

Northwestern Legal Services

Self Help Divorce Clinic

Instructions and Forms for Crawford County, Pennsylvania

Welcome!!

Welcome to the Northwestern Legal Services Self Help Divorce Clinic. This program is designed to instruct people to file and process their divorce cases on their own.

Getting a divorce in Pennsylvania is relatively easy. It is, in most cases, a matter of filing the right documents within the right time frames.

You will not want to proceed with this clinic if you or your spouse owns any property obtained during your marriage. Property means real estate, automobiles, boats, motorcycles, jewelry, cash, bank accounts, investments, pensions, etc. If you proceed with this clinic and obtain your final decree, you will have forever lost your right to claim any distribution of this property. **PLEASE** ask the instructor at the end of the clinic if you are unsure.

If you have children with your spouse, we offer a custody clinic where we help you obtain or modify custody of minor children on your own.

GENERAL INSTRUCTIONS

This page is to give you some general instructions as to what to expect throughout your divorce proceeding.

1. Captions: Each legal document begins with a caption. The caption identifies the Court, the parties, the type of case, and the docket number. You are the Plaintiff and your spouse is the Defendant. You should use your full name, including middle initial. *You must complete the caption the same way on every form you file.*
2. Docket Number: A unique number given to each case once it is filed. Docket numbers in Crawford County are as follows – F.D. No. 2008-111 V. The first number is the year the case was filed, the second number is the sequential number, and the letter indicates the judge assigned to your case.
3. Prothonotary: The Prothonotary is the Clerk of the Civil Court in Crawford County. This office is located on the first floor of the County Courthouse. All filings will be done with the Prothonotary.
4. Copies: Make copies of every document that you file with the Prothonotary. At least one, preferably three. Ask the Prothonotary to stamp your copies when you file them.
5. Keep track of the dates that events in your case occur. For example, the dates you file the complaint, serve the complaint, and file other documents. You will need to know these dates when you are ready to finalize the case.
6. Judges: A Judge will sign your final decree in divorce once all of the steps have been properly completed. If all goes well you will not have to personally appear in front of a judge for any portion of your case.

THE COMPLAINT

The Complaint is the document that begins your divorce case. It contains a few important notices that the law requires you give to your spouse, as well as information about your marriage.

The statute relating to divorce is 23 Pa.C.S. § 3301 et. seq. You will be able to get a divorce in one of two circumstances:

1. You and your spouse both agree to become divorced. 23 Pa.C.S. § 3301(c).
2. You and your spouse have been separated continuously for a period of two (2) years. 23 Pa.C.S. § 3301(d).

The following paperwork will enable you to get a divorce if **both** you and your spouse consent to become divorced. If your spouse will **not** consent to a divorce, and you have been separated from your spouse for a period of at least two (2) years, please inform the clinic instructor. You will be given different forms to fill out.

INSTRUCTIONS FOR FILLING OUT THE DIVORCE COMPLAINT

Pages 9–11: Complete the Caption on the top of each page.

Pages 12–13: The following instructions correspond to each numbered paragraph of the Divorce Complaint.

1. Fill in your legal name, including middle initial, your full mailing address, and the month and year you began living at your current address.
2. Fill in your spouse's name, including middle initial, your spouse's full mailing address, and the month and year your spouse began living at that address, if known.
3. You cannot obtain a divorce in Pennsylvania unless you and/or your spouse has lived in Pennsylvania for at least 6 months before the divorce action began. In the blank line, write down whether you (Plaintiff) or your spouse (Defendant) has lived in Pennsylvania for at least 6 months.
4. Fill in the date you were married and the city, county, and state in which you were married.
5. Strike out the appropriate language (“are” or “are not”) to show whether you or your spouse is currently serving on *active duty* as a member of the U.S. armed forces. In the blanks provided, either give further details about the party’s military service, or explain how you know that your spouse is not a member of the armed forces serving on active duty.

6. If there has never been a divorce or annulment filed during the marriage, write the word "None." If, however, there was an action filed in the past, write the docket number, the county and state where the action was filed, who filed the action, and what happened with the action (i.e., withdrawn, dismissed, pending).

7–8. There is nothing for you to fill out in these paragraphs.

Sign and date the Complaint at the bottom of page 13.

Entry of Appearance for Self-Represented Persons

PLEASE READ ALL OF THE INFORMATION CONTAINED IN THIS PACKET BEFORE YOU START FILLING OUT THE FORMS.

THIS PACKET DOES NOT CONSTITUTE LEGAL ADVICE. IF YOU HAVE ANY QUESTIONS ABOUT THIS PROCESS, YOU SHOULD SEEK THE ADVICE OF AN ATTORNEY. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS.

We encourage you to contact an attorney to advise you on this matter. If you cannot afford an attorney, the Court will not appoint an attorney for you. You may contact Northwestern Legal Services at (800) 665-6957 or (814) 724-1040 to see if they will provide free legal services to you. They are not obligated to do so.

You will be required to follow the State and Crawford County Rules of Civil Procedure and all applicable laws even if you do not have an attorney.

This packet is for notifying the Court and the other parties in your custody, divorce, support, protection from abuse, paternity, or other domestic relations case that you are representing yourself.

If you do not have an attorney because you do not want to hire an attorney, or you cannot afford an attorney and Northwestern Legal Services is unable to assist you, then you should fill out and file the "Entry of Appearance as a Self-Represented Party" in this packet.

Filing this form will NOT prevent you from hiring an attorney during your case if you change your mind.

To complete this packet, you will need:

- Your contact information;
- The name of your former attorney, if you had one; and
- The names and addresses of all self-represented parties and the attorneys of any parties that have legal representation.

Instructions:

1. When filling out this form, please write as clearly and neatly as possible.
2. Fill out this form to the best of your ability, completing every line that applies. DO NOT LEAVE ANY LINES BLANK. Use "None" or "0" if necessary. Do NOT use "N/A" anywhere on the forms.
3. Check the original complaint in your case to find out who the "Plaintiff" and "Defendant" are. Be sure the caption is filled out EXACTLY the same on this form; you should always have the same names in the same place on each filing. The "No." line is for the case number, which was assigned when the original complaint was filed.
4. When you are filling out the "Entry of Appearance as a Self-Represented Party" [page 3], pay close attention to paragraph 6. **If you have PFA against someone involved in this case and you do not want them to know where you live, you can check the box for confidentiality and provide an alternate address, P.O. Box, or just a fax number to receive service.**
5. Make at least 2 (two) photocopies of your Entry of Appearance form. File the original with the Prothonotary's Office and keep one copy for your records.
6. You will have to serve the other photocopies on the parties that you listed in paragraph 3 of your "Entry of Appearance as a Self-Represented Party" as directed by Pennsylvania Rule 440. Generally:
 - a. If a party has an attorney, you should mail by regular first class mail, hand deliver or leave a copy of the documents at their attorney's office. If the attorney has a box in the Prothonotary's Office, you can leave their copy in their box if the attorney previously agreed in this case to receive service that way.
 - b. If a party does not have an attorney and you know that party's current address, you should mail by regular first class mail, hand deliver or leave a copy of the documents at the party's home.
 - c. If a party does not have an attorney and you do not know that party's current address, you should mail by regular first class mail or leave a copy of the documents at the address that the party put on their most recent pleading in this case, or hand deliver the documents if you can locate that party somewhere else.
 - d. You can serve the documents by fax if a party or their attorney agreed, or if a party or their attorney put a fax number on an earlier pleading in this case. Please read Rule 440(d)(2) to see how the fax cover sheet should be prepared.

IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
Civil Action - Law

_____,
Plaintiff
vs. _____ No. _____
_____,
Defendant

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

1. I am the Plaintiff Defendant in the above captioned matter.
2. I am entering my appearance as a self-represented party _____ (your signature).
3. I understand that if my contact information changes, I must file a new copy of this form with the Court and serve it upon the other self-represented parties and attorneys of represented parties in this case.
4. I was / was not previously represented by an attorney in this matter. If I do have a current attorney of record, please remove the name of _____, Esq., from this matter. I certify that I have given written notice by first class mail / hand delivery to that attorney's address at _____ on _____, 20__.

5. I have provided a copy of this entry of appearance to all self-represented parties and to the attorneys of represented parties at the following address (*Use reverse side if you need more space*):
Address

6. My contact information for the purpose of communication and service regarding this case is:
Street Address or P.O. Box:

City, State, Zip Code:

Telephone (____) _____ - _____ Fax (optional): (____) _____

My contact information is confidential pursuant to my "Protection From Abuse Order", Case No. _____; the information above is not my personal contact information but should be used for service in this case.

I UNDERSTAND THAT THIS ADDRESS WILL BE THE ONLY ADDRESS TO WHICH NOTICES AND PLEADINGS IN THIS CASE WILL BE SENT AND THAT I AM RESPONSIBLE TO CHECK THE MAIL AT THIS ADDRESS SO I DON'T MISS IMPORTANT DEADLINES OR PROCEEDINGS.

7. I understand that while representing myself I will be required to follow the State and Crawford County Rules of Civil Procedure and all applicable laws.

8. I understand that this Entry of Appearance will not delay any deadlines or hearings in my court case.

I verify that the information above is true and correct to the best of my knowledge, information or belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4909 relating to unsworn falsification to authorities.

Date

Signature

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____,
Plaintiff

v.

_____,
Defendant

:
:
:
:
:
:
:
:

F.D. No.: _____

Type of Document:
Complaint in Divorce

Filed on Behalf of:

_____, **Plaintiff**

Counsel of Record for this party:
Pro Se

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____	:	
Plaintiff	:	
	:	
v.	:	F.D. No.: _____
	:	
_____	:	
Defendant	:	

NOTICE TO DEFEND AND CLAIM RIGHTS

To the Defendant:

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 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 counselors is available in the Office of the Prothonotary on the First Floor of the Crawford County Courthouse.

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.

**COURT ADMINISTRATOR
CRAWFORD COUNTY COURTHOUSE
MEADVILLE, PA 16335
PHONE: 814-333-7498**

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW**

_____ ,	:	
Plaintiff	:	
	:	
v.	:	F.D. No.: _____
	:	
_____ ,	:	
Defendant	:	

NOTICE AND AVAILABILITY OF COUNSELING

To the Defendant:

You have been named as the Defendant in a divorce proceeding filed in the Court of Common Pleas of Crawford County, Pennsylvania. This notice is to advise you that in accordance with the Pennsylvania Divorce Code, you may request that the court require you and your spouse to attend marriage counseling prior to the entry of a final decree in divorce. A list of professional marriage counselors is available at the Prothonotary's Office in the Courthouse in Meadville, Pennsylvania. This list will be made available to you upon request. You are advised that this list is kept as a convenience to you and you are not bound to choose a counselor from this list. All necessary arrangements and the cost of the counseling sessions are to be borne by you and your spouse.

If you desire to pursue counseling, you must make your request for counseling within twenty (20) days of this notice. This request must be made upon proper motion filed with the Court. Failure to do so will constitute a waiver of your right to request counseling.

5. The parties to this action are/are not currently members of the Armed Forces of the United States of America currently serving on active duty.

6. There have been no prior actions of divorce or annulment between the parties except:

_____ .

7. The marriage is irretrievably broken.

8. 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.

WHEREFORE, Plaintiff requests the court to enter a decree of divorce.

VERIFICATION

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. § 4904, relating to unsworn falsification to authorities.

Respectfully Submitted,

Date: _____

Plaintiff, Pro Se

IN FORMA PAUPERIS

In Forma Pauperis is a way for you to proceed with your divorce action without having to pay the cost. To get your court costs waived you are required to complete the following document and file it *at the same time you file your divorce complaint.*

1. Fill out these forms to the best of your abilities, completing every line. Leave NO BLANK LINES. Use “None” or “0” if necessary; do NOT use dashes or “N/A.”
2. Be sure the caption is completed EXACTLY THE SAME on all forms. In other words, be sure the Plaintiff is shown as the same and the Defendant is shown as the same on every form, including your divorce forms.
3. DO NOT USE N/A any place on the form. Everything is applicable, even if the answer is “none” or “0.” Put something on each line, particularly on the “Affidavit in Support of Petition to Proceed In Forma Pauperis.” Also on the IFP, be very specific about your income and what is paid out each month – be sure you indicate if these are “per month” or “per year,” etc. Pay close attention to page 18, (f) Debts and obligations where it says “Other.” Be sure you list all household expenses including utilities, food, medical bills, insurances, child care expenses, etc. The court needs a true income to debt ratio.
4. Sign the forms where it asks for a signature from “Petitioner/Plaintiff.” Do not sign any line where there is a blank line with a “J” underneath. That is where the judge signs.
5. Once you have completed this packet, return it to the Prothonotary’s Office, 1st Floor, Crawford County Courthouse, 903 Diamond Park, Meadville, PA 16335. It will be delivered to the Court Administrator and ultimately to a judge who will consent or object based on the information given. If your application is accepted, you will be mailed a copy of or Order, signed by a judge. If your application is rejected the Prothonotary will give you notice and give you 10 days to pay the filing fees. ***If you do not pay them your case will be dismissed by the court.***

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____ ,	:	
Plaintiff	:	
v.	:	F.D. No.: _____
_____ ,	:	
Defendant	:	

PETITION TO PROCEED IN FORMA PAUPERIS
PURSUANT TO Pa.R.C.P. 240

I, the undersigned, do hereby state under oath:

1. My name is _____ and I live at _____
_____.
2. I have filed the above action but I do not have the financial resources to pay the costs of filing such action and any other costs of litigation.
3. I am not represented by an attorney in this matter.
4. I have attached an affidavit to this petition concerning my financial situation.
5. I request that the Court allow me to proceed without paying any costs or fees with respect to this litigation.

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

Date _____

Plaintiff

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____ ,	:	
Plaintiff	:	
	:	
v.	:	F.D. No.: _____
	:	
_____ ,	:	
Defendant	:	

AFFIDAVIT TO PROCEED IN FORMA PAUPERIS
PURSUANT TO Pa.R.C.P. 240

TO THE HONORABLE JUDGES OF SAID COURT:

The petitioner represents and avers as follows:

1. The petitioner is the Plaintiff in the above matter and because of financial condition is unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. The petitioner is unable to obtain funds from anyone, including family and associates, to pay costs of litigation.
3. The petitioner represents that the information below relating to petitioner's ability to pay the fees and costs 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: _____

Unemployment compensation and supplemental benefits: _____

Workman's compensation: _____

Public Assistance: _____

Other: _____

(d) Other contributions to household support:

(Wife)(Husband) (live in/separated) Name: _____

If your (wife)(husband) is employed, state:

Employer: _____

Salary or wages per month: _____

Type of work: _____

children: _____ Contributions from _____

Contributions from parents: _____

Other contributions: _____

(e) Property owned:

Cash: _____

Checking account: _____

Savings account: _____

Certificates of deposit: _____

Real estate (including home): _____

Motor Vehicles: Make: _____ Year: _____

 Cost: _____ Amt. Owed: _____

Stocks, bonds: _____

Other: _____

(f) Debts and obligations:

Mortgage: _____

Rent: _____

Loans: _____

Other: _____

(g) Persons dependent upon you for support:

(Wife)(Husband) name: _____

Children, if any:

Name: _____ Age: _____

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 affidavit 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: _____

Petitioner

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW**

Plaintiff	:	
v.	:	F.D. No.: _____
Defendant	:	

ORDER

AND NOW, this _____ day of _____ 20____, upon consideration of the Petition filed by the Plaintiff in this action, and supported by an affidavit attached hereto, all being pursuant to Pa.R.C.P. 240, the Plaintiff is granted leave to proceed in forma pauperis at this time.

The Plaintiff is directed to inform the Prothonotary's office or the Court of any improvement in his / her financial circumstance that would permit him / her to pay the costs incurred in this action and shall be responsible for doing so upon an improvement of financial condition.

BY THE COURT:

J.

FILING AND SERVICE

Once you have completed your complaint (pp. 9–13) and your In Forma Pauperis Application (pp. 15–20), you can file them both with the Prothonotary. Make three (3) additional copies of the Complaint and one (1) additional copy of the In Forma Pauperis Application.

File the originals and have your copies stamped by the Prothonotary. **IMPORTANT!** Have your three copies of your complaint certified by the Prothonotary. The Prothonotary will keep the originals and return your stamped copies to you.

When you file the complaint you will receive the docket number. You will need to enter that number on every other document that you have filed, or will file, in this divorce case.

You must now serve a copy of the complaint (pp. 9–13) on your spouse. ***If your spouse resides in Pennsylvania, you must serve the complaint within 30 days.*** If your spouse resides outside of Pennsylvania, you must serve the complaint within 90 days.

There are four ways to serve your complaint on your spouse. Pick the method that will work best for you.

1. SERVICE BY CERTIFIED MAIL

- a. You must mail two (2) copies of the complaint (pp. 9–13) at the same time. One will be mailed by regular first class mail, and one will be mailed **Certified Mail, return receipt requested, restricted delivery.** You ***must*** restrict delivery and request a return receipt. (This costs about \$9.00–\$10.00.)
- b. If you receive the return receipt (the green card) back in the mail, signed by your spouse, fill out the Affidavit of Service by Mail (p. 23). Be sure to write the correct date in Paragraph 2(a). Attach the return receipt to the Affidavit and file it with the Prothonotary. (Make at least one (1) copy for yourself.)
- c. If the Certified Mail comes back “refused” and the regular mail does not come back within fifteen (15) days, fill out the Affidavit of Service by Mail (p. 23). Do not fill in Paragraph 2(a). Attach the “refused” letter to the Affidavit and file it with the Prothonotary. (Make at least one (1) copy for yourself.)
- d. If the certified mail comes back with any other mark besides “refused” (such as “unclaimed”) service is **NOT** complete and you will need to use another method of service.

2. ACCEPTANCE OF SERVICE

Your spouse can accept service if he or she wishes. If your spouse is willing to cooperate with you, give him or her a copy of the complaint (pp. 9–13). Then have your spouse sign his or her name at the bottom of the Acceptance of Service (p. 24). Make sure that the date is filled out. File the Acceptance of Service with the Prothonotary (make at least one copy for your records).

3. SERVICE BY A COMPETENT ADULT

You can have a competent adult serve the complaint (pp. 9–13) by personally giving it to your spouse. This person may not be a relative or employee of either you or your spouse. If you elect this option, you must have the individual who completes service fill out and sign the Affidavit of Service (p. 25). File the Affidavit of Service with the Prothonotary (make at least one copy for your records).

4. SHERIFF'S SERVICE

You can have the Crawford County Sheriff serve your divorce complaint. (This method is not encouraged if you can serve your spouse another way.)

There is a fee involved with having a sheriff serve your complaint. If you were granted your In Forma Pauperis Application, take a copy of your complaint (pp. 9–13) and a copy of your In Forma Pauperis Order (p. 20) to the Sheriff's office to have them serve for you. If you do not have a copy of your In Forma Pauperis Order, you can get a copy from the Prothonotary.

The sheriff will file a return of service with the Prothonotary. You may need to call the Sheriff or the Prothonotary to check the progress if you use this option. Once you confirm the date of service write it down as you will need it later. You can go to the Prothonotary to get a copy of the Sheriff's return.

If you cannot complete service within thirty (30) days (or 90 days if your spouse lives out-of-state), you will need to go back to the Prothonotary and have your complaint reinstated. You will then have 30 days to serve the reinstated complaint using one of the four methods described above. Please contact the Meadville office of Northwestern Legal Services if you have difficulty reinstating your complaint.

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW**

_____	:	
Plaintiff	:	
	:	
v.	:	F.D. No.: _____
	:	
_____	:	
Defendant	:	

AFFIDAVIT OF SERVICE BY MAIL PURSUANT TO RULE 1930.4(c)

1. A true and correct copy of the complaint was mailed to the Defendant via regular mail and via certified mail, restricted delivery, return receipt requested, on _____.

- 2(a). That the Defendant signed the return card on _____ in accordance with Pa.R.C.P. 1930.4(c). Service of the Complaint was made as is evidenced by the United States Postal Service Return Receipt attached hereto.

- Or:

- 2(b). That the certified mail, restricted delivery, return receipt requested was returned to the Plaintiff with the notation from the Postal Service that it was Refused by the Defendant, as evidenced by the returned letter attached hereto, and further that the regular mail was not returned to the Plaintiff within 15 days of mailing.

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

Respectfully Submitted,

Date

Plaintiff

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

Plaintiff	:	
v.	:	F.D. No.: _____
Defendant	:	

ACCEPTANCE OF SERVICE

I, _____, Defendant, hereby accept service of the true and correct copy of the Complaint in Divorce filed at the above docket, as if the same had been served upon me by the Sheriff of Crawford County.

Date

Defendant

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY
PENNSYLVANIA CIVIL ACTION-LAW**

Plaintiff	:	
v.	:	F.D. No.: _____
Defendant	:	

AFFIDAVIT OF SERVICE

I, _____, being duly sworn according to law, deposes and says that he/she is a competent adult over the age of eighteen, that he/she served a copy of the Complaint in this action upon the Defendant, by personally handing him/her a true and correct copy thereof and informing him of its contents at _____
_____ on the _____ day of _____, 20____,
at _____ o'clock ____ m.

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

Date

Deponent

INSTRUCTIONS FOR COMPLETING AFFIDAVIT OF CONSENT AND WAIVER

Once you successfully achieve service ***YOU MUST WAIT 90 DAYS*** before you can take the next step in your divorce case.

There are two "Affidavits of Consent" and "Waivers of Notice of Intention to Request Entry of Divorce Decree under Section 3301(c)" included in this packet. One set is for you and one is for your spouse. **THE AFFIDAVITS OF CONSENT CANNOT BE SIGNED UNTIL 90 DAYS HAVE PASSED FROM THE DAY YOU SERVED THE COMPLAINT ON THE DEFENDANT.**

Make sure you complete the Caption of each Affidavit of Consent and Waiver of Notice.

In paragraph 1 of both Affidavits of Consent, print the date on which the Complaint was filed (the date the Prothonotary stamped on your copy of the Complaint).

Date and Sign the forms for Plaintiff (p. 27–28) with your full legal name. The second “Affidavit of Consent” and “Waiver of Notice” (p. 29–30) are for the Defendant and must be dated and signed by your spouse. Mail your spouse a copy of the Affidavit and Waiver or contact him/her personally. Instruct your spouse to return their signed Affidavit and Waiver to you so that you can file them. If you send your spouse a post-paid return envelope, you have a better chance of getting these papers back.

YOU AND YOUR SPOUSE MUST FILE YOUR AFFIDAVITS OF CONSENT WITHIN 30 DAYS OF THE DAY THEY WERE SIGNED. For example, you cannot sign your affidavits one day and file them 45 days later.

IMPORTANT REMINDERS:

1. DO NOT sign or file the Affidavits of Consent and Waivers before 90 days have passed from the date you served your spouse. If you act before 90 days have passed, your divorce will not be granted.
2. Once the Affidavits of Consent and Waivers have been signed, you must file them before 30 days elapse.
3. Your spouse is not required to sign the Consent or Waiver if he or she does not want to. If your spouse refuses to do so, and if you have been separated from your spouse for at least 2 years, please contact the clinic instructor for instructions on how to establish grounds for divorce under 23 Pa.C.S. § 3301(d).

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____ ,	:	
Plaintiff	:	
v.	:	F.D. No.: _____
	:	
_____ ,	:	
Defendant	:	

AFFIDAVIT OF CONSENT

1. A Complaint in Divorce under Section 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.
4. 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.

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. § 4904, relating to unsworn falsification to authorities.

Date

Plaintiff

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____ ,	:	
Plaintiff	:	
v.	:	F.D. No.: _____
	:	
_____ ,	:	
Defendant	:	

**WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE
DECREE UNDER SECTION 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 of 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. § 4904 relating to unsworn falsification to authorities.

Date

Plaintiff

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____ ,	:	
Plaintiff	:	
v.	:	F.D. No.: _____
_____ ,	:	
Defendant	:	

AFFIDAVIT OF CONSENT

1. A Complaint in Divorce under Section 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.
4. 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.

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. § 4904, relating to unsworn falsification to authorities.

Date

Defendant

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____ ,	:	
Plaintiff	:	
v.	:	F.D. No.: _____
_____ ,	:	
Defendant	:	

**WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE
DECREE UNDER SECTION 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 of 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. § 4904 relating to unsworn falsification to authorities.

Date

Defendant

PRAECIPE TO TRANSMIT RECORD

The Praecipe to Transmit Record is the final document in your divorce case. This document instructs the Prothonotary to deliver your file to a Judge for review prior to the entry of a divorce.

1. Complete the caption on the cover sheet (p. 32) and on the top of page 33.
2. In paragraph 2, fill in the date that you filed the Complaint with the Prothonotary.
3. In paragraph 3, fill in the date that your spouse was served, and the method that you used to serve him/her.
4. In paragraph 4, fill in the dates that you and your spouse signed your Affidavits of Consent.
5. In paragraph 6, fill in the dates that you filed the Waivers of Notice for you and your spouse.
6. Date and sign.
7. Complete the caption on the Divorce Decree (p. 34). Fill in your name (plaintiff) and your spouse's name (defendant) in paragraph 2. **DO NOT FILL IN ANYTHING ELSE ON THIS PAGE.** The judge will date and sign this document.

Make at least one (1) copy of the Praecipe to Transmit Record and then file the original at the Prothonotary's office and ask the Prothonotary to stamp your copies. You may file this document at the same time that you file the Affidavits of Consent and the Waivers of Notice.

If you have done all of your steps correctly, your divorce should be granted within two (2) weeks. The courthouse will send you a copy of your Divorce Decree.

If there is a problem, you will receive an errata sheet signed by the Judge that states what the defect in your case is. You can submit a new praecipe to transmit once you have fixed your problem(s).

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____,
Plaintiff

v.

_____,
Defendant

:
:
:
:
:
:
:

F.D. No.: _____

Document:

Type of

Praecepte to Transmit Record

Filed on behalf of:

Plaintiff, Pro Se

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____ ,	:	
Plaintiff	:	
v.	:	F.D. No.: _____
_____ ,	:	
Defendant	:	

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

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

1. Ground for divorce: Irretrievable breakdown under § 3301(c) of the Divorce Code.
2. Date that the Complaint in Divorce was filed: _____.
3. Date and manner in which the Complaint was served:

4. Date of execution of the Affidavit of Consent required by § 3301(c) of the Divorce Code: by **plaintiff** _____; by **defendant** _____.
5. There are no pending matters in this case.
6. Date **plaintiff's** Waiver of Notice was filed with the Prothonotary:

Date **defendant's** Wavier of Notice was filed with the Prothonotary:
_____.

Respectfully Submitted,

Date

Plaintiff

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

Plaintiff	:	
v.	:	F.D. No.: _____
Defendant	:	

DIVORCE DECREE

AND NOW, this _____ day of _____, 20____, it is HEREBY
ORDERED, DIRECTED, AND DECREED that:

The bonds of marriage between _____, Plaintiff, and
_____, Defendant, are dissolved because the marriage is
irretrievably broken. Plaintiff and Defendant are hereby declared divorced from the bonds of
matrimony.

BY THE COURT:

J.

RETAKING A MAIDEN NAME

Women are able to retake their maiden name or a former surname in conjunction with their divorce if they wish.

This next document will enable you to do that if it is appropriate. Fill in the caption the same way it is filled out on your divorce papers. Fill in the blanks with your full married name, the date of your final divorce decree, and the surname you intend to retake. In the presence of a notary, you will then need to sign the document with both your married name and your maiden name. (The top blank line is for your signature. The blank line immediately beneath it is for you to neatly print your name on.)

You should make several copies of this, no less than three. File the original with the Prothonotary, and have at least one of your copies certified. Serve one copy of this document to your spouse by mailing it to him.

You should be able to change your name on all of your important accounts (drivers license, Social Security, etc.) by being able to supply a copy of this document.

**IN THE COURT OF COMMON PLEAS OF CRAWFORD COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

_____	:	
Plaintiff	:	
	:	
v.	:	F.D. No.: _____
	:	
_____	:	
Defendant	:	

NOTICE OF ELECTION TO RETAKE PRIOR NAME

Notice is hereby given that _____, having been granted a Final Decree in Divorce from the bonds of matrimony on _____ hereby elects to retake and hereafter use her prior surname of _____ and gives this written notice avowing her intention in accordance with the provisions of the Act of May 25, 1939, P.L. 192, as amended.

TO BE KNOWN AS:

Dated: _____

COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF CRAWFORD : ss.

On the ____ day of _____, _____ before me, a Notary Public, personally appeared _____, from henceforth to be known as _____, known to me to be the person whose name is subscribed to the within document, and acknowledged that she executed the foregoing for the purpose therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

Meadville, Crawford County, Pennsylvania

My Commission expires:

Notary Public

CHECKLIST

We have made this checklist for you so that you can keep track of when you complete the necessary steps in your divorce case. PLEASE keep track of your dates with this checklist. If you would need our help in the future it will be difficult, perhaps impossible for us to do so if we do not know when you did certain things!!!!

Plaintiff's name _____

Defendant's name _____

Docket number _____

Date Complaint filed _____

Date In Forma Pauperis Application filed _____

Date Complaint served _____

Manner in which Complaint was served _____

Date Plaintiff's affidavit of consent was executed _____ and filed _____

Date Defendant's affidavit of consent was executed _____ and filed _____

Date Plaintiff's waiver of notice was executed _____ and filed _____

Date Defendant's waiver of notice was executed _____ and filed _____

Date Praecipe to Transmit was filed _____

Date final Divorce Decree was granted or denied _____

Date election to retake maiden name was executed _____ and filed _____