

ORS - MSS

ORS - Administration Building
MSS - Management Support Services
515 E 100 S, #8
Salt Lake City, UT 84102

ORS has special rules for process service.
All process must go to the address above.
They do not accept witness checks.

OFFICE OF RECOVERY SERVICES Volume One: Records and Information Service of Process on ORS Policy and Procedures	Policy Number	ORS 401
	Issued Date	July 12, 2012
	Revision Date	
	Page Number	1 of 4

Approved by: ORS Director

Approved Date: July 12, 2012

1.0 Purpose

The Office of Recovery Services (ORS) has issued this policy to establish policies and procedures for *service of process* on ORS. This policy applies to all service of process, including *Subpoenas* and *Summons*, served on the *Agency*.

2.0 Revision History

Date	Rev. No.	Change	Reference Section
July 12, 2012	New policy		

3.0 Persons Affected

All ORS employees should be familiar with and must follow this policy.

4.0 Policy

4.1 Acceptance of Service

ORS will comply with all state laws and the Utah Rules of Civil Procedure regarding *service of process* on ORS as a State Agency. All *service of process* on ORS, including *Subpoenas* and *Summons*, will be accepted by the Salt Lake Management Support Services Group (MSS) for the *Agency*. See Procedure 7.1 and the MSS Service of Process Procedures for more information.

ORS regional offices do not accept service for the *Agency*. ORS employees are not authorized to accept service for the *Agency* unless specifically authorized to accept service by this policy or by the ORS Director.

Note: definitions for italicized terms are provided in Section 5.0.

4.2 Acceptance of Service for ORS Employees Unrelated to State Business

ORS does not accept *service of process* for legal proceedings involving ORS employees which are unrelated to ORS business. ORS employees may not accept *service of process* in ORS offices on behalf of other employees. *Process servers* may not serve ORS employees in an ORS office when service is required for legal proceeding not related to ORS business and must make other arrangements to serve an ORS employee in these situations. Please refer to Procedure 7.2 for more information.

4.3 Process Service and Witness Fees

ORS does not accept process service or witness fees. Any check or payment received with a *service of process* must be immediately returned to the process server with a request that the process server note that the check was refused by ORS. Please refer to Procedure 7.3 for more information.

4.4 ORS Named as a Defendant in a Lawsuit—Litigation Against the State

If ORS receives Notice that ORS (the *Agency*) is named as a party to a lawsuit, the Notice must be immediately referred to the ORS Director, ORS Deputy Director, and the ORS Constituent and Legislative Affairs Director (currently Catherine Taylor). Please refer to Procedure 7.4 for more information.

4.5 Summons for Appearance

When ORS receives a Summons for Appearance for a Court hearing, the Regional Director (RD) must assign an ORS employee to appear at the time and place notified. The RD may request representation from the Utah Attorney General's Office, Child and Family Support Division if needed. Please refer to Procedure 7.5 for more information.

4.6 Subpoenas for Records

ORS employees should not advise ORS case participants or legal representatives for case participants to *Subpoena* records from ORS. The Utah Government Records Access and Management Act (GRAMA, UCA 63G-2) is the appropriate means to request records from a Utah government agency.

Refer all requests for records that are not public information to ORS Records. Please refer to Procedure 7.6 and ORS 402 GRAMA Policy for more information.

4.7 Violations

Violations of this policy may result in disciplinary action and additional penalties under State law and Rules.

5.0 Definitions

Agency

is the Office of Recovery Services or ORS.

Process Server

refers to a person authorized by law to deliver court documents.

Service of Process

is the delivery of court documents to the person or agency who is required to respond to them. The acceptable method of delivery depends upon the documents to be served and if the Agency has agreed to accept service.

Subpoena

refers to an order of the Court to appear or produce documents (or both). Failure to appear or produce documents can result in sanctions against the person or agency named in the *Subpoena*.

Summons

is a form of legal process that provides notice to an individual of a Court action. Failure to appear can result in sanctions against the person or *Agency* named in the *Summons*.

6.0 Responsibilities

6.1 ORS Employee Responsibilities:

ORS employees are responsible to:

1. accept service for the Agency only if authorized by this policy or by the ORS Director;
2. refrain from providing legal advice to case participants regarding *service of process*;
3. appear and testify before the Court on behalf of the *Agency* when required;
4. consult with the Child and Family Support Division of the AGO when needed; and,
5. contact ORS Records before releasing any ORS information that is not public information in a Court proceeding unless otherwise directed by an assigned Assistant AG.

6.2 ORS Supervisor and RD Responsibilities:

The supervisor is responsible to:

1. verify comprehension of this policy by employees;
2. make arrangements for the appropriate *Agency* employee to attend Court proceedings when required under the direction of the RD; and,
3. consult with the Child and Family Support Division of the AGO when needed.

The RD is responsible to confirm that an Agency representative is scheduled for and attends Court proceedings when required.

7.0 Procedures

7.1 Acceptance of Service

The Salt Lake Management Support Services Group (MSS) will accept *service of process* for the *Agency*. On the same day service is received, the MSS Group will notify the team supervisor, ARD, RD, and the assigned Assistant AG by e-mail with a scanned copy of the document that has been served. The notification e-mail should include a summary of what is requested with an explanation of any deadlines or hearing dates. The Salt Lake MSS Group will also maintain a log of all *service of process* received by the *Agency*.

7.2 Declining Service for ORS Employees Unrelated to State Business

Agency employees may not accept *service of process* for an individual ORS employee when the service is regarding a private matter that is not related to ORS business. Notify the *process server* that ORS policy does not allow the *Agency* to accept service on behalf of an employee on matters not related to ORS business. Also notify the *process server* to make alternate arrangements for service directly with the employee, but do not offer to facilitate that contact or provide employee information.

7.3 Returning Process Service and Witness Fees

If a check intended for service fees or witness fees is received by the *Agency* from a *process server* with the documents being served, the check must be refused and an explanation provided to the *process server* that ORS does not accept service fees. Request that the *process server* note on both copies of the document that the check was refused by ORS at the time of service.

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7.4 ORS Named as a Defendant in a Lawsuit—Litigation Against the State

If ORS receives Notice that ORS is named as a defendant to a lawsuit, a scanned copy of the Notice must be immediately referred to the ORS Director, ORS Deputy Director, ORS Constituent and Legislative Affairs Director (currently Catherine Taylor), ORS Records (orsrecords@utah.gov), and ORS Constituent Affairs (orsconstituentaffairs@utah.gov) by e-mail. The original copy of the Notice should be delivered to ORS Administration. Note: if possible, ORS Administration should accept this type of service directly.

7.5 Summons for Appearance

When ORS receives a Summons for Appearance for a Court hearing, a scanned copy of the document should be sent by e-mail to the supervisor of the team that is handling the case, the Associate Regional Director (ARD), the Regional Director (RD), and the assigned Assistant AG. The supervisor and the ARD/RD should make arrangements for an Agency employee to appear at the date and time required by the Notice. The RD may request representation from the Utah Attorney General's Office.

7.6 Subpoenas for Records

A scanned copy of all Subpoenas for Records should be provided to ORS Records at the e-mail account: orsrecords@utah.gov. ORS Records will contact the sender to request that the *Subpoena* be withdrawn and the request for records be properly submitted under Utah's Government Records Access and Management Act (GRAMA, UCA 63G-2). Please refer to ORS 402, GRAMA Policy for more information.

Additional Information

Please refer to ORS 402, GRAMA Policy for more information regarding releasing Agency information

Contacts

Please contact ORS Records by using the following e-mail account: orsrecords@utah.gov.

Forms

There are no ORS forms associated with this policy.