



# UTAH LEGAL SERVICES

*Committed to Equal Justice*

## SERVICE OF YOUR PETITION

Now that you have filed your Petition with the Court you must serve the other person with a Summons (available at <http://www.utcourts.gov/howto/filing/summons/>) and a copy of the Petition, or they must sign a document saying they either accept service or waive service. Service of the Petition and Summons MUST be done within 120 days of the date you filed the Petition with the Court. There are several different ways the other person can be served as you will discover below.

Service has to be as required by the Rule 4 of the Utah Rules of Civil Procedure. The ways to serve someone are:

1. Personal Service:

This is done by a sheriff or constable or any other person 18 years or older who is not involved in the Court matter. You will give the person you are asking to serve the opposing side a copy of the Petition and a copy of the Summons which will be left with the other person being served. You will also give the person you are asking to serve the original Summons which comes back to you. If this method is used you will receive a "Return of Service" or "Proof of Service" which must be filed with the Court along with the original Summons. If the person to be served refuses to accept a copy of the documents, it can still be counted if the person trying to complete service prepares and signs before a Notary Public, a document stating that personal service was refused but that he stated the name of the document and offered to deliver a copy of the documents. This would also need to be filed with the Court along with the original Summons.

*To obtain a copy of this flyer or get additional information visit us online at [www.utahlegalservices.org](http://www.utahlegalservices.org). Note: This flyer only contains general information. It is not intended to be a complete explanation of all legal rights and responsibilities and as such MAY NOT be applicable to your specific circumstances. You should consult an attorney for your particular situation.*

**Ogden**  
298 24<sup>th</sup> St., #110  
84401  
801-394-9431  
Fax: 801-394-0430

**Salt Lake City**  
205 N. 400 W.  
84103  
801-328-8891  
Fax: 801-328-8898

**Provo**  
455 N. University #100  
84601  
801-374-6766  
Fax: 801-374-0960

**St. George**  
229 E. St. George Blvd. #103  
84770  
435-628-1604  
Fax: 435-628-1693



**Toll Free (outside of Salt Lake County): 1-800-662-4245**

To recap:

Copy of Petition, Copy of Summons, Original Summons: You send to-  
Constable/Sheriff

Constable/Sheriff ->leaves Copy of Summons and Copy of Petition with  
opposing party  
Then returns Original Summons AND a paper showing Proof of Service - to  
You

You then give to the court that Original Summons and Proof of Service so the  
judge knows the opposing side has been served and that the clock is running  
(20 days if served in Utah, 30 days if served out of Utah)

Service can also be accomplished by the sheriff or constable leaving a copy of the documents at the person's residence with someone of a suitable age who lives there, for example a teenager or roommate.

2. Service by Mail or Commercial Courier:

Service can be accomplished by mailing the documents (a copy of the Petition and a copy of the Summons) to the other person by Certified Mail, Fed Ex, UPS or other commercial company. You must mark it for "restricted delivery" and only the person the mail is addressed to can sign for the delivery. Once you receive back the slip showing the correct signature you will file that proof and the original Summons with the Court. **The time to wait starts from the date the receipt was signed.**

3. Service by Publication:

If you have not been able to serve the other person personally or by mail, **you may ask the court for permission to serve them by publication.** A Motion (**Request**) asking the Court's permission must be filed with an Affidavit (**Statement**) signed before a Notary Public. The Affidavit is where you tell the Court what you have done to try and get the other person served. It is better to make several efforts to track down the other party, and best to also try personal service first (number 1 above), if at all possible. You must specify which publication you want to use. **Only when the judge has signed an Order giving you permission,** can you publish the Summons in a publication in the County where the other person lives. (You must also prepare an Order granting permission for service by publication for the Judge to sign.) Publication must be once per week for four (4) weeks. When the publication returns a copy of the clipping you must file that with

**Ogden**  
298 24<sup>th</sup> St., #110  
84401  
801-394-9431  
Fax: 801-394-0430

**Salt Lake City**  
205 N. 400 W.  
84103  
801-328-8891  
Fax: 801-328-8898

**Provo**  
455 N. University #100  
84601  
801-374-6766  
Fax: 801-374-0960

**St. George**  
229 E. St. George Blvd. #103  
84770  
435-628-1604  
Fax: 435-628-1693



**Toll Free (outside of Salt Lake County): 1-800-662-4245**

the Court to show that service occurred. Service is complete on the last day of publication, so count out from then.

**A Summons for publication must include the following:**

**Name of the court, address of the court, names of the parties to the action, county that Petition is filed in. Your name, address and telephone number. Time within which the opposing side is required to answer. That the answer must be in writing and failure to do so may result in judgment by default. That the Petition is on file with the court. The subject matter (i.e. divorce) and the sum of money or other relief demanded (i.e. child support and alimony).**

**4. Need More Time to Serve:**

As stated above, the other person **MUST** be served within 120 days of the date you filed the Petition with the Court. If you have been unable to locate the person to be served you should ask the Court for an Extension of Time to Serve. This can be done by preparing a Motion asking for the Court's permission and an Affidavit where you tell the Court why you need more time. The Affidavit must be signed before a Notary Public. You must also prepare an Order for the Judge to sign granting your request. You may ask for up to another 120 days to get the other person served. **Be sure to file the Motion within the 120 days, not after the days have run out.**

**5. Acceptance of Service:**

This is a form that the other person signs before a Notary Public stating they have received a copy of the Summons and Petition. **File it with the Court.**

**Ogden**  
298 24<sup>th</sup> St., #110  
84401  
801-394-9431  
Fax: 801-394-0430

**Salt Lake City**  
205 N. 400 W.  
84103  
801-328-8891  
Fax: 801-328-8898

**Provo**  
455 N. University #100  
84601  
801-374-6766  
Fax: 801-374-0960

**St. George**  
229 E. St. George Blvd. #103  
84770  
435-628-1604  
Fax: 435-628-1693



**Toll Free (outside of Salt Lake County): 1-800-662-4245**