

PRO SE DIVORCE

These forms, information and instructions have been developed so you will not need a lawyer to file for a no fault consensual divorce. You may file legal papers and appear in court by yourself. This system is called “pro se.”

These materials can only be used to file for a divorce if your spouse will consent to the divorce. In addition, marital property and alimony must not be issues. If you have any questions about these issues, you should contact an attorney before filing a pro se divorce because if these matters are not handled through the divorce, you will lose all rights to them. In addition, you must have lived in Pennsylvania for at least six (6) months, your spouse must not be in the military and you must both be at least eighteen (18) years old.

Anyone thinking about using these forms should read all information sheets, definition sheets and instruction sheets completely. If you are unsure about any of the instructions, you should contact an attorney.

SIMPLE DEFINITIONS OF TERMS USED IN A DIVORCE

"Plaintiff" -- the person who starts a lawsuit.

"Defendant" -- the person who is being sued.

"party" -- a person named in a Complaint (the Plaintiff or Defendant).

"No-Fault Divorce" -- a divorce in which one spouse does not have to prove that the other spouse did something wrong.

"No-Fault Consent Divorce" -- a divorce where both parties agree to a divorce.

"irretrievably broken" -- the term which means that the marriage has little or no chance of reconciliation.

"spousal support" -- support received by a spouse prior to the filing of a divorce.

"alimony pendente lite"-- support which either party can ask the court to order after the divorce is filed. Alimony pendente lite ends when the divorce decree is entered.

"alimony" -- support which either party can ask the court to order which is paid after a divorce decree is entered. The court may order alimony if the party seeking alimony cannot support himself or herself, or if that party does not have enough money or property to provide for his/her reasonable needs.

"marital property" -- generally, all property that is acquired during the marriage no matter whose "name it is in."

"counseling" -- a court can order sessions with a marriage counselor if either party requests it.

"attorney's fees" -- charges by an attorney for handling a case.

"Docket Number" -- the number assigned to the original Complaint. This number must be used on any document either party files with the court which relates to the divorce.

"file" -- presenting your Complaint and other necessary forms to the Prothonotary to be date-stamped. The Prothonotary will keep the original of all forms and return all other copies to you.

EXPLANATION OF FORMS IN A DIVORCE ACTION

"Divorce Complaint" -- a legal document which sets out specific information about the Plaintiff, Defendant and the marriage. It also asks the court to grant a divorce. Your Complaint will be assigned a "docket number." This number must be used on any document either party files with the court which relates to the divorce.

"Notice to Defend and Claim Rights" -- a form that tells the Defendant that he/she is being sued for divorce and may lose rights if they do not respond to the Complaint. It also advises the Defendant of the right to request counseling.

"Petition to Proceed In Forma Pauperis" (IFP) -- a form which lists information of your income, assets and expenses. This form is completed so the court can determine if you will have to pay the filing fee or any other court expenses which may be part of a divorce.

"Order" (IFP) -- an Order signed by the court which states that you do not have to pay any court costs in the divorce.

"Affidavit of Service" -- a form which must be filed with the court indicating the Plaintiff has made sure the Defendant was served with the Complaint and Notice to Defend and Claim Rights in the proper manner.

"Affidavit of Consent" -- a document which must be signed and filed with the court no earlier than 90 days after a Complaint is SERVED. The affidavit states that the marriage is irretrievably broken and the party signing the affidavit wants a divorce. **BOTH PARTIES MUST SIGN AND FILE AN AFFIDAVIT OF CONSENT.**

"Waiver of Notice of Intention to Request Entry of Divorce Decree"--forms SIGNED BY BOTH PARTIES waiving notice of a request for entry of the divorce decree.

"Praecipe to Transmit" -- a form that asks the Prothonotary to send all the proper papers to the Judge for entry of a divorce decree.

"Decree" -- an Order from the court granting the divorce.

NOTE: If you OR your spouse, OR both you and your spouse are under the age of 18, there are forms other than those included in this packet which must be used. MidPenn Legal Services does have the necessary forms and instructions available for your use.

GENERAL INFORMATION FOR DIVORCE

In 1980, the Pennsylvania divorce law changed to allow a married couple to get a divorce with little trouble or expense. The law also allows for alimony and a fair division of marital property.

The law now provides for No-Fault Divorces. Couples can now get a divorce without having to prove that their spouse did something wrong. You need only show that the marriage is "irretrievably broken"--which means that there are problems in the marriage and it is not likely that the couple will get back together. In some cases, both parties must sign a written consent to the divorce.

The types of divorces in Pennsylvania are as follows:

1. No-Fault Consent Divorce -- A divorce which requires the consent of both husband and wife.
2. Irretrievable breakdown -- You can get a divorce without your spouse consenting if you have lived separate and apart for 2 years or more.
3. Fault -- With this type of divorce, you need to prove that your spouse did something wrong. Grounds for a fault divorce are: desertion for a year or more; bigamy; adultery; imprisonment for 2 years or more upon conviction of any crime; indignities (continuing conduct by the Defendant that makes Plaintiff's life unbearable); and, endangering the life or health of the Plaintiff.
4. Institutionalization – You can get this type of divorce if your spouse is insane or has a serious mental disorder and has been confined to a mental institution for at least 18 months before you filed for this type of divorce and is expected to remain in the institution for at least 18 months after you file for divorce.

MidPenn Legal Services is providing only information and forms required for the No-Fault Consent divorce. NOT INCLUDED WITH THESE FORMS ARE THE DOCUMENTS NECESSARY TO FILE FOR CUSTODY, ALIMONY PENDENTE LITE, ALIMONY AND/OR EQUITABLE DISTRIBUTION OF MARITAL PROPERTY. If you wish to file for custody, alimony pendente lite, alimony and/or equitable distribution of marital property, you will be unable to do so using the information provided by MidPenn Legal Services. The following paragraphs discuss Alimony and Equitable Distribution.

A No-Fault Consent Divorce allows a spouse to ask for alimony if the spouse cannot support himself or herself or does not have enough money or property to provide for his or her reasonable needs. Alimony is usually ordered for a limited time -- long enough for the person asking for alimony to get a suitable job or develop a suitable job skill. Alimony can be ordered for a longer period of time if a person cannot work or develop a skill because of age, disability, or the need to care for children. A person asking for alimony must request it as part of a divorce action before the court grants the divorce. **IF YOU DO NOT, YOU CAN NEVER COME BACK AGAIN AND ASK THE COURT TO ORDER ALIMONY.**

A No-Fault Consent Divorce also allows either spouse to ask the court for an equitable distribution of marital property (see the Definition of Terms page in these instructions). The court will consider the length of the marriage, the ages, health, needs and sources of income of each party, and several other factors when deciding how to distribute marital property. A person asking for the marital property to be distributed must request it as part of a divorce action before the court grants the divorce. **IF YOU DO NOT, YOU CAN NEVER COME BACK AGAIN AND ASK THE COURT TO ORDER AN EQUITABLE DISTRIBUTION OF MARITAL PROPERTY.** If neither party asks the court to distribute marital property, both parties will be able to use or dispose of their separate property, even if it was obtained during the marriage, once a divorce decree is entered.

Either party in a divorce has a right to request marriage counseling. The Prothonotary will provide a list of marriage counselors upon request. Counseling will not generally delay or prevent the divorce.

Either party in a divorce action has the right to request that a child custody Order be entered in regard to children born to the parties. These forms will not help you file for custody.

Again, the information and forms that MidPenn Legal Services is providing is only for a No-Fault Consent Divorce when neither party will request custody, alimony pendente lite, alimony or an equitable distribution of marital property. If custody, marital property or alimony will be an issue in the divorce, MidPenn Legal Services suggests that you consult a private attorney. The information and forms are not for you if any of the following pertain to you:

1. If you have not been a resident of Pennsylvania for at least six (6) months;
2. If you want to request any kind of alimony;
3. If you have marital property that needs to be divided because you and your spouse cannot agree on how to divide it;
4. If you wish to request attorney's fees or court costs;
5. If your spouse is in the military service;
6. If you wish to pursue custody as part of the divorce. (However, a separate action for custody can be filed before or after a divorce action.)

TIMETABLE AND LIST OF FORMS

1. Complaint, Notice to Defend And Claim Rights, IFP Petition and IFP Order should all be taken to the Prothonotary together for filing (this will start the divorce action). The address of the Prothonotary is listed on the Notice to Defend And Claim Rights.
2. Affidavit of Service: to be filed when service has been made.
3. Forms to be filed together:
 - Praecipe to Transmit
 - Decree
 - Affidavit of Consent: each spouse must sign an Affidavit of Consent no earlier than 90 days after the Complaint is SERVED on the Defendant. Both Affidavits must be filed within 30 days after they are signed by the spouses.
 - Waivers of Notice of Intention to Request Divorce Decree-each spouse must sign a Waiver no earlier than 90-days after the Divorce Complaint is served.

MidPenn Legal Services recommends that you file all the above forms together, keeping in mind the time limitations for the Affidavits of Consent, as a way to insure that all the necessary forms are filed. **However, if for some reason you are unable to file all of the above documents together, be sure you file the Affidavits of Consent within the time limitations noted above.**

INSTRUCTIONS

AND

FORMS

I. INSTRUCTIONS FOR COMPLETING A DIVORCE COMPLAINT AND A NOTICE TO DEFEND AND CLAIM RIGHTS

A. Filling out the Caption

The caption is the top part of page one of the Complaint and on each legal document you will need to file in the divorce. The names of the parties, the docket number, the type of Complaint and the court's name are found here.

The Plaintiff is you since you are filing this action. Type or print your full, legal name, including middle initial, above the word "Plaintiff" in the caption of the Complaint and the Notice to Defend and Claim Rights.

The Defendant is your spouse (husband or wife). Fill in the Defendant's full, legal name, including middle initial, above the word "Defendant" in the Complaint and Notice to Defend and Claim Rights.

Fill in the current year.

YOU MUST COMPLETE THE CAPTION ON EVERY FORM YOU FILE. THE DOCKET NUMBER WILL BE PROVIDED TO YOU BY THE PROTHONOTARY WHEN YOU FILE THE COMPLAINT AND MUST BE IN EVERY CAPTION.

B. The following instructions correspond to each numbered paragraph in the Divorce Complaint.

1. Fill in your full, legal name including the middle initial, your full mailing address (street, number, route, box number, town, county, state and zip code), and the month and year you began living at this address.

2. Fill in the Defendant's full, legal name including the middle initial, the Defendant's full mailing address (street, number, route, box number, town, county, state and zip code), and the month and year your spouse began living at this address.

3. There is nothing to complete in this paragraph. It is a statement indicating that you have resided in Pennsylvania for at least six months before filing the divorce Complaint.

4. Fill in the complete date of your marriage (month, date and year) and the city, county and state in which you were married.

5. If there has never been another divorce filed during this marriage, write the word "none." If there was an action filed in the past, write the docket number, the county in which the divorce Complaint was filed, who filed the action and what happened with the action (withdrawn, dismissed, etc.).

Sign the Complaint using your full, legal name and put in the date.

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	CIVIL ACTION
v.	:	NO. _____ OF 20__
_____	:	
Defendant	:	IN DIVORCE

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims 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 on the first floor of the Huntingdon County Courthouse, Huntingdon, Huntingdon County, PA.

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

The Court of Common Pleas of Huntingdon 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 Court Administrator. All arrangements must be made at least 72 hours prior to any hearing or business before the Court.

Court Administrator
Second Floor
Huntingdon County Courthouse
Huntingdon, PA 16652
814/643-5078

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	CIVIL ACTION
v.	:	NO. _____ OF 20__
_____	:	
Defendant	:	IN DIVORCE

COMPLAINT UNDER SECTION 3301(c) OF THE DIVORCE CODE

1. Plaintiff is _____, who currently resides at _____, _____ County, Pennsylvania, since _____.

2. Defendant is _____, who currently resides at _____, _____ County, Pennsylvania since _____.

3. Plaintiff has been a bona fide resident in the Commonwealth for at least six months immediately previous to the filing of this Complaint.

4. The Plaintiff and Defendant were married on _____, at _____.

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

6. This 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 the court to enter a decree of divorce.

I verify that the statements made in this 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 falsifications to authorities.

Date: _____

Plaintiff,
Pro Se

II. INSTRUCTIONS FOR COMPLETING AN IFP AND ORDER

To file any lawsuit you must pay a filing fee. However, it may be possible to have the filing fee waived if you can prove to the court that you cannot afford to pay the fee.

To do this, you must file a Petition to Proceed In Forma Pauperis ("IFP"). An IFP is simply a detailed list of your income and expenses. You must complete the IFP and file it along with your divorce Complaint at the Prothonotary's office. The following are step-by-step instructions on how to fill out the IFP.

As in your Complaint and Notice to Defend and Claim Rights, complete the caption with the parties' legal names, and the year. Remember, the Prothonotary will assign your case a number when you file the IFP along with the Complaint.

First Line - Fill in your name.

1. You are stating that you are the Plaintiff and cannot afford to pay the costs in this divorce action.
2. You are stating that you are unable to borrow money to pay the costs in this divorce action.
- 3(a). Fill in your name and address.
- 3(b). If you are currently employed, print your employer's name and address, your monthly salary, and the type of work you do. If you are not currently employed, fill in the date of your last employment (if none, write "none"), your wages at your last job and the type of work you did.
- 3(c). List any other income you received within the last twelve (12) months. If any of the entries apply to you, fill in your average monthly income from that source. If an entry does not apply, simply write "none."
- 3(d). List any income which is received by other people in your household that helps to support the household. If someone is not a member of your household, do not list their income here. For example, if you are suing your husband for divorce, do not list him or his income here. Simply write "not applicable" and go on to the questions about household contributions from your children, parents or others who live with you. If none of these apply, simply write "none."
- 3(e). List any property you own. If you do not have any of the types of property listed, simply write "none."
- 3(f). Fill in an average monthly figure where applicable and write "none" to a type of debt which does not apply to you.

[Note: The "other" category is quite broad. Use this category to list your average monthly electric, gas, oil, telephone and cable TV bills. You should also list miscellaneous expenses such as hospital bills, laundry, haircuts and food here. Make sure you list every expense and identify it.]

- 3(g). List the people who depend on you for support. Once again, if you are suing your husband for divorce, for example, you would not list his name here. Simply write "not applicable." If you have children, list their full names and ages. Also, list any other people dependent upon you for support and their relationship to you.
- (4). This statement means that you understand you must report any improvement in your financial situation to the court.
- (5). This statement means that you are providing accurate information and that you understand certain penalties can be imposed if you make false statements.

When you have completed the Petition to Proceed IFP, sign and date it where indicated.

The last page of the IFP is called the Order. You will only need to fill out the caption portion of this sheet. Print or type the full legal name of each party above "Plaintiff" and "Defendant." Be sure to write in the current year.

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	CIVIL ACTION
v.	:	
_____	:	NO. _____ OF 20__
	:	
Defendant	:	IN DIVORCE
	:	

PETITION TO PROCEED IN FORMA PAUPERIS

TO THE HONORABLE JUDGES OF SAID COURT:

The Petition of _____ respectfully
represents:

1. I am the Plaintiff in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.

2. I am unable to obtain funds from anyone, including my family and associates, to pay the cost of litigation.

3. I represent that the information below relating to my ability to pay the fees and cost is true and correct:

(a) Name:

Address:

(b) Employment: - If you are presently employed, state

Employer:

Address:

Salary or wages per month:

Type of work:

--If you are presently unemployed, state

Date of last employment:

Salary or wages per month:

Type of work:

(c) Other income within the past twelve months

Business or profession:

Other self-employment:

Interest:

Dividends:

Pension and annuities:

Social Security benefits:

Support payments:

Disability payments:

Worker's Compensation:

Public Assistance:

Other:

(d) Other contributions to household support

Spouse's name:

If your spouse is employed, state

Employer:

Salary or wages per month:

Type of work:

Contributions from children:

Contributions from parents:

Other contributions:

(e) Property owned

Cash:

Checking account:

Savings account:

Certificates of deposit:

Real estate (including home):

Motor Vehicle: Make: ; Year:

Cost: \$; Amount owed:

Stocks; bonds:

Other:

(f) Debts and obligations

Rent or Mortgage:

Loans:

Other:

(g) Persons dependent on you for support

Spouse's name:

Child(ren), if any:

Name(s) and age(s):

Other persons: Name:

Relationship:

4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

5. I verify that the statements made in this Petition 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.

Date: _____

Plaintiff
Pro Se

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	CIVIL ACTION
v.	:	NO. _____ OF 20__
_____	:	
Defendant	:	IN DIVORCE

O R D E R

AND NOW, this _____ day of _____, 20__ , upon consideration of the Petition of Plaintiff to Proceed In Forma Pauperis, it is hereby ORDERED AND DECREED that the Plaintiff, _____ may file the _____ in forma pauperis and proceed to the termination of proceedings without payment of filing fees or costs.

P.J.

III. INSTRUCTIONS FOR FILING THE COMPLAINT AND IFP

You will need to file the Notice to Defend and Claim Rights, Complaint, IFP and IFP Order in one of the following counties:

1. the county you live in;
2. the county your spouse lives in;
3. the county you and your spouse agree upon in writing (you need to attach a statement which reads: "The Plaintiff, your name, and the Defendant, your spouse's name, agree that this Divorce action should be filed in name of county." Both you and your spouse must sign and date the statement.)

Take the original and two copies of the Notice to Defend and Claim Rights and the Complaint in Divorce and the original and one copy of the IFP and IFP Order to the Court Administrator's office located on the second floor of the Courthouse. A staff person from the Court Administrator's office will take the IFP and IFP Order to the Judge for approval. If the Judge is not available to review your IFP on that day, you may have to call that office the next day at (814) 643-5078 to see if the Judge has signed the IFP Order.

You will then be ready to file your papers. Take all copies of the Complaint and Notice to Defend and Claim Rights (a total of 3) and both copies of the IFP and IFP Order to the Prothonotary's office where you are filing. The Prothonotary will put a docket number on each Notice to Defend and Claim Rights and Complaint and will keep one for filing. The Prothonotary will also date-stamp all the documents and will retain 1 copy of the IFP and IFP Order and will return 2 copies of the Complaint and Notice to Defend and Claim Rights to you. Be sure the docket number is on each copy of the Notice to Defend and Claim Rights, Complaint, IFP, and IFP Order.

You must serve one copy of the Notice to Defend and Claim Rights and the Complaint on the Defendant (see Instructions for Service). The other copy will be for your records.

IV. INSTRUCTIONS FOR SERVING THE DIVORCE COMPLAINT

"Service" means that the Defendant received the Notice to Defend and Claim Rights and the Divorce Complaint. Service must be made within 30 days of the filing of the Complaint. Service can be made in a number of ways. We recommend either of the following methods:

1. Personal service -- this is accomplished by an adult, other than you, personally handing the Notice to Defend and Claim Rights and the Complaint to the Defendant. The person who handed the papers to the Defendant must sign an Affidavit of Service which is included in the forms.

2. Service by Certified Mail -- this can be accomplished by sending a copy of the Notice to Defend and Claim Rights and the Complaint to the Defendant by certified mail, return receipt requested, restricted delivery. After filing your Divorce Complaint and the Notice to Defend, prepare an envelope with your spouse's name and address, using your own address as the return address. Then print the words "Restricted Delivery" on the lower left hand corner of the envelope. It is best to do this with red ink. Take the envelope to the Post Office and tell them you want to send it "certified mail, return receipt requested, restricted delivery." Someone at the post office will help you complete the cards properly but here are the instructions: Fill in the Defendant's name and address on the back side of the green card. There are boxes on this side for you to check the type of delivery you want. Check the box that indicates that you want a return receipt and the one that indicates that the item should be delivered only to the person named on the envelope. Fill in your name and address on the reverse side so the green card will be returned to you after your spouse has signed for the envelope.

There will also be a green and white paper slip that is numbered which you need to complete. Fill in your spouse's name and address. There is a list of blanks indicating fees for the mailing. Someone at the post office will help you complete this part if you are not sure which costs apply. The reverse side of the green part of this slip will have adhesive on it. Wet it and attach it to the top of the envelope allowing room for the postage. The number from this slip of paper will be filled in on the green card where indicated. **MAKE SURE YOU KEEP THE RECEIPT FROM THIS SLIP.** The cost of certified mail, return receipt, restricted delivery is approximately \$10.00.

WHEN YOUR GREEN CARD IS RETURNED TO YOU, YOU MUST ATTACH BOTH THE GREEN CARD AND THE WHITE SLIP TO A PIECE OF PAPER. THEN ATTACH THE PIECE OF PAPER TO THE COMPLETED AFFIDAVIT OF SERVICE AND FILE IT WITH THE COURT. (see the instructions on completing the Affidavit of Service).

If the green card is not returned to you within one month, contact the post office where you mailed the envelope from. If your spouse does not sign for the envelope you should proceed with personal service as described **above**.

V. INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF SERVICE

After serving the Notice to Defend and Claim Rights and the Complaint according to the instructions, you will need to complete and file the Affidavit of Service.

First Blank -- Print or type your name if your spouse was served by certified mail.

Print or type the name of the person who handed the Notice to Defend and Claim Rights and the Complaint to your spouse if your spouse was served personally.

Second Blank -- Fill in the date on which service was made (either the date your spouse signed the green card or was handed the Notice to Defend and Claim Rights and the Complaint).

If you served the Defendant by certified mail, check the first paragraph and fill in the date your spouse signed the green card. Then sign and date the Affidavit of Service. Be sure to put the "docket number" on the caption and write the same year that is on the Complaint. Staple the green card and receipt to a piece of plain paper and attach it to the Affidavit of Service. Take the Affidavit with attached paper to the Prothonotary's office for filing.

If the Defendant was personally served, check the second paragraph and fill in the location where the Defendant was served, and the date and time of service. The person who made personal service must sign and date the Affidavit of Service. Take the Affidavit to the Prothonotary's office and file it.

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	CIVIL ACTION
v.	:	NO. _____ OF 20__
_____	:	
Defendant	:	IN DIVORCE

AFFIDAVIT OF SERVICE

I, _____, hereby verify that on _____ day of _____, 20__, I served the Defendant with a true and correct copy of the Divorce Complaint by one of the following methods:

(CHECK ONE)

() Service was made by United States Postal Service, first class mail, postage prepaid, certified, restricted delivery, return receipt requested to the Defendant, on the _____ day of _____, 20__. The return receipt signed by the Defendant is attached hereto.

() The Defendant was personally served with a true and correct copy of the above pleading by hand-delivering the same to the Defendant. Personal service was made at the following location and time: _____ on the _____ day of _____, 20__, at _____ o'clock.

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.

Date: _____

Signature of the Person who
Made Service

VI. INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF CONSENT

There are two Affidavits of Consent included in this packet, one for you and one for the Defendant. THE AFFIDAVITS OF CONSENT CANNOT BE SIGNED UNTIL 90 DAYS HAVE PASSED FROM THE DAY YOU SERVED THE COMPLAINT.

1. Make sure you complete the caption of each Affidavit of Consent.
2. Paragraph 1 -- print or type the date on which the Complaint was filed on both Affidavits (the date the Prothonotary stamped on your copy of the Complaint).
3. Date and sign the form for Plaintiff with your full, legal name, including middle initial.
4. The second Affidavit of Consent must be dated and signed by your spouse. Mail your spouse a copy of the Affidavit or contact him or her personally.
5. **YOU AND YOUR SPOUSE MUST FILE YOUR AFFIDAVITS OF CONSENT WITHIN 30 DAYS AFTER THEY HAVE BEEN SIGNED.** For example, you cannot sign your form one day and file it 45 days later.

File both Affidavits of Consent with the Prothonotary within 30 days after they are signed and dated. Remember, both Affidavits should be filed along with both Waivers of Intention to Request Entry of a Divorce Decree, Praecipe to Transmit and Decree.

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	CIVIL ACTION
v.	:	
_____	:	NO. _____ OF 20__
	:	
Defendant	:	IN DIVORCE
	:	

AFFIDAVIT OF CONSENT

1. A complaint in divorce under §3301(c) of the Divorce Code was filed on _____.
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 Notice of Intention to Request Entry of the Decree.

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.

Date: _____

Plaintiff
Pro se

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	CIVIL ACTION
v.	:	
_____	:	NO. _____ OF 20__
	:	
Defendant	:	IN DIVORCE

AFFIDAVIT OF CONSENT

1. A complaint in divorce under §3301(c) of the Divorce Code was filed on_____.
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 Notice of Intention to Request Entry of the Decree.

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.

Date:_____ Defendant _____

VII. INSTRUCTIONS FOR COMPLETING THE WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE DECREE

When you file your consent forms, you must also file two "Waivers of Notice of Intention to Request Entry of a Divorce Decree." One must be signed by you, and the other must be signed by your spouse. You will find the two "Waivers of Notice of Intention to Request Entry of Divorce Decree" on the next two pages.

1. Make sure you complete the caption on each "Waiver."
2. Date and sign the form for Plaintiff with your full, legal name, including middle initial.
3. The second "Waiver" must be dated and signed by your spouse. Mail your spouse a copy of the "Waiver" or contact him or her personally.

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	CIVIL ACTION
v.	:	
_____	:	NO. _____ OF 20__
	:	
Defendant	:	IN DIVORCE
	:	

WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A
DIVORCE DECREE UNDER 3301(c) OF THE DIVORCE CODE

1. I consent to the entry of a final decree of divorce without notice.
2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses 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 with the Prothonotary.

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.

Date: _____

Plaintiff, Pro Se

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

Plaintiff
v.

Defendant

:
:
: CIVIL ACTION
:
: NO. _____ OF 20__
:
: IN DIVORCE
:

WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A
DIVORCE DECREE UNDER 3301(c) OF THE DIVORCE CODE

1. I consent to the entry of a final decree of divorce without notice.
2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses 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 with the prothonotary.

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.

Date: _____

Defendant

VIII. INSTRUCTIONS FOR COMPLETING THE PRAECIPE TO TRANSMIT

Again, make sure you complete the caption.

Paragraph 2 -- Print or type "Service by Certified Mail, Restricted Delivery, Return Receipt Requested on" then, insert the date your spouse signed the green card (this date will also be on the Affidavit of Service).

If the Complaint was served personally, fill in the date, the location of service and the name of the person who served the Complaint.

Paragraph 3 -- Print or type the date you signed the Affidavit of Consent in the first blank and the date your spouse signed the Affidavit of Consent in the second blank.

Paragraph 4 -- Print or type the word "None."

Paragraph 5--Print or type the date on which you filed the Waiver of Notice of Intention for yourself. Print or type the date on which you filed the Waiver of Notice of Intention signed by your spouse.

Then date and sign your full, legal name.

After you complete the Praecipe to Transmit, file it at the Prothonotary's office along with both Affidavits of Consent, both Waivers of Notice of Intention to Request Entry of Divorce Decree and the Decree.

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	CIVIL ACTION
v.	:	
_____	:	NO. _____ OF 20__
	:	
Defendant	:	IN DIVORCE
	:	

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. Ground for divorce: irretrievable breakdown under § 3301(c) of the Divorce Code.

2. Date and manner of service of Complaint:

_____.

3. Date of execution of the affidavit of consent required by § 3301(c) of the Divorce Code: by Plaintiff _____, by Defendant _____.

4. Related claims pending: _____.

5. Date Plaintiff's Waiver of Notice in §3301(c) Divorce was filed with the prothonotary: _____.

Date Defendant's Waiver of Notice in §3301(c) Divorce was filed with the prothonotary: _____.

Date: _____

Plaintiff, Pro Se

IX. INSTRUCTIONS FOR COMPLETING THE DIVORCE DECREE

Complete the caption as on all forms, including the docket number and year.

Do not fill in any dates in the first line.

Print or type your full, legal name in the blank on the second line and the full, legal name of your spouse in the blank on the third line.

Take the Divorce Decree to the Prothonotary's office along with the Praeipie to Transmit Record, both Affidavits of Consent and both Waivers of Notice of Intention to Request Divorce Decree.

The Prothonotary will make sure all the necessary papers are in the file and will send all the information to the Judge so he/she can sign the Divorce Decree.

You will receive your Divorce Decree within a few weeks.

After you have received your Divorce Decree, you may resume your maiden name. To do this you must go to the Prothonotary's office and file a statement indicating that you intend to resume your maiden name. The cost is approximately \$5.00 to \$10.00, depending on the county in which you live.

IN THE COURT OF COMMON PLEAS OF HUNTINGDON COUNTY, PENNSYLVANIA

_____	:	
Plaintiff	:	CIVIL ACTION
v.	:	
_____	:	NO. _____ OF 20__
	:	
Defendant	:	IN DIVORCE
	:	
	:	

DECREE

AND NOW, _____, 20____, it is ordered and decreed that _____, Plaintiff, and _____, Defendant, are divorced from the bonds of matrimony.

The court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered.

BY THE COURT,

P.J.