custodians are served; (2) add CSS sends copies of all pleadings and orders to the AOR and all other current addresses by regular mail; (3) remove that CSS sends the acknowledgement and waiver of service document; and (4) clarify service to AOR is not appropriate when the action is to determine paternity.

### **340:25-5-190. Service of process**

Revised 09-15-23

(a) **Authority.** Oklahoma Human Services Child Support Services (CSS) follows the provisions of Section 2004 of Title 12 of the Oklahoma Statutes (12 O.S. § 2004) for service of process. CSS uses the most cost effective and efficient method of service of process depending on what is most appropriate under the facts of the case. ■ 1, 2

(b) **Service by regular mail to address of record (AOR).** Service to the AOR by regular mail may be appropriate when an AOR is on file with the Central Case Registry for a party in the case per Oklahoma Administrative Code 340:25-5-340. ■ 23 through 47 When the party has provided to CSS an email address, CSS sends the pleadings and acknowledgement and waiver of service documents to that email address at the same time as mailing to the AOR by regular mail. ■ 5 8, 7 Service to the AOR is not appropriate when the:

(1) remedy sought may result in the obligor's incarceration including, but not limited to, indirect civil contempt actions; or

(2) court may require a higher level of notice to the affected party including, but not limited to, actions to determine paternity. ■ 7

(c) **Service by acknowledgment.** CSS delivers the documents directly to a party and requests the party accepts and acknowledges service, as appropriate. The Acknowledgment of Service is filed in the court case. ■ 6 2, 7, 9

(d) **Service by certified mail.** Service by mail is made by certified mail, return receipt requested, and delivery restricted to the addressee. CSS uses service by certified mail when service to the AOR or by Acknowledgment of Service is not appropriate or successful. CSS staff is not required to attempt service by certified mail before attempting personal service when the case history indicates a low probability of acceptance or the court requires personal service. ■ 710

(e) **Service by personal delivery.** Service by personal delivery is completed by a sheriff, deputy sheriff, individual licensed to make service of process in civil cases, or an individual specially appointed for that purpose per 12 O.S. § 2004. CSS uses service by personal delivery when:

(1) an individual has not accepted service by certified mail;

(2) service to the AOR or by acknowledgment is not available or appropriate;

(3) case history indicates a low probability of acceptance of service by certified mail; or

(4) the court requires service by personal delivery. ■ 89 and 11

(f) **Service by electronic means.**

(1) After service of the initial pleadings, CSS serves subsequent documents to the party electronically when the party or party's attorney:

(A) consents in writing to receive service in a particular case by electronic means and

(B) designates an email address for sending the electronic service.

(2) The required written consent and electronic service instructions may be made in:

(A) the entry of appearance filed by the party or party's attorney per 12 O.S. § 2005.2; or

(B) another document filed by the party or party's attorney in the court case.

(3) CSS may consent to electronic service per 12 O.S. § 2005.2 at the discretion of

the state's attorney. ■ 912

(g) **Diligent efforts.** When CSS contracts with vendors for service of process, the vendor must make diligent efforts to complete service and provide timely documentation to CSS. Diligent efforts means at least three-repeated attempts to serve the individual at different times of day or on different days of the week, before declaring inability to serve. CSS:

(1) attempts to serve process in the manner, at the time, and place most reasonably calculated to complete service of process in the most efficient and cost effective manner;

(2) makes diligent efforts to serve process utilizing all information:

(A) CSS staff provides;

(B) documented in the case record; or

(C) gathered from other locate resources;

(3) provides address and employer information to the process server;

(4) attempts to serve the person at:

(A) work;

(B) home; or

(C) other locations based on information gathered on his or her lifestyle; and

(5) documents all facts about attempts to serve process in the case record. ■ 4013

(h) **Minor parent.** CSS serves a minor parent who is:

(1) 15 years of age and older per 12 O.S. § 2004; or

(2) younger than 15 years of age, through a parent, guardian, or other appropriate adult as the next friend of the minor parent.

(i) **Subsequent Electronic Service.** A party or party's attorney completes a Notice of Consent to Electronic Service or recognized substitute must be completed by a party or party's attorney and filed with the court in accordance with 12 O.S. § 2005(B) and applies to an individual court action. Pleadings asserting new or additional claims require a new consent of electronic service.

## **INSTRUCTIONS TO STAFF 340:25-5-190**

**Revised 09-15-23**

1. (a) **Unless there is a Family Violence Indicator on the case, upon request, Oklahoma Human Services Child Support Services (CSS) staff provides legal documents with an instructional cover letter for a customer to serve on the other party by a process server the customer hires. The customer must return an Affidavit of Service signed by the process server to CSS for filing in the court action.**

~~(b) When a party appears for hearing without being served, CSS staff provides copies of the legal documents to the party and requests the party sign an Acknowledgment of Receipt that CSS files with the court.~~

~~(c)~~**(b)** CSS staff updates the automated Oklahoma Support Information System (OSIS) Case Log Add (CSLOGA) and Document Service Update (DOCSU) screens with the date of the Acknowledgment of Receipt or Affidavit of Service.

~~(d)~~**(c)** CSS does not release locate information to a customer for the purpose of service by private process server, except for a request for release of an Address of Record (AOR), per Oklahoma Administrative Code (OAC) 340:25-5-340.1 340:25-5-340.

- 2. (a) When a party appears for a hearing without being served, CSS staff provides copies of the legal documents to the party and requests the party sign an Acknowledgment of Service that CSS files with the court.**  
**(b) If the party declines or is unable to sign the Acknowledgment of Service, CSS staff provides copies of the pleadings to the party and proceeds as follows to confirm service. CSS includes a finding in the order that the party acknowledges the pleadings and;**  
**(1) that the party either knowingly and willingly waives service; or**  
**(2) CSS staff goes before the judge on the record stating that the party was served in court and the party agrees to proceed without further notice.**
- 2.3. (a) The AOR is case-specific unless the custodial person or noncustodial parent has designated otherwise. CSS cannot use the AOR on file in one case for the party's other cases.**  
**(b) A party may designate different AORs for different cases.**  
**(c) CSS staff reviews the caselog and physical file to determine if a case has a current AOR.**
- 3.4. When a child support case closes or subsequently reopens, the established AOR remains in effect. An AOR is updated on a closed case per OAC 340:255-340(c).**
- 4.5. When CSS is serving a party by regular mail to the AOR, CSS staff:**  
**(1) sends copies of all the pleadings and orders being served to the AOR and any other current address; and**  
**(2) does not include non-AOR addresses on the pleadings, orders, or certificates of service.**
- 6. CSS serves a party by regular mail to the AOR in the following subsequent actions:**  
**(1) motion to modify support;**  
**(2) motion to determine arrears;**  
**(3) notice of intent to revoke licenses (NOIR); or**  
**(4) other notices in subsequent actions that do not have their own service requirements per statute.**
- 7. When establishing child support or filing a motion to modify to determine paternity for another child who was not included in a prior order, CSS staff:**  
**(1) uses service to an AOR on the:**  
**(A) custodial parent (CP);**  
**(B) biological mother, who may be the CP or noncustodial parent; or**  
**(C) acknowledged father.**  
**(2) does not use service to an AOR for a presumed or alleged father;**  
**CSS staff may also send an Acknowledgment of Service to the party depending on the case facts.**
- 5.8. When providing documents by email, CSS staff may use electronic signing software.**
- 6.9. For service on incarcerated parties, CSS staff may use service by acknowledgment to serve documents on an incarcerated party:**  
**(1) by Acknowledgment of Service on an incarcerated party; or**  
**(2) on the warden or jail administrator per 12 O.S. § 2004.**

**7.10.** Parties who refuse to accept service by certified mail are considered properly served and a default order may be entered. When service is refused, CSS staff:

(1) upon receipt of the proof showing the service was refused, and at least 10-calendar days before obtaining a default order, sends the legal documents to the party by regular mail with a Notice of Default After Refusal of Service (GN16). The Notice of Default After Refusal of Service notifies the party that despite the refusal, legal action will proceed and a default order will be entered unless the party appears for hearing;

(2) files the Affidavit of Service and attaches the envelope showing it was refused. The Affidavit of Service must show the date and place of any subsequent mailing; and

(3) files a copy of the Notice of Default After Refusal of Service with the court.

**8.11.** Examples of situations where personal service is appropriate include, when the:

(1) party to be served is scheduled to appear in court on another matter;

(2) party's employment necessitates frequent travel;

(3) party cannot be served by mail or at home; or

(4) party's employment address is the only available service location.

**9.12.** See Consent to Electronic Service article located on Quest.

**10.13.** CSS staff updates the OSIS CSLOGA and DOCSU screens with all service attempts and completed service.