Filing Fee: \$161.75 Cash or Money Order



PROTHONOTARY / CLERK OF COURTS

(COURT OF COMMON PLEAS OF MIFFLIN COUNTY)
20 NORTH WAYNE STREET

LEWISTOWN, PA 17044 Phone (717) 248-8146 FAX (717) 248-5275 Hours: 8:00am – 4:00pm Monday - Friday

Mifflin County Pro Se Divorce Packet

These forms 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 <u>only</u> 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 months, your spouse must not be in the military, and you must both be at least eighteen (18) years old.

DISCLAIMER BY THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PA

The court staff will not be able to give you legal advice or help you fill out/complete the forms. The information in the packets is not a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, you may call Mid Penn Legal Services at (717)248-3099 or (814)238-4958 or Pennsylvania Lawful Referral listing at (800)692-7375 or log onto palawhelp.org

INFORMATION ON THE PACKET

The information and forms provided are <u>ONLY</u> for a No-Fault Consent Divorce when neither party will request alimony pendente lite, alimony or an equitable distribution of marital property. If marital property or alimony will be an issue in the divorce, you should consult a private attorney. The information and forms are not for you if <u>any</u> of the following pertain to you:

- 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; and
- 5. If your spouse is in the military service.

FEES AND IN FORMA PAPERIS INFORMATION

To file this Divorce complaint it will cost \$161.75 (cash or money order). However, it may be possible to have this filing fee reduced if you can prove to the court that you cannot afford to pay the \$161.75.

To do this, you must file a Petition to Proceed In Forma Pauperis ("IFP"). An IFP simply is 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. Fill out the information to the best of your ability and don't forget to sign and date the bottom.

FILING AND SERVICE INFORMATION

You will need to file the Notice to Defend and Claim Rights, Complaint for Divorce, Certificate of Compliance, Entry of Appearance as a Self-Represented Party, Affidavit of Non-Military Service and IFP (if needed) to start the proceeding.

The Prothonotary will keep the original for filing and return two datestamped copies of the paperwork to you, be sure the docket number is on each copy you receive. You must serve one copy on the Defendant (see Instructions for Service) and the other copy will be for your records.

If everything is done CORRECTLY it will take at least 90 days until you get your decree!

	···	
Plaintiff	-	
v.	: CP-44-CV20	
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 Mifflin County Courthouse, Lewistown, Mifflin 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.

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.

Mid Penn Legal Services
3 W. Monument Square, Ste 303
Lewistown, PA 17044
(717) 248-3099

		_ :			
_	Plaintiff	:			
	VS	:	CP-44-CV	7	20
		:			
-	Defendant	:	IN DIVO	RCE	
	-		OR DIVORCE (c) OF THE DIVORCH	E	
			` '		
1.	Plaintiff is(name)	who currently resides in	l,	(county)
			(state) (zip)	since	
	(street address)	(city)			
2.	Defendant is	me)	_, who currently resides	in,	(county)
	,	,		since	
	(street address)	(city)	(state) (zip)		
3.	() Plaintiff and/or () Do for at least six months prior			nt(s) in th	e Commonwea
4.	The Plaintiff and Defendant	were married on	(data)		٠
	at(Location – state/county)		(dai c)		·
5.	There have been no prior ac	tions of divorce or	annulment between the	parties e	xcept -
6.	This marriage is irretrievabl	y broken.			<u> </u>
7.	Plaintiff has been advised th	-	vailable and that Plaintif	f may ha	ve the right to
7.	request that the court require	e the parties to par	ticipate in counseling.	•	Ü
8.	Plaintiff requests the court to	o enter a decree of	divorce.		
tem sific	I verify that the statements rents herein are made subject cations to authorities.	nade in this Comp to the penalties of	plaint are true and correct 18 Pa. C.S. §4904, related	t. I under ting to un	rstand that false sworn
	Date	i 	Plaintiff's Signature		

CP-44-CV-	20
-	

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of *the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

Submitted by:	
	(print name of who filed document)
Signature:	
Name:	
	(print)

	;		
Plaintiff	:		
VS	:	CP-44-CV	20
	:		
Defendant			
ENTRY OF APPEARAI	NCE OF SELI ANT TO Pa.R.C.I		PARTY
Ι,	, () Plaintiff or	() Defendant, represent	myself in the
within action.	m 570 15		
REMOVAL OR WITHDRAWAL OF CO	OUNSEL OF REC	CORD (If Applicable)	
Remove		Esq., as my attorney of re	ecord.
Withdraw my appearance for			
		ID#	
Signature		Date	
I understand that I am under a continuing to other self-represented parties, and to at	obligation to protorneys of record.	vide current contact inform	nation to the court
All pleadings and legal papers can be service be my home address pursuant to Rule 193	yed on me at the a 80.8:	ddress listed below, whic	h may or may not
Print Name			
Signature		Phone Number	
Street Adress		Fax Number	
City, State, Zip		Date	

THE PARTY FILING THIS ENTRY OF APPEARANCE MUST PROVIDE NOTICE BY SENDING A COPY TO ALL PARTIES AND ATTORNEYS, INCLUDING THE ATTORNEY REMOVED FROM THE CASE.

	•		
D1-1-4:66			
Plaintiff	(%) 26		
	•	CD 44 CV	- 20
v.	iki	CP-44-CV	20
	323		
	1.	DIDUIGNOE	
Defendant	:	IN DIVORCE	
	OF NON-MILT JANT TO PA.R.C.	ΓARY SERVICE P. 1920.46.	
I,above-captioned matter; that I personally and that Defendant is not in the military so States or its allies or otherwise within the formally the Soldiers' and Sailors' Civil I I verify that the statements in this do information, and belief. I understand that 18 Pa.C.S. § 4904, relating to unsworn far	know that the Defe service or in any bra e provisions of the S Relief Act of Congr ocument are true and t false statements he	ench of the armed forces of dervicemember's Civil Regress of 1940, and the amendation of the best of my derein are made subject to the subjec	ighteen years, of the United lief Act, ndments thereto. knowledge,
Date		Plaintiff's signature	

Plaintiff			
VS	CP-44-CV	20	
Defendant			
PETITION TO PROCEEL) IN FORMA PAUPER	RIS	
I am the Plaintiff in the above matter and because	of my financial condition an	n unable to p	ay the fee
for filing this action.			
I am unable to obtain funds from anyone, includir	ng my family and associates,	to pay the co	sts of
litigation.			
I represent that the information below relating to	my ability to pay the fees and	l costs is true	and
correct:			
a.) My Name is:			
My Address is:Street/PO Box			ry'.
b.) Employment:	Town	State	Zip
If you are presently employed, state your:			
Employer:			
Employer's Address:			
Salary or wages: \$(mo	onthly)		e
If you are presently unemployed, state:	• /		
Date of last employment:	Salary or wages: \$		_(monthly)
Employer:			
c.) Please list any other income received within the	he past twelve months:		
Social security benefits: \$(mon	thly) Disability payments:	\$	(monthly)
Unemployment compensation and/or supplem			
Workers' Compensation: \$(mo	nthly) Public assistance: \$_		(monthly)
Other or Self-Employment \$			
d.) Other contributions to household:			
Wife/Husband Name:			<u></u>
If your wife/husband is employed, please state			
Employer:		\$	(monthly)

1.

2.

3.

(estimate): \$		_ Motor	Vehicle Make	
, Cost: \$_		, A1	nount Owed: \$	
Checking Acc	count: \$		_ Savings Account: _	
ons:				
	(monthly)	Rent:	\$	(monthly
	(monthly)	Other:		
				(mon
all of your regular m	onthly bills, phone	, utilities,	cable, insurance, etc.)	
upon you for sup	nort·			
	_			
Age:	Initials:		Age:	
Age:	Initials:		Age:	
Age:	Initials:		Age:	
		R	elationship:	
		Re	elationship:	
	checking Accons: all of your regular mupon you for suppne: Age:Age:Age:	Checking Account: \$	Checking Account: \$	(monthly) Rent: \$

Plaintiff	
VS	CP-44-CV20
Defendant	IN DIVORCE
	ORDER
AND NOW, this day of	, 20, upon consideration of the
within Petition to Proceed In Forma Pauperis,	it is hereby Ordered and Decreed that the Plaintiff,
may file the Divorce Complaint in forma paup	peris and proceed without payment of filing fees.
Date	Prothonotary

INSTRUCTIONS FOR SERVICE OF COMPLAINT FOR DIVORCE

After you have filed the complaint in the Prothonotary's office, you are required to serve all Defendants with a copy of this complaint.

There are several ways you can handle the serving of the court papers upon the Defendant. This packet will explain two of them.

1) Service by mail. This is probably the best way to serve your Complaint. You will need to mail the complaint by first class mail. The type of mailing you must use is called <u>certified mailing</u>, <u>restricted delivery</u>, <u>with a return receipt requested</u>. Your postal worker will be able to help you fill in the certified mailing papers correctly.

This type of mailing is used because the Defendant must sign for the documents before the postal worker will deliver it. This means that you can prove that the Defendant got the complaint because the post office will return a special green card to you that shows the date and time that the letter was given to the Defendant. It is very important you keep this green card because you must file it with the Prothonotary so the judge can see the Defendant was served. As soon as you receive the return receipt card back from the post office you will then complete a Certificate of Service and file it with the Prothonotary. Do not forget to staple the return receipt card to the Certificate of Service.

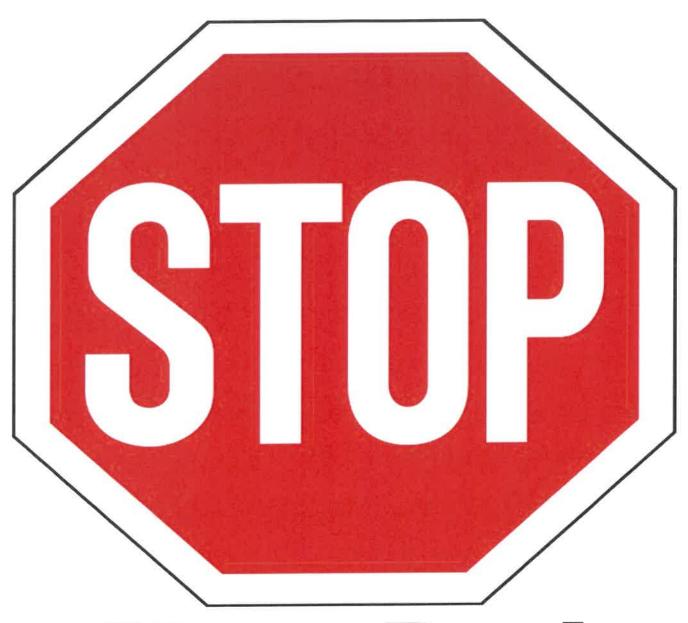
Personal Service. You can have any competent adult who is not a party in the case hand the complaint to the Defendant. An adult is someone eighteen years of age or older. A person is a competent adult if he or she can accurately remember the time and place that the court papers were handed to the Defendant and is capable of reporting that information to the judge. You, because you are a party in the case, may not be the one to hand the papers to the Defendant. You should not have another person hand the papers to the Defendant if there is any danger that the Defendant may harm them. It is generally best in all cases to have the Sheriff handle the service or do it by mail.

If you find it necessary to have another person hand the papers to the Defendant, then that person is the one who must sign the Certification of Service. Have the Certification signed as soon as possible after service is made and file it with the Prothonotary.

If the person serving the papers cannot find the Defendant, he or she may hand the papers to an adult family member of the Defendant living in the same home as the Defendant or who is in charge of the home. If the Defendant lives in a hotel, an apartment house, or a boarding house, the person serving the papers may hand them to the clerk or manager of the residence. The papers may also be handed to the person in charge where the Defendant works. In any case, the person serving the papers must get the name of the person to whom the papers are handed and put the name in the space provided on the Certificate of Service.

Properly serving complaint is very important. If this is not handled properly the court may delay the hearing in your case.

Plaintiff	
v.	CP-44-CV20
Defendant	IN DIVORCE
CERTIFICATE OF S	ERVICE FOR DIVORCE COMPLAINT
Ι,	, hereby certify that on theday of
, 20, I serve	d the Defendant with a true and correct copy of a complaint for
divorce by one of the following methods:	
	(CHECK ONE)
() Service was made by United States F	Postal Service, first class, postage prepaid, certified, restricted
delivery, return receipt requested to the Defe	endant, on the day of, 20 The
return receipt signed by the Defendant is atta	
delivering the same to the Defendant or by has set forth in Pa. R.C.P. §402. Personal serv	with a true and correct copy of the above pleading by hand- anding a copy at the residence or place of business of the Defendant vice was made at the following location and time: on the day
of, 20, at	o'clock. If service was made on an adult, other than the Defendant,
at the residence or place of business, the nar	ne of this adult is
	ificate of service are true and correct. I understand that false nalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to
Date	Signature of Person Who Made Service



Please Read

The following set of paperwork DOES NOT get SIGNED, DATED or FILED until 90 DAYS AFTER you make SERVICE on the other Party.

But also keep in mind they must be filed in a timely manner, you cannot wait any longer than 30 days after they are signed and dated to come file them.

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA **CIVIL ACTION** Plaintiff CP-44-CV- -20 v. IN DIVORCE Defendant 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's Signature

	: :
Plaintiff	· :
v.	: CP-44-CV20
Defendant	: : : IN DIVORCE
AFF	TIDAVIT OF CONSENT
1. A complaint in divorce under §3301(c)	of the Divorce Code was filed on
2. The marriage of Plaintiff and Defendar the date of filing and service of the Co	nt is irretrievably broken and ninety days have elapsed from omplaint.
3. I consent to the entry of a final decree of the Decree.	of divorce after service of Notice of Intention to Request Entry
I verify that the statements made in statements herein are made subject to the falsification to authorities.	n this affidavit are true and correct. I understand that false penalties of 18 Pa.C.S. Section 4904 relating to unsworn
Date	Defendant's Signature

CP-44-CV20 IN DIVORCE ION TO REQUEST ENTRY OF A 1(c) OF THE DIVORCE CODE without notice. imony, division of property, lawyer's fees or
IN DIVORCE ION TO REQUEST ENTRY OF A 1(c) OF THE DIVORCE CODE without notice. imony, division of property, lawyer's fees or
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1(c) OF THE DIVORCE CODE without notice. imony, division of property, lawyer's fees or
imony, division of property, lawyer's fees or
imony, division of property, lawyer's fees or
is granted.
vorce decree is entered by the Court and that a copy er it is filed with the Prothonotary.
t are true and correct. I understand that false 3 Pa.C.S. Section 4904 relating to unsworn
Plaintiff's Signature
1

		: :				
	Plaintiff	:				
	v.	: CP-44-CV	7	20		
	Defendant	: : IN DIVO	RCE			
	WAIVER OF NOTICE OF INT DIVORCE DECREE UNDE	TENTION TO REQUE R 3301(c) OF THE DIV	ST ENT	RY OF A 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	Defend	dant's Signat	ure		

:

	:					
Plaintiff	:					
v.	:	CP-44-CV	-20			
	; ;					
Defendant	:	IN DIVORCE				
	E TO TRANSM ion §3301(c) of the					
To the Prothonotary:						
Transmit the record, together with the f	ollowing informati	on, to the court for entry	of a divorce decree.			
1) Grounds for divorce: irretrievable b	reakdown under §3	301(c) of the divorce co	de.			
2) Date the Complaint was served:						
Complaint was served by ()Certif	ied Mail or () Ha	and Delivery.				
3) Date that the Affidavit of Consent required by §3301(c) of the divorce code was signed by parties:						
by plaintiff	, by defenda	nt	·			
4) Related claims pending:			18°			
5) Date the Waiver of Notice required	by §3301(c) of the	divorce code was filed	with the Prothonotary			
by plaintiff	, by defenda	ınt	·			

Date

()Plaintiff or () Defendant's Signature

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA CIVIL ACTION Plaintiff CP-44-CV-_____20___ v. IN DIVORCE Defendant **DECREE** AND NOW, this _____ day of _____, 20____, it is Ordered and Decreed that , Plaintiff, and ______, 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 is 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. The court retains jurisdiction of any claims raised by the parties in this action for which a final order has not yet been entered. Any existing spousal support order shall hereafter be deemed an order for alimony pendente lite if any economic claims remain pending. BY THE COURT:

Judge