

How to Serve Divorce Papers in Utah

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What Does It Mean to Serve Divorce Papers?

The *process of serving papers also called service of process* is as it sounds, the *process of delivering a copy of the documents filed with the court to begin a case to the individuals opposing you*. Divorce papers, more specifically, are a summons and complaint, or a petition, that informs the defendant that he or she must answer the complaint. These documents state the number of days he or she has as well as the default judgment that will occur if the individual doesn't respond within the given time.

You should keep the original documents, and ***your spouse should be served with copies of the following documents:***

- Copy of Complaint
- Copy of Court Summons
- Copy of Temporary Injunctions if needed

[Download In-State Summons Form](#) [Download Out-of-State Summons Form](#)

Hiring a Utah divorce attorney can help you through this process and help you remain protected throughout it, especially in complex cases of custody or significant joint assets. Please review the information on this page carefully, as failing to properly

serve your spouse can get your case dismissed, and then you will have to start all over again.

The Utah Service of Process

To initiate a divorce, one of the parties must file documents with the clerk's office in the county where he or she lives. The ***initial paperwork, called a divorce petition or dissolution petition, begins this process.*** It:

- Outlines the marriage
- Defines what the filer requests of the divorce
- States the reason for filing for divorce

In addition, some cases include a temporary court order that dictates several things including:

After completing these forms, the original copies must then be filed with the proper county court. ***Papers must then be served to the other party within 120 days of the filing of the petition.*** The defendant or other spouse, must be told about the case, given copies of all documents filed, and given time to respond to the action taken.

[Download Utah Proof of Service Checklist](#)

Who Can Serve Divorce Papers?

It is up to ***the person who is filing the documents to ensure the spouse is served the required documents.*** This is not done by the courts. However, the petitioner cannot be the one to physically serve the documents.

The ***petitioner is given 120 days to serve the documents*** to the spouse including copies of the petition, the summons, and other documentation. It's important that copies of the documents are given to the spouse rather than the originals, which must be returned to the court for filing after the spouse is served. ***If the spouse isn't served within that timeframe,*** the court may extend the time for serving the documents. However, the petitioner must file a request for the extension or the case is dismissed.



How to Serve Your Spouse Utah Divorce Papers

The spouse can be served at any location, his or her home, place of work, or other location. The individual serving the spouse will need to complete an Affidavit of Service. This document will outline where, when, and which specific documents were served to the spouse. There are several options for doing this:

- **Through the mail** is an option if a commercial courier service is used or the US Postal Service if registered or certified mail with return receipt is utilized to do so. The individual receiving the documents must sign for the delivery and only that individual may sign for it. If anyone else signs, the papers don't meet the qualifications set by the court for serving.
- **The sheriff's department or a private process servicing company** can also serve the documents. This is often done for a fee, paid by the petitioner.
- **A personal service** can also be used in which the documents are given to the individual in person such as by a constable, US Marshal, or any person over the age of 18 who is not the petitioner or the attorney for the petitioner. The individual cannot be a respondent in any protective order or a convicted felon.

[Download Service Assistance Form](#)

Proof of Service Is Required

The Utah courts require proof of service for served, or they will not take action on the petition until this is completed. The ***proof of service must provide specific information about the place data, and the manner in which the documents were served.*** It must include a receipt signed by the defendant or the defendant's agent that is otherwise approved and recognized by the court. In situations where a US Marshal, sheriff, constable, or deputy of any of these, the proof must be completed in the form of an affidavit.

What Happens After You Serve Your Spouse Divorce Papers

Once the spouse is served, he or she has 21 days after they were served in Utah or 30 days if served outside of the state to “answer.” The state requires that involved parties exchange financial information including information about all assets and debts at this point in a [Financial Declaration](#). This document must be filed with the court after the spouse responds to the original divorce petition he or she was served.

In situations where the spouse files an answer, both spouses must complete the Financial Declaration including debts, assets, expenses, income as well as documentation supporting these claims, such as copies of tax returns, pay stubs, any applications for loans, real estate appraisal documents, and any other document that verifies this information.

What happens next depends on if the spouse responds to the documents. If the [spouse files an answer contesting](#) anything, the case will go to mediation and potentially to trial depending on the conditions of the answer.

[Download Financial Declaration Form](#)

When a Spouse Doesn't File an Answer to Being Served Divorce Papers

If the spouse doesn't file an answer to the summons, ***the petitioner may ask the court to file a default judgment***, which gives the petitioner what he or she asked for in the divorce petition. The non-answering spouse doesn't have the opportunity to protest the move. The judge is unable to make any findings about anything not alleged in the complaint as it must be followed exactly. The court cannot grant relief for the complaint. It is possible for a previously filed judgment to be set aside, but only if a verifiable reason is available, such as an [individual that is a service member](#) with special rights.



When you are facing the process of filing for [divorce in Utah](#), don't go through this matter on your own. [Contact Utah divorce attorney David Pedrazas](#) to help you complete the process according to state law.

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[What to Do When Served Divorce Papers in Utah?](#)

[6 Tips When Served Divorce Papers in Utah](#)