

## Checklist for Small Claims Affidavit and Summons (Participating ODR Courts Only)

[pubapps.utcourts.gov/OnlineDisputeResolutionWEB](http://pubapps.utcourts.gov/OnlineDisputeResolutionWEB)

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### 1. Complete the Affidavit and Summons

- Be sure your case should be filed in an Online Dispute Resolution (ODR) participating court. This Affidavit and Summons can only be used in a court participating in ODR. If your case falls under another court's jurisdiction, use the Small Claims Affidavit and Summons found on [www.utcourts.gov/howto/smallclaims](http://www.utcourts.gov/howto/smallclaims) under "Forms needed by plaintiff to file a small claims case."

### 2. File the Affidavit and Summons

- Take the completed Affidavit and Summons to the court.
- ODR participating courts require all small claims cases to participate in an online process called Online Dispute Resolution (ODR). If you are unable to participate in ODR due to a disability, an inability to access the internet or because you do not speak English, request an exemption from the court clerk when you file.

### 3. Register for an ODR Account

- After filing, an email will be sent to the email address on your Affidavit and Summons.
  - o Note: If you do not receive the email, check your spam folder. If you still cannot find the email, contact the court to be sure the email address at the court is correct.
- Open the email and click on "Register Now," and follow the instructions. **You must register within 7 days of filing the Affidavit and Summons.**

### 4. Serve the Affidavit and Summons

- You must have the Affidavit and Summons served on the defendant(s) involved in your dispute within 120 days of filing.
- You cannot serve the Affidavit and Summons yourself. The Affidavit and Summons must be served on the defendant(s) by a person 18 or older who is not involved in the case. That person must deliver the Affidavit and Summons to:
  - o the defendant at any location;
  - o a person of suitable age and discretion who lives in the defendant's home at the defendant's home; or
  - o an agent authorized to receive the papers at any location.

- Deputy sheriffs, constables and private investigators commonly serve papers. They will charge a fee. The court clerk can help you deliver the papers to a deputy sheriff or constable for service.

#### **5. File Proof of Service of Affidavit and Summons**

- If a sheriff, constable or private process server serves the Affidavit and Summons on the defendant, that person will complete and file a Proof of Service.
- If some other person 18 or older who is not a party to the case or a party's attorney serves the Affidavit and Summons, that person must complete and file with the court a Proof of Service form within 7 days. For more information and forms, see [www.utcourts.gov/howto/service/service\\_of\\_process.html](http://www.utcourts.gov/howto/service/service_of_process.html).
- If the defendant cannot be found for service, the plaintiff can ask the court to permit alternative service. For more information, see [www.utcourts.gov/howto/service/alternate\\_service.html](http://www.utcourts.gov/howto/service/alternate_service.html).