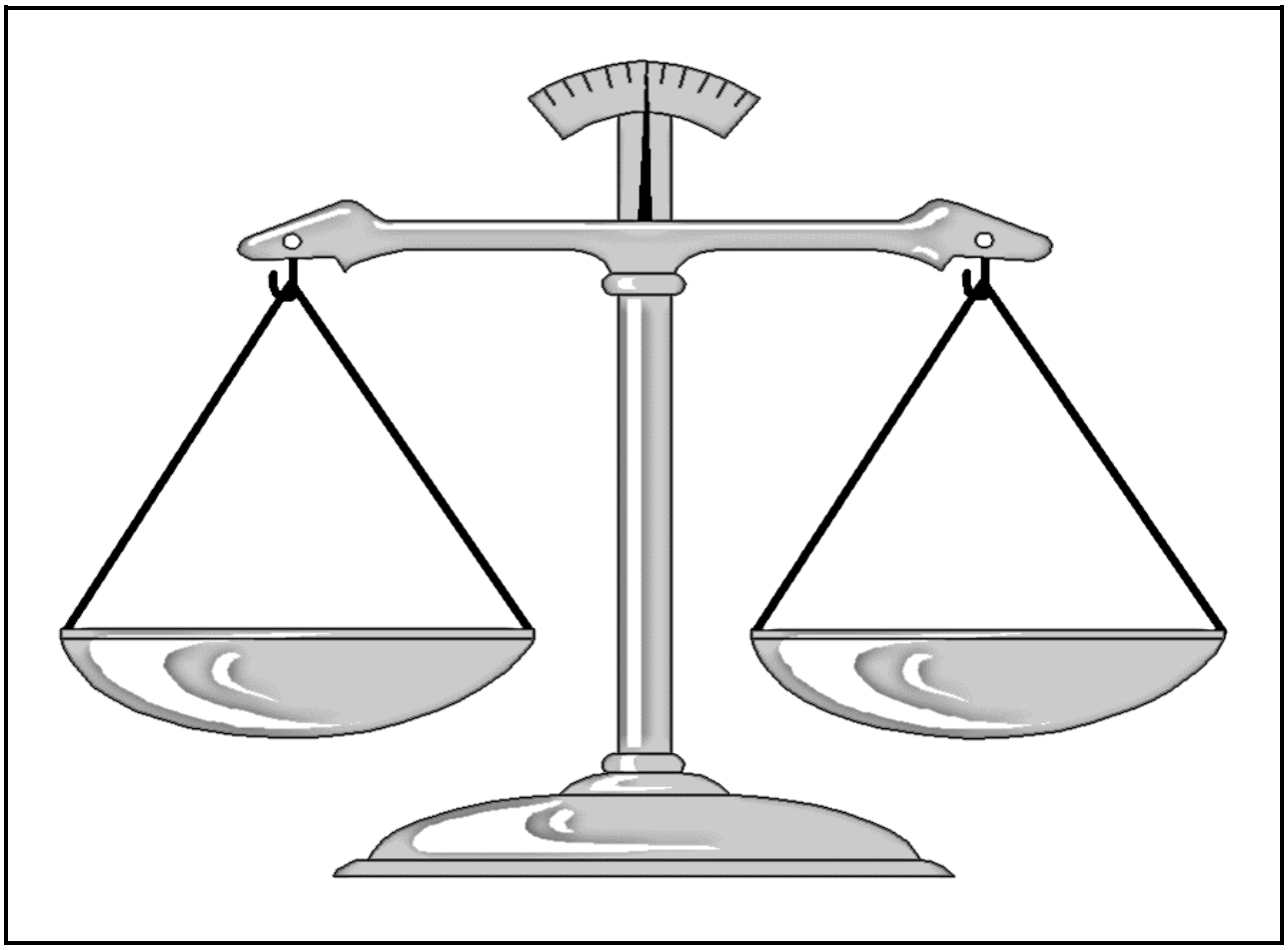

LYCOMING COUNTY
DIVORCE UNDER 3301(C)(1)
SELF-HELP KIT

REMEMBER

The law often changes. Each case is different. This self-help kit is meant to give you general information and not give you specific legal advice.

DIVORCE PROCEDURE

These forms are designed for parties who agree to be divorced and will cooperate with one another in signing the required paperwork. These forms are for requesting the entry of a divorce decree only, however, and are not designed for complicated divorce issues. To deal with these matters, you will need additional forms that are not included in this packet and you will need to hire a lawyer. Examples of a complicated divorce matter include a request to divide property, receive alimony, or for payment of lawyers' fees and expenses. In addition, if you wish to proceed under the law which presumes consent to divorce by the perpetrator of a personal injury crime against you, Section 3301(c)(2) of the Divorce Code, you cannot use these forms. Instead, you may get forms by visiting the state website at: http://www.pacourts.us/learn/representing-yourself/divorce-proceedings

BE WARNED THAT IF YOU FAIL TO RAISE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYERS' FEES OR EXPENSES IN YOUR DIVORCE COMPLAINT, YOU WILL LOSE ALL RIGHT TO MAKE SUCH CLAIMS ONCE THE DIVORCE DECREE IS ENTERED.

General information that you should know before filing for divorce:

The self-help packets provided by the court are only for simple, uncontested divorces. Generally, this means:

- the spouses must consent to a divorce OR be separated for at least 1 year;
- there are no custody or support disputes; and
- neither spouse wants to make a claim for property, money, or debt division against the other spouse.

MARITAL PROPERTY

If you want to pursue a simple, uncontested divorce, you must be sure that you and your spouse do not have any "marital property" that should be divided. Here are some examples of property that *could* be marital property, which spouses often do not consider:

- retirement/pension plans (other than Social Security)
- the increase in value of real estate owned by one spouse before the marriage
- property purchased during the marriage, but titled in only one spouse's name
- a bank account in one spouse's name

If you want property from your spouse, you must make a claim before the divorce is final. If you file for divorce, your spouse can make a claim for property or money against you. If you have any concerns about marital property, get advice from a lawyer about your particular situation before you file.

MARITAL DEBT

If either spouse created debt during the marriage, but before the date of separation, the court might order the other spouse to contribute to paying that debt. This is very important if the debt is only in one spouse's name. By using the simple, uncontested divorce forms, you are waiving any claims you might have to make the other spouse responsible for all or part of the marital debt that is not in their name.

SPOUSAL SUPPORT, ALIMONY *PENDENTE LITE*, and ALIMONY

Spousal support is support that you might be eligible to receive from a spouse after separation, but before a divorce is final. **Alimony pendente lite** is alimony paid only while the divorce case is pending in court and could help you pay an attorney or court costs. **Alimony** is paid after a divorce is final and depends upon a number of factors, including the length of the marriage and financial positions of both parties. If you have any concerns about support or alimony, get advice from a lawyer about your particular situation.

GETTING SOCIAL SECURITY BASED ON YOUR SPOUSE'S EARNINGS

Even though you are getting divorced, in the future you may be eligible to receive up to 50 percent of your spouse's Social Security benefits (retirement or disability) if:

- You were married at least 10 years;
- You have been divorced at least 2 years;
- You and your ex-spouse are at least 62;
- You have not remarried; and
- You are not entitled to Social Security benefits on your own earnings record that are **more than** the divorced spouse benefit.

Your ex-spouse does not have to be currently receiving Social Security benefits and does not have to agree that you get spousal benefits. It also doesn't matter if your ex-spouse gets remarried. The amount of Social Security benefits that your ex-spouse is entitled to will not be affected (reduced) by you receiving divorced spouse benefits. To check how divorced spouse benefits would apply to your specific situation, go to your local Social Security Office or check the website: www.ssa.gov.

Protecting Confidential Information - Here's How

A certification shall accompany each filing in accordance with the policy. A court or custodian is not required to review any filed document for compliance with this policy. Failure to comply may lead to imposed sanctions.

Confidential Information

Unless required by applicable authority, the following information shall not be included in any document filed with a court or custodian, except on a "Confidential Information Form" filed contemporaneously with the document.

1. Social Security Numbers
2. Financial Account Numbers Except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified
3. Driver License Numbers
4. State identification (SID) Numbers
5. Minors' Names and Dates of Birth except when a minor is charged as defendant in a criminal matter (see 42 Pa.C.S. §6355)
6. Abuse Victim's Address and other Contact Information including employer's name, address, and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name

Confidential Documents

Unless required by applicable authority, the following documents shall be filed with a court or custodian with the "*Confidential Document Form*."

1. Financial Source Documents
2. Minors' Educational Records
3. Medical/Psychological Records
4. Children and Youth Services' Records
5. Marital Property Inventory and Pre-Trial Statement as provided in Pa.R.C.P. No. 1920.33
6. Income and Expense Statement as provided in Pa.R.C.P. No. 1910.27(c)
7. Agreements between the Parties as used in 23 Pa.C.S. §3105

These requirements do not apply to case types (e.g. juvenile, adoption) that are sealed or exempted from public access pursuant to applicable authority.

For forms and more information, reference the *Case Records Public Access Policy Of The Unified Judicial System Of Pennsylvania* at the website below.

Please visit: http://www.pacourts.us/public-records/public-records-policies

STEP ONE: The Notice to Defend and Complaint with Verification

A divorce case is started with the filing of a "Complaint". There are two forms that make up the Complaint; a "Notice to Defend and Claim Rights" must be attached on top, and the Complaint for Divorce, which ends with a "Verification", must be attached on the bottom. The Complaint is filed in the Prothonotary's Office. You must pay a filing fee (unless you have been granted a fee waiver, and this request is to be filed with your Complaint). The caption at the top of the forms includes the County's name, your name, your spouse's name, and the docket number assigned to your case by the Prothonotary. This caption must be identical on all documents filed in your case, no matter which party is filing a document.

How to Complete Step 1

1. Complete all three pages of the Divorce Complaint following the detailed instructions on the next page.

2. After you have filled out the Complaint, make two copies. (If you are also requesting to have the filing fee waived, fill out a Petition to Proceed Without Payment of Fees and Costs and make one copy of that form.)

3. File the Complaint (and the fee waiver petition, if you are using it). Take the original(s) and the copies to the Prothonotary's office. They will time-stamp the original(s) and the copies. They will keep the original Complaint in their file and return the copies to you. (If you have filed a Petition to Proceed Without Payment of Fees and Costs, they will send the original petition with proposed Order to the Judge and keep your copy in their office; you will get your copy back once the Judge signs the Order, showing whether the petition was granted or denied. If the Petition is denied, the Prothonotary will send you a letter telling you the fee that must be paid.)

INSTRUCTIONS FOR THE DIVORCE COMPLAINT

1. At the top of the "Notice to Defend and Claim Rights" page, write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant". That is all you write on this page.

2. At the top of the "Complaint for Divorce" page, write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant".

3. In Paragraph (1), write your name on the line above the word "name". Write your street address, city, county, state and zip code, on the lines where indicated. In the last blank in this paragraph, above the word "date", write the date you began living at the address listed.

4. In Paragraph (2), write your spouse's name on the line above the word "name". Write your spouse's street address, city, county, state and zip code, on the lines where indicated. In the last blank in this paragraph, above the word "date", write the date your spouse began living at the address listed.

5. In Paragraph (3), put a checkmark on the line in front of the word "Plaintiff" if you have lived in Pennsylvania for at least the six months immediately before you are filing this Complaint. Also put a checkmark on the line in front of the word "Defendant" if your spouse has lived in Pennsylvania for at least the six months immediately before you are filing this Complaint.

6. In Paragraph (4), write the date you and your spouse were married, on the line above the word "date". Then write the city, county and state where you got married, on the lines where indicated.

7. In Paragraph 5, you are telling the Court whether there have been any prior cases filed for divorce, whether here in Lycoming County or in another county, state or country. If there have been no other divorce cases filed anywhere, write "none" on the blank line. If there was another case or cases filed, write both the place (county and state or, if in another country, the country) and any docket number.

8. On the last page, write the date you are signing, then sign on the line above the words "Plaintiff's signature". Write your name, street address, city, state and zip code, and telephone number where indicated.

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO.

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in Court. If you wish to defend against the clams set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the Court. A judgment may also be entered against you for any other claim or relief requested in these papers by the Plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at 48 West Third Street, Williamsport, Pennsylvania 17701.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Pennsylvania Bar Association
Lawyer Referral Service
100 South Street (P.O. Box 186)
Harrisburg, PA 17108
(800) 692-7375

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Lycoming County is required by law to comply with the Americans With Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the office of the Lycoming County Court Administrator, Lycoming County Courthouse, 48 West Third Street, Williamsport, PA 17701, Telephone No. (570) 327-2330. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO.

COMPLAINT FOR DIVORCE UNDER
SECTION 3301(C)(1) OR 3301(D) OF THE DIVORCE CODE

1. Plaintiff is _____, who currently resides at
(name)
_____, _____, _____ County
(street address) (city) (county)
_____, since _____.
(state) (zip code) (date)

2. Defendant is _____, who currently resides at
(name)
_____, _____, _____ County
(street address) (city) (county)
_____, since _____.
(state) (zip code) (date)

3. _____ Plaintiff and/or _____ Defendant has/have been a bona fide resident(s) in the Commonwealth for at least six months immediately previous to the filing of this Complaint.

4. Plaintiff and Defendant were married on _____ at
(date)
_____, _____County,_____.
(city) (county) (state)

5. There have been no prior actions of divorce or for annulment between the parties, except

_____.

6. The marriage is irretrievably broken.

7. Plaintiff has been advised that counseling is available and that Plaintiff may have the right to request that the Court require the parties to participate in counseling.

8. Plaintiff requests that the Court enter a decree in divorce.

I verify that the statements made in the Complaint are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: _____

_____
Plaintiff's signature

_____
Plaintiff's Name

_____
Street address

_____
City, state and zip code

_____
Telephone number

FEE WAIVER INTRODUCTION

Usually, fees must be paid in order to file court documents. However, if you believe you do not have enough money to pay these fees, you may ask to file documents without paying the fees.

This form is used to make the request to let you file your divorce complaint for free. You will need to tell the Judge about your financial situation so the Judge can decide whether or not you should pay the fees.

INSTRUCTIONS FOR FEE WAIVER PETITION

1. At the top of the first page, the "Order to Proceed Without Payment of Fees and Costs", write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant". That is all you write on this page.

2. At the top of the second page, "Petition to Proceed Without Payment of Fees and Costs", write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant".

3. Fill out the requested information in Paragraph 3.

4. At the bottom of the fourth page, print the date, then sign on the line next to the words "signature of Plaintiff" and print your name on the next line.

5. Make one copy of these three pages. You will take the original and copy to the Prothonotary's office when you file the Divorce Complaint. COPY FEES WILL NOT BE WAIVED and the cost of copies in the Office of the Prothonotary/ Clerk of Courts is $0.25 per page.

6. Once the judge reviews your information, the judge will make a decision. You will receive a copy of the Judge's Order in the mail. If the Judge grants your petition, you will not have to pay the fees. If the Judge denies your petition, you will have to pay the fees before your divorce action proceeds. In that case, you will receive a letter from the Prothonotary telling you the amount to pay.

_____,	**:**	**IN THE COURT OF COMMON PLEAS OF**
Plaintiff	**:**	**LYCOMING COUNTY, PENNSYLVANIA**
	:	
vs.	**:**	
	:	
_____,	**:**	**NO. _____**
Defendant	**:**	

ORDER

AND NOW, this _____ day of _____**,** 20**_____**, the Court having reviewed the Application to Waive Fees and Costs, it is hereby ORDERED and DIRECTED that:

- ❑ the request of _____, to proceed pursuant to Pa.R.J.A. No. 1990 and waive fees and costs is GRANTED.
- ❑ the request of _____, to proceed pursuant to Pa.R.J.A. No. 1990 and waive fees and costs is DENIED for the following reason(s):

  _____ Application is incomplete.

  _____ Petitioner's income exceeds income guidelines.

  _____ Petitioner's assets exceed asset guidelines.

  _____ Other: _____.

  and the applicant has thirty (30) days to pay the filing fee or the action will be terminated without further notice.

BY THE COURT:

_____

J.

Distribution:

_____

_____,	**:**	**IN THE COURT OF COMMON PLEAS OF**
Plaintiff	**:**	**LYCOMING COUNTY, PENNSYLVANIA**
	:	
vs.	**:**	
	:	
_____,	**:**	**NO. _____**
Defendant	**:**	

APPLICATION TO WAIVE FEES AND COSTS

EACH QUESTION MUST BE ANSWERED. AN INCOMPLETE APPLICATION MAY RESULT IN A DENIAL. IF A QUESTIONS REFERS TO INCOME OR PROPERTY THAT YOU DO NOT HAVE, YOU SHOULD ANSWER "NONE."

PARTY INFORMATION

Party Name: _____
First Middle Last

Residence: _____

City, State, Zip: _____

☐ Check this box if you are currently without a house or apartment.

PUBLIC BENEFITS

Do you currently receive one or more of the following public benefits?

- Supplemental Nutrition Assistance Program (SNAP) (food stamps)
- Medicaid
- Supplemental Security Income (SSI) (Not Social Security Disability Insurance (SSDI))
- Temporary Assistance to Needy Families (TANF)
- Public Housing or Section 8 Housing
- Needs-based VA Pension
- Low-Income Energy Assistance
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Other need-based federal, state, or local program: _____
  Name of Program

☐ YES ☐ NO

If you answered YES, skip the remainder of the form and sign/date the VERIFICATION on the last page.

HOUSEHOLD MEMBERS

I am providing the following information about people who live with me.

I support ____ adult children who are incapable of self-support due to physical or mental disability.

I support ____ children under age 18.

GROSS MONTHLY INCOME
(income before paying taxes and other deductions)

Employment

Monthly gross wages: $_____

I work as a _____ for _____.
job title or description name of employer

Unemployment Compensation

Monthly unemployment benefit: $_____

I have been unemployed since _____.

My last employer was _____.

Other Sources of Income

Money received from other people: $_____

Retirement / Pension: $_____

Disability Benefits: $_____

Workers' Compensation: $_____

Child / Spousal Support: $_____

Social Security: $_____

Other Sources (_____): $_____
description

Total Monthly Gross Income (from all sources above): $_____

ASSETS (Current Value)

Cash: $_____

Bank Accounts or Other Financial Assets: $_____

Primary Vehicle: $_____

Other Vehicles: $_____

House: $_____

Other Real Estate: $_____

Other Property: $_____

Total Value of Property: $_____

MONTHLY EXPENSES

Rent/Mortgage Payment: $_____

Food and Household Supplies: $_____

Utilities (Including Cell Phone): $_____

Clothing and Personal Expense: $_____

Medical and Dental Expenses/Insurance: $_____

Child Care: $_____

Transportation (including car payments & repairs): $_____

Child and Spousal Support or Alimony: $_____

Other Expenses:

_____ $_____
Description

_____ $_____
Description

_____ $_____
Description

Total Monthly Expenses: $_____

ADDITIONAL INFORMATION

Are there other facts that you would like the Court to know about your circumstances that may help the Court decide whether to grant your application, such as homelessness, health issues, disability, or other financial hardships?

_____

_____

_____

_____

_____

VERIFICATION

I understand that I have a continuing obligation to inform the Court of an improvement in my financial circumstances that would permit me to pay the fees and costs in this case. If I fail to inform the Court of any changes in my circumstances, I understand that the Court may rescind the waiver of fees and costs and order me to pay those fees and costs.

I verify that the statements made in this application are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Signature: _____ Date: _____

Printed Name: _____ Phone Number: _____

STEP TWO: Service of the Complaint

After filing the Notice to Defend and Complaint, these documents must be served on the other party within thirty (30) days of the date they are file-stamped. (If the other party does not live in Pennsylvania, the time requirement is extended to ninety (90) days.) Service must be made by either (1) acceptance of service, (2) regular and certified mail, or (3) personal service.

If service is not completed within 30 days (or 90 if the other party does not live in Pennsylvania), you must complete and file a Praecipe to Reinstate the Complaint. The date you file this praecipe re-starts the clock for service and you will have another 30 days to serve the other party (or 90 days if the other party does not live in Pennsylvania). If you again do not complete service within the new time period, you may file another praecipe to reinstate the Complaint. You may file this as many times as you need to, but if you continue to have problems completing service, it is recommended that you speak to an attorney. You may not proceed until proper service has been made.

How to Complete Step 2

1. Decide how you are going to serve the defendant and choose the correct form accordingly. Follow these instructions for the form you are using:

a) Acceptance of Service – Give the time-stamped copy of the Notice to Defend and Complaint to the defendant. After being given the documents, the defendant must sign the Acceptance of Service. Keep this Acceptance of Service, to be filed. MAKE SURE THE DEFENDANT DOES NOT SIGN/DATE THE ACCEPTANCE OF SERVICE BEFORE THE FILE-STAMPED DATE ON THE COMPLAINT.

b) Service by Mail – You will need to make an extra copy of the Notice to Defend and Complaint. Mail one of the time-stamped copies of the Notice to Defend and Complaint to the defendant by **regular mail** and the other one by **certified mail, return receipt requested, restricted delivery** (you must specify this type of mailing at the Post Office). Wait for the green card to be returned to you and if it is signed by the defendant, make a copy of it for your records and tape the original, with the signature side showing, to a blank piece of paper. Fill out an Affidavit of Service by Mail and attach the paper with the green card on it.

If the certified mail is returned with the notation that it was refused, wait until it has been 15 days since you mailed the Notice to Defend and Complaint to the defendant and, if the regular mail envelope is not returned to you, fill out an Affidavit of Service by Mail. Make a copy of the refused certified mail envelope for your records and then attach the original envelope to the Affidavit of Service by Mail.

If the certified mail is returned with the notation that it was unclaimed, you must use another form of service.

c) Personal service – an adult, other than you, may personally hand the time-stamped copy of the Notice to Defend and Complaint to the other party. This may be the Sheriff, a private courier service, or any reliable third party. The person who hands the papers to your spouse must sign a completed Affidavit of Personal Service.

2. After you have served your spouse and have the completed Acceptance of Service, Affidavit of Service by Mail or the Affidavit of Personal Service, make one copy.

3. Take the original and the copy to the Prothonotary's office and file it. The Prothonotary's office will keep the original and return the copy to you – this is for your records.

ACCEPTANCE OF SERVICE INTRODUCTION

This form is used when you choose to serve the Divorce Complaint on your spouse by you, yourself, handing a time-stamped copy of the Notice to Defend and Complaint to him or her. After being given the documents, your spouse **must** sign the Acceptance of Service. (If your spouse won't sign an Acceptance of Service, you must choose one of the other methods of service.)

INSTRUCTIONS FOR ACCEPTANCE OF SERVICE

1. At the top of the "Acceptance of Service", write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant". Write your case number on the blank line after "No.". That is all you write on this page.

2. After you hand a time-stamped copy of the Notice to Defend and Complaint to your spouse, have him or her put a check mark next to the "I accept service" statement, write the date on the line next to the word "date" and sign on the line above the words "Defendant's Signature". Keep this Acceptance of Service, to be filed per the instructions in Step 2.

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO. _____

ACCEPTANCE OF SERVICE

_____ I accept service of the Notice to Defend and Claim Rights and the Complaint in Divorce.

Date: _____

_____
Defendant's signature

AFFIDAVIT OF SERVICE BY MAIL INTRODUCTION

This form is used when you choose to serve the Divorce Complaint on your spouse by mail. Mail one of the time-stamped copies of the Notice to Defend and Complaint to the other party by **regular mail** and the other one by **certified mail, return receipt requested, restricted delivery** (you must specify this type of mailing at the Post Office). Wait for the green card to be returned to you and if it is signed by the other party, make a copy of it for your records and tape the original, with the signature side showing, to a blank piece of paper. Fill out an Affidavit of Service by Mail and attach the paper with the green card on it.

If the certified mail is returned with the notation that it was refused, wait until it has been 15 days since you mailed the Complaint to the defendant. If the regular mailed envelope does not come back with the notation that it was undeliverable, fill out an Affidavit of Service by Mail. Make a copy of the certified mail envelope for your records and then attach the original envelope to the Affidavit of Service by Mail.

If the certified mail is returned with the notation that it was unclaimed, or the regular mailed envelope comes back with the notation that it was undeliverable, you must use a different form of service.

INSTRUCTIONS FOR AFFIDAVIT OF SERVICE BY MAIL

1. At the top of the "Affidavit of Service By Mail", write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant". Write your case number on the blank line after "No.".

2. In Paragraph 1, write the date you mailed the Divorce Complaint to your spouse in the first blank, and your name in the second blank.

3. In Paragraph 2, check the appropriate line. If you check the first line, write the date Defendant signed the green card in the blank.

4. Write the date at the bottom, next to the word "Date" and sign the form on the line above the words "Plaintiff's signature".

5. Attach either the signed certified mail return receipt (green card) or the envelope showing Defendant's refusal, to the form.

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO. _____

AFFIDAVIT OF SERVICE BY MAIL

1. On _____ (date) I, _____, Plaintiff in this Divorce Action, mailed a copy of the Notice to Defend and Claim Rights and Divorce Complaint to the Defendant by certified mail, return receipt requested, restricted delivery at Defendant's last known address.

2. _____ On _____ (date) Defendant received the Notice to Defend and Divorce Complaint. The certified mail return receipt signed by Defendant is attached to this Affidavit.

_____ The Defendant refused to accept the certified mail. It has been at least 15 days since mailing and the regular mail has not been returned. The envelope showing Defendant's refusal is attached to this Affidavit.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: _____

_____
Plaintiff's signature

AFFIDAVIT OF PERSONAL SERVICE INTRODUCTION

This form is used when you choose to serve the Divorce Complaint on your spouse by having a competent adult hand a time-stamped copy of the Notice to Defend and Complaint to him or her. You, yourself, cannot do this because "competent adult" is specifically defined in the Rules of Civil Procedure to mean someone at least 18 years of age who is *not* a party to the action and *not* a relative or employee of a party.

INSTRUCTIONS FOR AFFIDAVIT OF PERSONAL SERVICE

1. At the top of the "Affidavit of Personal Service", write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant". Write your case number on the blank line after "No.".

2. Give this form to the person who served the Complaint on your spouse after your spouse has been served. That person should write his or her name on the first line and write the date he or she handed the Complaint to your spouse on the second line. That person should then write the date of signing on the line next to the word "date" and sign on the line above the words "Signature of Person who Served Defendant". Keep this Affidavit of Service, to be filed per the instructions in Step 2.

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO. _____

AFFIDAVIT OF PERSONAL SERVICE

I, _____, hereby depose and say that I am 18 years or older and am not a party to the action, nor an employee or relative of a party.

On _____ (date) I personally served the Defendant with a copy of the Notice to Defend and Claim Rights and Divorce Complaint by handing it to him or her.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: _____

_____
Signature of person who served Defendant

OPTIONAL FORM

PRAECIPE TO REINSTATE THE COMPLAINT INTRODUCTION

This form is used when you are unable to serve the Complaint on the Defendant within 30 days (or 90 days if they do not live in Pennsylvania). The date you file this Praecipe re-starts the clock for service and you will have another 30 days (or 90 days if they don't live in Pennsylvania) to serve the Complaint.

INSTRUCTIONS FOR PRAECIPE TO REINSTATE THE COMPLAINT

1. At the top of the "Praecipe to Reinstate the Complaint", write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant". Write your case number on the blank line after "No.".

2. Write the date at the bottom, next to the word "Date" and sign the form on the line above the words "Plaintiff's signature".

3. File this form in the Prothonotary's office.

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO. _____

PRAECIPE TO REINSTATE THE COMPLAINT

To the Prothonotary:

Please reinstate the Complaint in Divorce filed in the above-captioned matter.

Respectfully submitted,

Date: _____ _____

Plaintiff's signature

STEP THREE: Wait 90 days from the date the Notice to Defend, Complaint, and Verification were served.

The Pennsylvania Rules of Civil Procedure require both parties to wait ninety (90) days from the service of the Complaint before signing and filing the consent forms.

How to Complete Step 3

Use this chart to calculate the date on which the consent forms may be signed and filed. Circle the date that service of the Complaint is made (the date the Acceptance of Service was signed, the date the green certified return receipt card was signed, or the date the Complaint was personally handed to the defendant, depending on which method of service was used), and then using that date as Day 1, count 90 days forward. Circle that date and write it in the space below. That date is the date on or after which you can sign and file the Affidavits of Consent. **DO NOT SIGN THE CONSENTS UNTIL ON OR AFTER THE 90TH DAY!!**

JAN 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

FEB 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

MAR 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

APR 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

MAY 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

JUN 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

JUL 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

AUG 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

SEP 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

OCT 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

NOV 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30

DEC 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

DATE CONSENT FORMS CAN BE SIGNED AND FILED: _____

STEP FOUR: Sign Affidavits of Consent and Waivers of Notice

After 90 days have passed from the date the Complaint was served upon the Defendant, both parties may sign Affidavits of Consent declaring that they consent to the divorce. The Affidavits of Consent must be filed within thirty (30) days of the date they are signed and dated. If the Affidavits are not filed within the thirty-day period, new Affidavits of Consent must be signed and filed. This thirty-day period applies to *filing* the consents after they are *signed*, **not** to signing them. **You must wait ninety (90) days after filing and serving the Complaint to sign the consents.**

In addition to signing Affidavits of Consent, both parties may also sign Waivers of Notice. These waivers will allow you to proceed immediately in requesting entry of the divorce decree.

How to Complete Step 4

1. Plaintiff and Defendant both complete and sign Affidavits of Consent and Waivers of Notice.
2. Make one copy of all four forms.
3. **You may immediately proceed to Step 5.**

INSTRUCTIONS FOR PLAINTIFF'S AFFIDAVIT OF CONSENT

1. At the top of the "Affidavit of Consent", write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant". Write your case number on the blank line after "No.".

2. In Paragraph 1, write the date you filed the Divorce Complaint on the first blank line and the date the Complaint was served on Defendant on the second blank line.

3. Write the date at the bottom, next to the word "Date" and sign the form on the line above the words "Plaintiff's signature".

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO. _____

AFFIDAVIT OF CONSENT
§ 3301(c)(1)

1. A Complaint in Divorce under § 3301(c)(1) of the Divorce Code was filed on _____ (date) and served on the Defendant on _____ (date).

2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce after service of the Notice of Intention to File Praecipe to Transmit Record.

I verify that the statements made in this Affidavit of Consent are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: _____ _____
Plaintiff's signature

INSTRUCTIONS FOR DEFENDANT'S AFFIDAVIT OF CONSENT

1. At the top of the "Affidavit of Consent", write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant". Write your case number on the blank line after "No.".

2. In Paragraph 1, write the date you filed the Divorce Complaint on the first blank line and the date the Complaint was served on Defendant on the second blank line.

3. Your spouse will write the date of signing at the bottom, next to the word "Date" and sign the form on the line above the words "Defendant's signature".

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO. _____

AFFIDAVIT OF CONSENT
§ 3301(c)(1)

1. A Complaint in Divorce under § 3301(c)(1) of the Divorce Code was filed on _____ (date) and served on the Defendant on _____ (date).

2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce after service of the Notice of Intention to File Praecipe to Transmit Record.

I verify that the statements made in this Affidavit of Consent are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: _____ _____
Defendant's signature

INSTRUCTIONS FOR PLAINTIFF'S WAIVER OF NOTICE

1. At the top of the "Waiver of Notice", write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant". Write your case number on the blank line after "No.".

2. Write the date of signing at the bottom, next to the word "Date" and sign the form on the line above the words "Plaintiff's signature".

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO. _____

WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD

1. Without further notice, I consent to the entry of a final decree of divorce.

2. I understand that I may lose rights concerning alimony, equitable division of property, lawyer's fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.

3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed.

I verify that the statements made in this Waiver of Notice are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: _____ _____

Plaintiff's signature

INSTRUCTIONS FOR DEFENDANT'S WAIVER OF NOTICE

1. At the top of the "Waiver of Notice", write your name on the line above the word "Plaintiff" and your spouse's name on the line above the word "Defendant". Write your case number on the blank line after "No.".

2. Your spouse will write the date of signing at the bottom, next to the word "Date" and sign the form on the line above the words "Defendant's signature".

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO. _____

WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD

1. Without further notice, I consent to the entry of a final decree of divorce.

2. I understand that I may lose rights concerning alimony, equitable division of property, lawyer's fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.

3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed.

I verify that the statements made in this Waiver of Notice are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: _____ _____

Defendant's signature

STEP FIVE: Complete and File Praecipe to Transmit Record with proposed Divorce Decree with Consents and Waivers of Notice.

Once you have completed Step 4, you may proceed with asking the Court to enter the Divorce Decree.

In addition to filing the documents detailed below, you will be required to provide the Prothonotary with self-addressed, stamped envelopes for both you and your spouse. The Prothonotary will also require a $100 payment for the decree (unless you have been granted a fee waiver).

How to Complete Step 5

1. Complete a Praecipe to Transmit Record according to the instructions preceding the form but following these specific instructions for paragraphs 1, 3 and 5:
   a. In paragraph 1, put a check mark on the line in front of §3301(c)(1).
   b. In paragraph 3, complete part (a) by writing the dates each party signed his or her Affidavit of Consent.
   c. In Paragraph 5, complete part (b) by writing the dates the Waivers of Notice will be filed.

2. Complete the Decree of Divorce according to the instructions preceding the form.

3. Make one copy of both the Praecipe to Transmit Record and the Decree of Divorce.

4. Take all six forms and the copies to the Prothonotary's office (the two consents, the two waivers, the Praecipe to Transmit Record and the Decree of Divorce). Also take 2 self-addressed, stamped envelopes which have the current address for you on one and the current address for your spouse on the other. You will be required to pay $100 for the decree unless you have been granted a fee waiver.

5. The Prothonotary will file-stamp all documents, keeping the originals and returning the copies to you. They will also keep the envelopes to mail the decree to each of you.

6. You and your spouse will receive a copy of the Decree in the mail after the Decree has been signed by a judge.

INSTRUCTIONS FOR PRAECIPE TO TRANSMIT RECORD

1. At the top of the "Praecipe to Transmit Record", write the Plaintiff's name on the line above the word "Plaintiff" and the Defendant's name on the line above the word "Defendant". (Just as they appear on the Complaint.) Write your case number on the blank line after "No.".

2. For Paragraphs 1, 3 and 5, follow the specific directions outlined in Step 5.

3. In Paragraph 2, write the date the Complaint was served and the manner of service, that is, whether it was served with an acceptance of service, by mail or by personal service.

4. In Paragraph 4, write "none" on the blank line.

5. Write the date at the bottom, next to the word "Date" and sign the form on the line above the words "Signature of ___Plaintiff ___Defendant". Then put a check mark in the appropriate space to identify whether you are the Plaintiff or the Defendant.

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO. _____

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a divorce decree.

1. Grounds for divorce: irretrievable breakdown under:
   _____ Section 3301(c)(1)
   _____ Section 3301(d)

2. Service of the Complaint:
   (a) Date served: _____.
   (b) Manner of service: _____.

3. Complete either (a) or (b):
   (a) Section 3301(c)(1) of the Divorce Code – Insert the date each party signed the Affidavit of Consent:
      Plaintiff: _____
      Defendant: _____
   (b) Section 3301(d) of the Divorce Code:
      (1) Date the Affidavit Under Section 3301(d) was signed: _____.
      (2) Date the Affidavit Under Section 3301(d) was filed: _____.
      Manner of service: _____.

4. Related ancillary claims pending: _____.

5. Complete either (a) or (b):
   (a) Notice of Intention to File the Praecipe to Transmit Record:
      (1) Date served: _____.
      (2) Manner of Service: _____.
   (b) Date of filing of the Waivers of Notice of Intention to File the Praecipe to Transmit Record:
      (1) Plaintiff's Waiver: _____.
      (2) Defendant's Waiver: _____.

Date: _____ _____

Signature of ___Plaintiff ___Defendant

INSTRUCTIONS FOR DECREE OF DIVORCE

1. At the top of the "Decree of Divorce", write the Plaintiff's name on the line above the word "Plaintiff" and the Defendant's name on the line above the word "Defendant". (Just as they appear on the Complaint.) Write your case number on the blank line after "No.".

2. Do NOT fill out any other information on this form; the Court will fill out the rest.

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

	:	NO.
Plaintiff	:	
	:	
	:	CIVIL ACTION - LAW
vs.	:	IN DIVORCE
	:	
	:	
Defendant	:	

Decree of Divorce

AND NOW, this_____ day of_____20_____, it is ordered and decreed that _____, plaintiff, and _____, the defendant, are divorced from the bonds of matrimony.

The parties shall reaffirm or change the beneficiary status on any life insurance policies, annuity contracts, pensions, profit sharing plans, or other contractual arrangements providing for payment to a spouse if it the intention of one of the parties to keep or change the other party as a beneficiary, Failure to do so may result in revocation of the beneficiary designation pursuant to 20 Pa.C.S. § 6111.2 (Effect of Divorce or Pending Divorce on Designation of Beneficiaries).

BY THE COURT:

_____

OPTIONAL FORM

NOTICE OF INTENTION TO RESUME PRIOR SURNAME
INTRODUCTION

In 54 Pa.C.S. § 704, the law provides:

(a) General rule.--Any person who is a party in a divorce action may, at any time prior to or subsequent to the entry of the divorce decree, resume any prior surname used by him or her by filing a written notice to such effect in the office of the prothonotary of the county in which the divorce action was filed or the decree of divorce was entered, showing the caption and docket number of the proceeding in divorce.

INSTRUCTIONS FOR FORM

1. At the top of the "Notice of Intention", write the Plaintiff's name on the line above the word "Plaintiff" and the Defendant's name on the line above the word "Defendant". (Just as they appear on the Complaint.) Write your case number on the blank line after "No.".

2. On the blank line after the words "Notice is hereby given that I", write your name.

3. On the next blank line, after the word "the", write the word "Plaintiff" or "Defendant", depending on which party you are in the divorce action.

4. Depending on the timing of your Notice, that is, whether you are changing to a prior surname **before** the decree is entered or **after** the decree is entered, put a check mark in front of the appropriate statement and write the corresponding date. That is, if you are filing the notice before the decree is entered, choose the first option and write the date the Complaint was filed; if you are filing the notice after the decree is entered, choose the second option and write the date the decree in divorce was granted.

5. Write the surname you intend to resume on the blank line after the words "hereby elect to resume the prior surname of".

6. Write the date at the bottom, next to the word "Date" and sign the form twice on the lines provided, once using your current surname and again using your resumed surname, as marked.

7. Make one copy of the Notice. Take the original and the copy to the Prothonotary's office.

8. The Prothonotary will file-stamp both, keeping the original and returning the copy to you for your records. You may now begin using the prior surname given in the Notice.

_____,	:	IN THE COURT OF COMMON PLEAS OF
Plaintiff	:	LYCOMING COUNTY, PENNSYLVANIA
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____,	:	
Defendant	:	NO. _____

NOTICE OF INTENTION TO RESUME PRIOR SURNAME
PURSUANT TO TITLE 54 Pa.C.S. Section 704

Notice is hereby given that I, _____, the _____ in the above-captioned case in which a

_____ Complaint in Divorce was filed on _____ or
_____ Decree in Divorce was granted on _____,

hereby elect to resume the prior surname of _____.

Date: _____

_____
Signature using your current name

_____
Signature using name being resumed