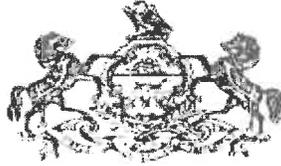


Filing Fee: \$162.75
Cash, Money Order or Credit Card



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

FEES AND IN FORMA PAPERIS INFORMATION

To file this Divorce complaint it will cost **\$162.75** (cash, money order or credit card). 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 **\$162.75**.

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 date-stamped 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, service must be done **AFTER** you file the paperwork.

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

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA
CIVIL ACTION

_____	:	
Plaintiff	:	
	:	
v.	:	CP-44-CV-_____ -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 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

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)

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY PENNSYLVANIA
CIVIL ACTION

_____ :
Plaintiff :
vs : CP-44-CV-_____ -20_____
_____ :
Defendant :

ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY
PURSUANT TO Pa.R.C.P. No. 1930.8

I, _____, () Plaintiff or () Defendant, represent myself in the within action.

REMOVAL OR WITHDRAWAL OF COUNSEL OF RECORD (If Applicable)

___ Remove _____, Esq., as my attorney of record.

___ Withdraw my appearance for the filing party.

_____ Esq. ID# _____
Print Name
_____ Date
Signature

I understand that I am under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

All pleadings and legal papers can be served on me at the address listed below, which may or may not be my home address pursuant to Rule 1930.8:

Print Name

Signature

Street Address

City, State, Zip

Phone Number

Fax Number

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.

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA
CIVIL ACTION

_____	:	
Plaintiff	:	
	:	
v.	:	CP-44-CV-_____ - 20_____
	:	
_____	:	
Defendant	:	IN DIVORCE

**AFFIDAVIT OF NON-MILITARY SERVICE
PURSUANT TO PA.R.C.P. 1920.46.**

I, _____ (your full name), say that I am the Plaintiff in the above-captioned matter; that I personally know that the Defendant is over the age of eighteen years, and that Defendant is not in the military service or in any branch of the armed forces of the United States or its allies or otherwise within the provisions of the Servicemember's Civil Relief Act, formally the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, and the amendments thereto.

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

Date

Plaintiff's signature

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA
CIVIL ACTION

Plaintiff

vs

CP-44-CV-_____ -20_____

Defendant

PETITION TO PROCEED IN FORMA PAUPERIS

1. I am the Plaintiff in the above matter and because of my financial condition am unable to pay the fee for filing this action.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

a.) My Name is: _____

My Address is: _____
Street/PO Box Town State Zip

b.) Employment:

If you are presently employed, state your:

Employer: _____

Employer's Address: _____

Salary or wages: \$ _____ (monthly)

If you are presently unemployed, state:

Date of last employment: _____ Salary or wages: \$ _____ (monthly)

Employer: _____

c.) Please list any other income received within the past twelve months:

Social security benefits: \$ _____ (monthly) Disability payments: \$ _____ (monthly)

Unemployment compensation and/or supplemental benefits: \$ _____ (monthly)

Workers' Compensation: \$ _____ (monthly) Public assistance: \$ _____ (monthly)

Other or Self-Employment \$ _____ (monthly)

d.) Other contributions to household:

Wife/Husband Name: _____

If your wife/husband is employed, please state:

Employer: _____ Salary or wages: \$ _____ (monthly)

e.) Property Owned: _____
Real Estate Value (estimate): \$ _____ Motor Vehicle Make _____,
Vehicle Year _____, Cost: \$ _____, Amount Owed: \$ _____,
Cash: \$ _____ Checking Account: \$ _____ Savings Account: _____.

f.) Debts and obligations:
Mortgage: \$ _____ (monthly) Rent: \$ _____ (monthly)
Loans: \$ _____ (monthly) Other: _____
_____ (monthly)
(Write all of your regular monthly bills, phone, utilities, cable, insurance, etc.)

g.) Persons dependent upon you for support:
Wife/Husband Name: _____
Children, if any:
Initials: _____ Age: _____ Initials: _____ Age: _____
Initials: _____ Age: _____ Initials: _____ Age: _____
Initials: _____ Age: _____ Initials: _____ Age: _____
Other persons:
Name: _____ Relationship: _____
Name: _____ Relationship: _____

4. 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 3a.C.S. § 4904, relating to unsworn falsification to authorities.

_____ Date

_____ Signature

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA
CIVIL ACTION

Plaintiff

vs

CP-44-CV-_____-20_____

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 pauperis 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 the defendant with a copy of this complaint within 30 days of filing the 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 certified mailing, restricted delivery, with a return receipt requested. 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.

2) 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 filling out the Certificate of Service. 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 best in those 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.

You DO NOT make service on the other party until after the complaint is filed in the Prothonotary Office. Properly serving the complaint is very important. If this is not handled properly it will hold up the issuance of your divorce decree.

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA
CIVIL ACTION

Plaintiff

v.

CP-44-CV-_____-20_____

Defendant

IN DIVORCE

CERTIFICATE OF SERVICE FOR DIVORCE COMPLAINT

I, _____, hereby certify that on the _____ day of _____, 20____, I served 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 Postal Service, first class, 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 or by handing a copy at the residence or place of business of the Defendant as set forth in Pa. R.C.P. §402. Personal service 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 name of this adult is _____.

I verify that the statements made in this certificate of service 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.

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	:	
	:	
v.	:	CP-44-CV-_____ -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's Signature

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA
CIVIL ACTION

_____	:	
Plaintiff	:	
	:	
v.	:	CP-44-CV-_____ -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's Signature

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA
CIVIL ACTION

_____	:	
Plaintiff	:	
	:	
v.	:	CP-44-CV-_____ -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's Signature

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA
CIVIL ACTION

_____	:	
Plaintiff	:	
	:	
v.	:	CP-44-CV-_____ -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

Defendant's Signature

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA
CIVIL ACTION

Plaintiff	:	
	:	
v.	:	CP-44-CV-_____ 20____
	:	
Defendant	:	IN DIVORCE

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