



# **SELF-HELP DIVORCE CLINIC**

## **INSTRUCTIONS AND SAMPLE FORMS**

# **§ 3301 (c)**

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**Legal Aid Volunteer Attorneys**  
*Erie lawyers serving our community*

**A JOINT PROGRAM OF THE**  
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# Table of Contents

Representing Yourself in a Divorce.....	3
Divorce Terms and Definitions.....	4
Completing the Divorce Complaint.....	5
Completing the Notice to Defend and Claim Rights Sheet.....	6
Completing the Minor Children Form.....	6
Sample: Divorce Complaint (pg. 1).....	7
Sample: Divorce Complaint (pg. 2).....	8
Sample: Notice to Defend and Claim Rights (pg. 1).....	9
Sample: Notice (pg. 2).....	10
Sample: Minor Children Form.....	11
Completing the IFP.....	12-13
Completing the Motion Cover Sheet (for the IFP).....	13-14
Sample: IFP (pg. 1).....	15
Sample: IFP (pg. 2).....	16
Sample: IFP (pg. 3).....	17
Sample: Motion Cover Sheet (for the IFP) (front).....	18
Sample: Motion Cover Sheet (for the IFP) (back).....	19
Filing the Divorce Complaint and IFP: Making Copies, Separating Copies into 3 Sets.....	20
Presenting the IFP in Motion Court.....	20-21
Filing the Divorce Complaint with the Prothonotary.....	21
Choosing a Method of Service.....	22
Providing Proof of Service.....	23
Sample: Affidavit of Service.....	24
Sample: Certified Mail Receipt.....	25
Sample: Green Return Receipt Card.....	26
Sample: Affidavit of Service by Mail.....	27
Sample: Acceptance of Service.....	28
90-Day Waiting Period, Children Coping with Divorce Seminar.....	29
After the 90-Day Wait Period: Completing Both Sets of Affidavits of Consent /Waivers.....	30
Completing the Praecepte to Transmit.....	30-31
Completing the Divorce Information Sheet.....	31
Completing the Divorce Decree.....	31
Filing the Final Documents with the Prothonotary.....	32
Sample: Affidavit of Consent (plaintiff).....	33
Sample: Waiver of Notice of Intention to Request Entry of a Divorce Decree (plaintiff).....	34
Sample: Affidavit of Consent (defendant).....	35
Sample: Waiver of Notice of Intention to Request Entry of a Divorce Decree (defendant).....	36
Sample: Praecepte to Transmit Record.....	37
Sample: Divorce Information Sheet.....	38
Sample: Divorce Decree.....	39
Retaking a Maiden Name: Completing Notice of Intent to Retake Prior Name.....	40
Sample: Notice of Intent to Retake Prior Name (woman is plaintiff).....	41
Sample: Notice of Intent to Retake Prior Name (woman is defendant).....	42
If Your Spouse Doesn't Take the Seminar: Completing Petition for Leave to Enter Divorce Decree.....	43
Completing the Motion Cover Sheet (for the PLEDD): Presenting Your Petition in Motion Court.....	44
Filing a Praecepte to Re-Transmit.....	45
Sample: Motion Cover Sheet (for the PLEDD) (front).....	46
Sample: Motion Cover Sheet (for the PLEDD) (back).....	47
Sample: Petition for Leave to Enter Divorce Decree.....	48
Erie County Courthouse Phone Listings.....	49
Divorce Tracking Checklist.....	50

# Representing Yourself in a Divorce

Northwestern Legal Services is presenting this Divorce Clinic only to assist you in understanding the legal issues involved in filing a no-fault divorce complaint and to explain how to complete and file the forms and understand the divorce process. We will not be preparing the forms for you and you will not be completing the forms during the clinic today. Neither the Divorce Clinic instructor, nor any other attorney at Northwestern Legal Services will be representing you in court or doing any paperwork or filing on your behalf. Mostly you, and in some part, your spouse will be completing all necessary forms and you, as the plaintiff, will be responsible for the proper completion and filing of all necessary documents.

Before you were accepted into this clinic, we asked you to fill out a detailed questionnaire about you and your spouse’s current marital situation in order to determine whether or not you had obvious issues that would make it inappropriate for you to file this kind of divorce. You also had to sign a waiver stating that you understand that by filing a no-fault divorce, you would forfeit any rights to alimony, spousal support, or marital property and assets. Remember to take this into full consideration before you decide to proceed with a no-fault divorce action. If you decide that you want to file a divorce based on fault grounds, you would need to hire a private attorney. Northwestern Legal Services does not provide any other type of divorce assistance besides this clinic.

If at any point you need additional blank forms, or if you lose your packet altogether, please contact the secretary at Northwestern Legal Services at (814) 452-6949 x100. If you have any additional questions about the divorce procedure once you have begun the process, first consult the information in this packet. You may find that many of your questions can be answered by re-reading this packet. If not, the clinic instructor will be giving you his or her contact information for a follow-up as a last resort.

NOTE: If you wish to file your divorce in another county besides Erie, you will not be able to use these forms.

**Clinic Instructor’s Name:** \_\_\_\_\_  
**Clinic Instructor’s Contact Number:** \_\_\_\_\_

# DIVORCE TERMS & DEFINITIONS

**Plaintiff** - The person who starts the lawsuit

**Defendant** - The person who is being sued

**Alimony** - An order for support granted by a court to a spouse or former spouse in conjunction with a Decree granting divorce or annulment

**Alimony Pendente Lite** - An order for temporary support granted to a spouse during the pendency of a divorce or annulment proceeding

**Spousal support** - Care, maintenance, and financial assistance during marriage

**Separation** - Complete cessation of all cohabitation, whether living in the same home or not

**Fault grounds** - A basis for divorce upon proof of one or more of the following: a) desertion; b) adultery; c) cruel and barbarous treatment; d) bigamy; e) incarceration; f) indignities

**No-fault divorce** - Statutory authority to allow divorce by mutual consent of the parties, or based on a one-year separation

**Irretrievable breakdown** - Estrangement due to marital difficulties with no reasonable prospect of reconciliation

**Marital property** - a) all property acquired by either party during the marriage; b) including the increase of value, until the date of final separation, of non-marital property acquired by gift, bequest, etc.; c) the increase in value of property owned before marriage or property acquired in exchange for property owned before marriage, until the date of final separation

**Equitable distribution** - The determination by which a court will divide marital property fairly. Factors to be considered are: a) length of the marriage; b) any prior marriages; c) party's age, health, station in life, amount and source of income, vocational skills, employability, estate, liabilities and needs; d) one party's contribution to the education, training or increased earning power of the other; e) the opportunity for either party to acquire assets or income in the future; f) each party's sources of income, including medical, retirement, insurance or other benefits; g) either party's contribution to the acquisition, preservation, appreciation of the property, including contributions as a homemaker, or, either party's dissipation or activity in depreciation of an asset; h) each party's separate property; I) the standard of living during the marriage; j) the economic circumstances of each party at time of distribution, including the tax consequences of any distribution scheme; and, k) whether a party will be custodian of dependent minor children.

**Convicted** – Having been found guilty, entered a plea of guilty or nolo contendere, or been accepted into Accelerated Rehabilitative Disposition (ARD)

**Personal injury crime** – A misdemeanor or felony, criminal attempt, or solicitation or conspiracy to commit any of the following: criminal homicide, assault, kidnapping, human

trafficking, sexual offenses, arson and related offenses, robbery, victim and witness intimidation, homicide by vehicle, and accidents involving death or personal injury.

## COMPLETING THE DIVORCE COMPLAINT

### A. Fill out the Caption

**\*\*NOTE: If you are filing under §3301(c)(2) because your spouse was convicted of committing a personal injury crime against you, you should use the instructions below, but FOLLOW THE SAMPLE COMPLAINT IN THE SUPPLEMENT ON PAGES 3- 4 and fill out the corresponding divorce Complaint in the blank forms at the end of the Supplement.**

The Complaint is two pages. 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.

Lastly, 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 ALSO BE IN EVERY CAPTION.**

### B. Fill in the blanks: the following instructions correspond to each numbered paragraph of 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 (granted, withdrawn, dismissed, etc.).
- 6-8. There is nothing to complete in these paragraphs. They are statements using the language needed for a no-fault divorce, and acknowledgment of the availability of counseling.

At the top of the second page of the Complaint is a statement of verification. Beneath that, sign the Complaint using your full, legal name and fill in the date.

### **C. Complete the Notice to Defend and Claim Rights form**

1. Complete the caption at the top.
2. Beneath the caption where it says "TO:", fill in your spouse's full name on the top line, your spouse's address (and apartment if applicable) on the second line, and their city, state, and zip on the third line.
3. In the lines at the bottom of the form, fill in your complete name on the top line next to "plaintiff," and your complete address on the next two lines. There is an additional notice with the Notice to Defend and Claim Rights that does not require anything to be filled out.

### **D. Complete the Minor Children Form**

1. This is the form that says, "Erie County Court of Common Pleas - Minor Children Form." You must also file this form with the Prothonotary when you file the Complaint.
2. Fill in the date (the day you actually file) and the docket number (which is assigned by the Prothonotary when you file).
3. Check whether this is a divorce filing with no children or a divorce filing with children under age 18. If you and your spouse have children who are over 18, check the "no children" option.
4. Complete the sections for the plaintiff's and defendant's names, addresses, and social security numbers where indicated.

Please see the following sample forms on pages 7-11 for examples of how these forms should look when completed. **\*\*NOTE: If you are filing under §3301(c)(2), see the sample forms in the Supplement on pages 3-4.**

<u>JANE A. DOE</u>	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	
v.	:	OF ERIE COUNTY, PENNSYLVANIA
	:	
<u>JOHN B. DOE</u>	:	NO. <u>[Fill in when assigned]</u> - 20 <u>   </u>
Defendant	:	

**COMPLAINT UNDER §3301(c) or (d)**  
**OF THE DIVORCE CODE**

1. Plaintiff is Jane A. Doe, who currently resides at 100 Paradise Drive, Erie, Erie County, Pennsylvania 16501, since April 2006.

2. Defendant is John B. Doe, who currently resides at 200 Sunside Drive, Erie, Erie County, Pennsylvania 16501, since April 2008.

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

4. The Plaintiff and Defendant were married on July 17, 2004, at Erie, Erie County, Pennsylvania.

5. There have been no prior actions of divorce or for annulment between the parties except: None.

6. The marriage is irretrievably broken.

7. Plaintiff has been advised of the availability of counseling and that he/she 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. Cons. Stat. § 4904, relating to unsworn falsification to authorities.

(Signature)  
Plaintiff

Date: [Date]

SAMPLE



JANE A. DOE , : IN THE COURT OF COMMON PLEAS  
 Plaintiff :  
 v. : OF ERIE COUNTY, PENNSYLVANIA  
 :  
JOHN B. DOE , : NO. [Fill in when assigned] - 20      
 Defendant :

TO: John B. Doe  
200 Sunside Drive  
Erie, PA 16501

**NOTICE TO DEFEND AND CLAIM RIGHTS**

YOU HAVE BEEN SUED IN COURT. IF YOU WISH TO DEFEND AGAINST THE CLAIM 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.

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, ROOM NO. 6, FIRST FLOOR, ERIE COUNTY COURTHOUSE, ERIE, PENNSYLVANIA.

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

YOU ARE ALSO REQUIRED TO ATTEND A SEMINAR ENTITLED "CHILDREN COPE WITH DIVORCE", SEE ATTACHED INSTRUCTIONS. FAILURE TO REGISTER AND COMPLETE THE PROGRAM WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN A FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS.

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.

**LAWYERS REFERRAL SERVICE**  
 302 WEST NINTH STREET  
 ERIE, PENNSYLVANIA 16502  
 (814) 459-4411

AMERICANS WITH DISABILITIES ACT OF 1990 - The Court of Common Pleas of Erie 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's ADA Coordinator at Erie County Court of Common Pleas, 140 W. 6th Street, Rm 205, Erie, PA 16501-1030, Phone-(814) 451-6308, TDD-(814) 451-6237, E-mail- [courtadacoordinator@eriecountygov.org](mailto:courtadacoordinator@eriecountygov.org). Requests should be made as soon as possible or at least three business days prior to any hearing or business before the court.

Jane A. Doe , Plaintiff  
100 Paradise Drive  
Erie, PA 16501

NOTICE

Whenever indignities, irretrievable breakdown with mutual consent or irretrievable breakdown of the marriage after a one-year separation are the ground(s) for the divorce under Section 3301 (a), (b), (c) or (d) of the Divorce Code, counseling may be available to the parties upon request. *However*, the Court may not order counseling over the objection of a party that has an enforceable protection against abuse order against the other party, or where the objecting party was the victim of a personal injury crime for which the other party was convicted or has entered into an Accelerated Rehabilitative Disposition program.

Upon request, the Court will provide parties to this action with a list of qualified professionals who provide such counseling services. Should the Court require counseling sessions, the choice of a qualified professional shall be at the option of the parties and such professional need not be selected from the list provided by the Court.

Should you desire a list of qualified professionals who provide counseling services, contact your attorney or the Office of Domestic Relations, 155 W. 8<sup>th</sup> Street, Erie, Pennsylvania, 16501, (814) 451-6151.

ERIE COUNTY COURT OF COMMON PLEAS  
MINOR CHILDREN FORM

THIS FORM MUST BE FILLED OUT IF YOU HAVE MINOR CHILDREN AND ARE:

1. FILING A DIVORCE COMPLAINT
2. FILING A SEPARATE CUSTODY PETITION

TODAY'S DATE: **May 25, 2009**

CASE NUMBER: **[Fill in when assigned]**

PLEASE CHECK ONE: DIVORCE FILING - NO CHILDREN: \_\_\_\_\_  
DIVORCE FILING - WITH CHILDREN UNDER 18:  \_\_\_\_\_  
CUSTODY FILING - WITH CHILDREN UNDER 18: \_\_\_\_\_

PLAINTIFF/PETITIONER NAME, ADDRESS, SOCIAL SECURITY NUMBER:

**Jane A. Doe**  
**100 Paradise Drive**  
**Erie, PA 16501**  
**123-45-6789**

DEFENDANT/RESPONDENT NAME, ADDRESS, SOCIAL SECURITY NUMBER:

**John B. Doe**  
**200 Sunside Drive**  
**Erie, PA 16501**  
**987-65-4321**

# Completing the IFP

To file any court action you must pay a filing fee. The current minimum filing fee (as of 8/8/14) for a divorce action is \$211.00. 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, also referred to as an IFP. An IFP is simply a detailed list of your income and expenses. You must complete the IFP and present it to the motion court judge for approval before filing the complaint at the Prothonotary's office. If the IFP is approved, the judge will sign the order and you would then take it along with your divorce Complaint to the Prothonotary's office to file.

The IFP form is three pages and consists of the petition section, where you list your information, and the Order section, where the judge either grants or denies your petition. The following are step-by-step instructions on how to fill out the IFP and the Coversheet to present the IFP in Motion Court. [Note: IFP forms are subject to revision by the court and may not remain the same as the one included in this packet.]

## **A. Complete the Caption**

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

## **B. Fill in the blanks of the numbered paragraphs in the Petition**

1. You are stating that you are the Plaintiff and cannot afford to pay the costs of the divorce action.
2. Check yes or no if you have ever filed for an IFP in the past. Check yes or no if an IFP was ever granted in the past. If an IFP was denied in the past, state the reason(s) why.
3. If you ever applied for an IFP in the past, check yes or no if your finances have changed since your last IFP. Explain any changes in your finances. If you have never applied for an IFP in the past, you may leave this blank.
4. You are stating that you are unable to borrow money to pay the costs in this divorce action.
5. (a) Fill in your name, address and social security number.
5. (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, the type of work you did and the reason for your unemployment.

5. (c) List any other income you received within the last twelve (12) months. If any of the entries apply, fill in your average monthly income from that source. If an entry does not apply, simply write "none."
5. (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."
5. (e) List any property you own. If you do not have any of the types of property listed, simply write "none."
5. (f) Fill in an average monthly figure where applicable and write "none" to a type of debt which does not apply to you. 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.
5. (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.
6. This statement means that you understand you must report any improvement in your financial situation to the court.
7. This statement means that you are providing accurate information and that you understand certain penalties can be imposed if you make false statements.

Date and sign the Petition where indicated.

The last section of the IFP is the Order. You do not need to fill out any portion of that section, as it is reserved for the Judge to fill out. **IT IS NOT GUARANTEED THAT THE JUDGE WILL GRANT THE IFP.** If the judge does not grant it, you will be responsible for paying the filing fee to the Prothonotary upon filing.

### **C. Complete the Motion Cover Sheet**

The Motion Cover Sheet is a two-sided form that must accompany any Petition brought to Motion Court. You must fill it out and present it with your completed IFP when you go to Motion Court. This form is partially completed for your convenience.

1. Complete the caption at the top of the front page. Fill in the date and the name of the Motion Court Judge. You can call the courthouse and find out who that week's Motion Court Judge is, as long as you call during the same week which you will be presenting your petition. Where it says "caption," write in your full name "vs." your spouse's full

name. Leave the docket number line blank. Since you will be filing this petition before filing your Complaint with the Prothonotary, you will not have a docket number yet.

2. In the first blank beneath the caption, write in the date that you will be presenting your IFP petition in Motion Court. You will not need to fill out anything else on the front of the Motion Cover Sheet; everything else is either already filled in or does not apply.
3. On the other side of the Motion Cover Sheet at the bottom, *sign* your name on the line next to “By.” Then, *print* your spouse’s name on the line next to where you signed, underneath “Name(s) of opposing counsel or pro se litigants.” There is nothing more to complete on this side; everything else has been filled out for you already.

NOTE: Motions are only heard Monday through Thursday, starting at 9:00 a.m. Therefore, you will need to decide in advance when you are going to go so that you can complete the Motion Cover Sheet in advance with the motion judge’s name for that week and the date.

Please see the following sample forms on pages 15-19 for examples of how the IFP and Motion Cover sheet should look when completed.

JANE A. DOE : IN THE COURT OF COMMON PLEAS  
 Plaintiff :  
 :  
 vs. : OF ERIE COUNTY, PENNSYLVANIA  
 : CIVIL DIVISION  
 :  
JOHN A. DOE : NO.: [Fill in when assigned]  
 Defendant :

**PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS- (DIVORCE MATTER)**

1. I am the Plaintiff listed above. Because of my financial condition, I am unable to pay the required fees.

2. Have you ever applied for an In Forma Pauperis (IFP) in the past? \_\_\_yes \_\_\_no.  
 If so, was it granted? \_\_\_yes \_\_\_no. If not, please state why:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

3. If you have petitioned for an IFP in the past, have your financial circumstances changed since the last request? \_\_\_yes \_\_\_no.

If yes, please briefly explain that change:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

4. I am unable to obtain funds from anyone, including my family and friends, to pay the costs.

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

a. Name: Jane A. Doe  
 Address: 100 Paradise Drive  
 City, State & Zip Erie, PA 16501  
 Social Security Number 123-45-6789

b. EMPLOYMENT

If presently **employed**, state employer: N/A  
 Address: \_\_\_\_\_  
 City, State & Zip \_\_\_\_\_  
 Wages/salary per month: \_\_\_\_\_  
 Type of work: \_\_\_\_\_  
 If presently **unemployed**, state date of last employment: May 2000  
 Wages/salary per month: \$700 per month  
 Reason no longer employed at last job: Transportation problem

c. OTHER INCOME WITHIN PAST TWELVE MONTHS:

Business/Profession: \_\_\_\_\_  
Other self-employment: \_\_\_\_\_  
Interest: \_\_\_\_\_ Dividends: \_\_\_\_\_  
Pension and annuities : \_\_\_\_\_  
Social Security benefits: \_\_\_\_\_  
Support payments: \_\_\_\_\_  
Disability payments: \_\_\_\_\_  
Unemployment compensation and supplemental benefits: \_\_\_\_\_  
Workers' compensation: \_\_\_\_\_  
Public Assistance: \$205 per month  
Other: \_\_\_\_\_

d. OTHER CONTRIBUTIONS TO HOUSEHOLD SUPPORT:

Name of spouse/significant other: \_\_\_\_\_ N/A  
If your spouse is employed, state employer: \_\_\_\_\_  
Wages/salary per month: \_\_\_\_\_  
Type of work: \_\_\_\_\_  
Contributions from children: \_\_\_\_\_ N/A  
Contributions from Parents: \_\_\_\_\_ N/A  
Other contributions: \_\_\_\_\_

e. PROPERTY OWNED:

Cash: \_\_\_\_\_  
Checking account: \$10  
Savings account: \_\_\_\_\_  
Certificates of Deposit: \_\_\_\_\_  
Real estate (including home): \_\_\_\_\_  
Motor vehicle:  
Make \_\_\_\_\_ Year \_\_\_\_\_ Cost \_\_\_\_\_ Amount now owed \_\_\_\_\_  
Stocks/bonds: \_\_\_\_\_  
Other: \_\_\_\_\_

f. DEBTS AND OBLIGATIONS:

Mortgage: \_\_\_\_\_  
Rent: \$50 per month  
Loans: \_\_\_\_\_  
Other: \_\_\_\_\_

g. PERSONS DEPENDENT UPON YOU FOR SUPPORT:

Name of spouse: \_\_\_\_\_ N/A  
Children, if any:  
Name: Baby Doe Age 2  
\_\_\_\_\_  
Age \_\_\_\_\_  
\_\_\_\_\_  
Age \_\_\_\_\_  
Other persons:  
Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_



6. I understand that I have a continuing obligation to inform the Court of any improvement in my financial circumstances which would permit me to pay the costs.

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

Wherefore, I request this Honorable Court to enter an Order granting me leave to file a divorce action as an indigent party without the necessity of paying any filing fees or costs.

DATE: \_\_\_\_\_ [Date] \_\_\_\_\_ Petitioner \_\_\_\_\_ [Signature] \_\_\_\_\_

ORDER

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above Petition for Leave to Proceed In Forma Pauperis is \_\_\_\_\_ as it pertains to the filing fees of the Prothonotary office in this matter. It is hereby ORDERED that the Plaintiff be permitted to proceed In Forma Pauperis, and that the Prothonotary's Office file this Complaint without costs to the Plaintiff.

BY THE COURT:

\_\_\_\_\_  
JUDGE

DATE: [Date of motion presentation] HEARING REQUIRED: YES  NO

MOTIONS JUDGE: Dunlavy

HEARING JUDGE: N/A

CAPTION: Jane A. Doe VS. John A. Doe

DOCKET NO.: \_\_\_\_\_

**FAMILY / ORPHAN'S DIVISION  
MOTION COVER SHEET AND NOTICE**

You are hereby notified that the attached motion/petition will be presented by me on:

[Date of motion presentation], [year] :

- to the Court Administrator as a contested matter:  
 to Motion Court at 9:00 a.m.

**CERTIFICATION OF NOTICE AND SERVICE  
(To be completed for Motion Court presentation)**

The undersigned represents that a copy of this motion and proposed order have been serviced upon all parties or their counsel of record on \_\_\_\_\_, \_\_\_\_\_ in accordance with:

- A. Local Rule No. 440, hereby providing:  
 Two full business days prior notice by  hand delivery,  fax,  
 Five full business days prior notice by mail; or
- B. Local Orphan's Court Rule 12 for Special Petitions, thereby providing:  
 Ten full business days written notice.

**UNCONTESTED MOTION CERTIFICATE**

The undersigned represents that:

- All parties or counsel have consented and consents are attached.  
 The Order seeks only a return hearing or argument date and no other relief.

**INFORMATION FOR COURT ADMINISTRATOR**

- A. If a Judge has heard previously, please identify:  DiSantis  Dunlavy  
 Kelly  Cunningham  Connelly  
 Trucilla  Domitrovich  
 Bozza  Garhart
- B. Estimated court time required \_\_\_\_\_ minutes \_\_\_\_\_ hours \_\_\_\_\_ days
- C. Is this motion / position opposed?  yes  no  unknown

**(OVER)**

**FAMILY COURT MOTIONS**

**CUSTODY:** Petition/Motion relating to:

- Temporary custody
- Approval of custody agreement
- Waive attendance at sem
- Custody Other: \_\_\_\_\_
- Special relief (Cust)
- Cust Contempt
- Continuance (Cust)
- Counsel fees & expenses(Cust)

**DIVORCE:** Petition/Motion relating to:

- Exclusive possession of property
- Bifurcation
- Filing Inven/Pre-Trial Stmt
- Waive Attendance at sem
- Alimony Pende Lite
- Divorce Other: \_\_\_\_\_ IFP \_\_\_\_\_
- Approve QDRO
- Divorce Contempt
- Divorce, Special Relief
- Amend pleadings divorce
- Counsel fees & expenses(Divo)

**SUPPORT:** Petition/Motion relating to:

- Cont conf/de novo hrg (support)
- Support Other: \_\_\_\_\_
- Paternity/Blood tests
- Support Contempt

**ORPHANS' COURT MOTIONS**

**DECEDENTS' ESTATES:** Petition/Motion relating to: **ADOPTIONS:** Petition for:

- Inheritance Tax Return
- Family Exemption
- Settlement of Small Estate
- Approval of sale of property
- App settlement/Wrongful Death, et
- Decedents' Estates Other: \_\_\_\_\_
- Adoption
- Voluntary Relinquishment
- Involuntary Termination
- Confirm Consent Adop
- Adoption Other: \_\_\_\_\_

**MINOR'S ESTATES:** Petition for:

- Appr Set of Minor's Claim
- Auth to Release
- Funds from Minor's Account
- Minor's Estates Other: \_\_\_\_\_

**GUARDIANSHIPS:** Petition for:

- Minor guardianship
- Alleged Incapacitated
- Emergency Intervention
- Discharge/Sub/Guardian
- Guardianship Other: \_\_\_\_\_

I hereby certify all of the above statements are true and correct.

By           [Your Signature]            
Plaintiff      Defendant

Name(s) of opposing counsel or pro se litigants  
          John A. Doe            
\_\_\_\_\_

# FILING THE COMPLAINT AND IFP

## A. Making Copies

Once you have completed all the previous forms, you will need to make copies before going to the courthouse to file them. You can get copies at the Prothonotary's Office in the courthouse, but they currently charge a 25¢ fee per page (for 13 pages, that would be \$3.25). If you do not have access to a copier or if you cannot find a place to make copies at a reasonable price, you may come back to our office for copies. Listed below are the forms that you will need to take to the courthouse and the total number of copies (including the originals) you will need for each:

Notice to Defend and Claim Rights (2 pgs) and Divorce Complaint (2 pgs) - 4 copies total  
Children Cope with Divorce (CCWD) Instructions (1 pg) – 4 copies total  
IFP (3 pgs) – 2 copies total  
Minor Children Form & Motion Cover Sheet (1 pg each) – Originals only

## B. Separate Copies into Three Sets

Once you have made all your copies, you will be separating them into three (or four) sets:

<u>To File w/Prothonotary</u> (All Originals)	<u>To Serve Spouse (2)</u> (Copy)	<u>To Keep for Yourself</u> (Copy)
Notice to Defend	Notice to Defend	Notice to Defend
Divorce Complaint	Divorce Complaint	Divorce Complaint
CCWD Instructions	CCWD Instructions	CCWD Instructions
IFP		IFP
Minor Children Form		

NOTE: Your spouse does not need a copy of the IFP. The Motion Court Cover Sheet will be used to present your IFP in Motion Court only. If you are serving your spouse by mail, you will need an extra set of copies (for a total of 4), one to deliver by regular mail and one certified.

## C. Presenting Your IFP in Motion Court

If you are going to try and have the filing fee for divorce waived, you must present your IFP petition in Motion Court before filing the divorce at the Prothonotary's Office. Otherwise, you can skip the IFP and you must pay the filing fee at the time of filing. Remember, motions are heard at the Erie County Courthouse Monday-Thursday starting at 9:00 a.m. It is best to be there 15 minutes early, however, since motions are heard on a first-come, first-served basis.

The courthouse is located at 140 W. 6<sup>th</sup> Street in Erie. When you get there, you want to go to the 2<sup>nd</sup> floor and to the right. You should have already called ahead to find out what judge is hearing motions that week because you had to fill this information into the caption of the Motion Cover Sheet ahead of time. Each judge has their own courtroom; you can find a listing of room numbers on page 49 of this packet.

When you reach the correct judge's chambers, one of the tipstaff will be there to take your petition. Give the tipstaff both the original and the copy of your completed IFP, along with the Motion Cover Sheet on top, and tell him or her that you are there to present an *uncontested motion for an IFP*. You will be called to present your motion in the order it was received. Tell the judge that you attended the Self-Help Divorce Clinic through Northwestern Legal Services, that everything in your petition is true and correct, and ask that he or she please grant your petition. If granted, the judge will sign both the original and copy of the IFP petition and return them to you.

**\*\*Please remember that it is not guaranteed that the IFP will be granted. If for some reason the judge denies your petition, you will need to come up with the full filing fee in order to file the divorce.**

#### **D. Filing the Divorce Complaint with the Prothonotary**

After your IFP has been granted, (or if you decide to skip the IFP or it is not granted), you must take your three sets to the Prothonotary's Office to file the divorce. The office is located on the 1<sup>st</sup> floor of the courthouse, in the west wing. If you do not have an IFP, you must be prepared to pay the full filing fee at that time. Give the clerk all three sets of documents. At this time, your file will be assigned a docket number and the clerk will date-stamp all of your documents. Make sure to fill in the docket number on every form which requires it.

The clerk will take and file your original documents and return the other two (or 3) stamped sets of copies to you. It is now your responsibility to make sure that your spouse receives their copy/copies of the divorce complaint (the one not including a copy of the IFP). This is called *serving the notice* or *providing service*. All it means is that your spouse received a copy of the Notice to Defend and Claim Rights, the Divorce Complaint, and the Instructions for the CCWD seminar. Remember, the other set is for you to keep for your own records.

There are three acceptable ways that you can serve notice to your spouse. You can have the sheriff or someone you know serve your spouse, you can mail it certified to your spouse, or you can personally deliver the notice and have your spouse sign a form saying that they received it. Once you have decided on a method of service and serve the notice, you must then provide proof of how you served the notice to the Prothonotary's Office. This is called providing "proof of service."

**You must serve your spouse and submit proof of service within 30 days from the date that you filed the divorce. For example, if you filed your divorce on May 25<sup>th</sup>, you must serve your spouse and submit proof of service to the Prothonotary's Office by June 24<sup>th</sup>. If you do not complete this within the 30-day time limit, you may have to pay a reinstatement fee, or in some instances, your divorce decree could be denied by the judge and you may have to start all over again.**

# CHOOSING a METHOD OF SERVICE

## **A. Service by Sheriff or Another Adult (*Affidavit of Service*)**

There is a fee for Sheriff's Service, but any adult other than you can make service this way. This person must be willing to fill out the *Affidavit of Service* and have it notarized. You would then take the completed and notarized affidavit to the Prothonotary to file as proof of service.

## **B. Service by Mail (*Affidavit of Service by Mail*)**

To do this, you would need to address two envelopes to your spouse, using your own address as the return address, and place a copy of the Notice, Complaint, and Instructions in each. Take the envelopes to the Post Office service counter and tell them that you need one mailed regular with a Certificate of Mailing and the other one mailed *Certified, Return Receipt Requested, Restricted Delivery*.

You will need to fill out a two-sided, green Return Receipt card and a green and white Certified Mail Receipt at the Post Office. Please see the sample card and receipt on pages 25-26 to see how these items should be filled out. After you complete the Certified Mail Receipt, separate the barcode on the left side at the perforation, remove the backing from the adhesive, position it at the top of the envelope, just to the right of the return address, and fold the top of the sticker over the top edge of the envelope at the dotted line. There is a removable sticker next to the barcode sticker with the 20-digit article number printed on it. Remove it and place it on the Return Receipt card at section 2 next to "Article Number." Remember to fill out the front and back side of the Return Receipt card. Then, remove the backing from the adhesive strips on the sides of the green card and attach the whole card to the back of the envelope. Make sure to have the postal worker stamp the right side of the Certified Mail Receipt with the postmark and **keep the receipt**. Staple the receipt to the sheet of paper in your blank forms that says "Exhibit A" and store the page with the rest of your documents.

When your spouse signs for the letter, the Return Receipt card will be mailed back to you. When you receive the signed card in the mail, staple it to the bottom of the "Exhibit A" page along with the Certified Mail Receipt. You will then need to complete, have notarized, and submit the *Affidavit of Service by Mail* form to the Prothonotary as proof of service.

If the letter and card come back unsigned for any reason (it was undeliverable, your spouse refused to sign, etc.), wait 15 days to see if the copy you sent by regular mail also comes back. If it does not, this is considered acceptable service. The Certificate of Mailing you got for the regular mail is your proof of service. If the green card is not returned at all within 15 days, contact the post office you mailed it from with your Certified Mail Receipt information. Keep in mind the 30-day limit to submit proof of service. If you cannot resolve the matter timely, you should proceed with one of the other methods of service.

## **C. Service by Personal Delivery (*Acceptance of Service*)**

You can personally serve your spouse the notice, but your spouse will then need to sign the *Acceptance of Service* form. You would then need to submit the form to the Prothonotary as proof of service. This form does not need to be notarized.

# PROVIDING PROOF OF SERVICE

Depending on the method of service you choose, you will need to complete and submit the appropriate affidavit of service to the Prothonotary as proof of service within the 30-day limit. The instructions for completing each form follow.

## A. Affidavit of Service

1. Complete the caption.
2. First Blank -- Print or type the name of the person who delivered the notice to your spouse.
3. Second Blank -- Fill in the defendant's name (your spouse).
4. Third Blank -- Fill in the location where the defendant was served (usually the home address).
5. Fourth Blank -- Fill in the date and time at which service was made (the date your spouse was handed the Notice to Defend and Claim Rights and the Complaint).

The person who made personal service must sign and date the Affidavit of Service in the presence of a Notary Public and have it notarized. Most notaries charge a minimal fee for this type of service. If you cannot afford notarization service, please contact us at 452-6949 x100. Take the Affidavit to the Prothonotary's Office and file it.

## B. Affidavit of Service by Mail

1. Complete the caption.
2. First Blank -- Print or type your name.
3. Second Blank -- Fill in the defendant's address.
4. Third Blank -- Fill in the date the complaint was mailed.
5. Next, choose a box: If your spouse signed the return receipt, attach it to the Exhibit "A" page with the Certified Mail Receipt and check the first box. If it was refused and you also mailed the notice via regular mail and requested a Certificate of Mailing and it was not returned within 15 days, you should check the second box. Attach the Certificate of Mailing along with the Certified Mail Receipt from the first attempt to the Exhibit "A" page.

The Affidavit of Service by Mail must be signed by you in the presence of a Notary Public. Take the Affidavit with the Exhibit "A" Page attached to the Prothonotary's Office for filing.

## C. Acceptance of Service

1. Complete the caption.
2. Type or write in the name of your spouse on the first line.
3. Write in the date you gave your spouse a copy of the Divorce Complaint on the second line.
4. Have your spouse sign on the signature line, fill in the date, and return the form to you for filing at the Prothonotary's Office. This form does not need to be notarized prior to filing.

The next five pages (pgs. 24-28) show examples of what the Certified Mail Receipt, Return Receipt, and all three affidavits should look like when completed.

<u>JANE A. DOE</u>	,	:	IN THE COURT OF COMMON PLEAS
	Plaintiff	:	
	v.	:	OF ERIE COUNTY, PENNSYLVANIA
		:	
<u>JOHN B. DOE</u>	,	:	NO. <u>012345</u> - 2009
	Defendant	:	

**AFFIDAVIT OF SERVICE**

COMMONWEALTH OF PENNSYLVANIA	:	
	:	SS:
COUNTY OF ERIE	:	

Bob Jones, being duly sworn according to law, deposes and says that he/she is a competent adult over 18 years of age; that he/she served a copy of the Complaint in this action upon the Defendant, John B. Doe, by personally handing him/her a true and correct copy thereof and informing him/her of its contents at 200 Sunside Drive, Erie, PA 16501, on May 30, 2009, at 8 o'clock A.M.

Deponent further avers that at the time of such service, the Defendant identified himself/herself to deponent.

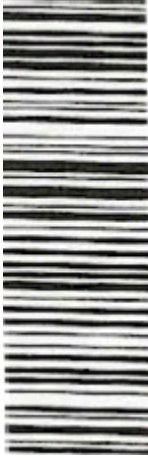
(Signature in front of notary)  
Signature of Deponent

Sworn to and subscribed before me  
this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public



# CERTIFIED MAIL RECEIPT

7000 0520 0020 8587 7377	PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE  <b>CERTIFIED MAIL™</b>		7000 0520 0020 8587 7377	7000 0520 0020 8587 7377	<b>U.S. Postal Service™</b> <b>CERTIFIED MAIL® RECEIPT</b> <i>Domestic Mail Only</i>
					For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a> ®
					<b>OFFICIAL USE</b>
					Certified Mail Fee \$ <b>3.45</b>
					Extra Services & Fees <i>(check box, add fee as appropriate)</i> <input checked="" type="checkbox"/> Return Receipt (hardcopy) \$ <b>2.80</b> <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input checked="" type="checkbox"/> Certified Mail Restricted Delivery \$ <b>5.15</b> <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____
					Postmark Here
					Postage \$ <b>.71</b>
					Total Postage and Fees \$ <b>12.11</b>
					Sent To <b>John B. Doe</b>
					Street and Apt. No., or PO Box No. <b>200 Sunside Drive</b>
					City, State, ZIP+4 <b>Erie, PA 16501-0000</b>
					PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Sticker portion that goes on top of envelope to the right of return address


Receipt portion to have postmarked and keep as part of the proof of service by mail

Article Number sticker that goes on line 2 of green Return Receipt card.

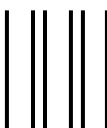

SAMPLE

# GREEN RETURN RECEIPT CARD

## FRONT SIDE

SENDER: <i>COMPLETE THIS SECTION</i>	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature <span style="float: right;"><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</span></p> <p><b>X</b></p>																
<p>1. Article Addressed to:</p> <p style="text-align: center; font-size: 1.2em;"><b>John B. Doe</b> <b>200 Sunside Drive</b> <b>Erie, PA 16501-0000</b></p>  <p style="text-align: center;">9590 9403 0287 5155 0461 74</p>	<p>B. Received by (<i>Printed Name</i>)</p> <p>C. Date of Delivery</p>																
<p>2. Article Number (<i>Transfer from service label</i>)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">7000</td> <td style="width: 15%;">0520</td> <td style="width: 15%;">0020</td> <td style="width: 15%;">8587</td> <td style="width: 15%;">7377</td> </tr> </table>	7000	0520	0020	8587	7377	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>											
7000	0520	0020	8587	7377													
<p>PS Form 3811, April 2015 PSN 7530-02-000-9053</p>	<p>3. Service Type</p> <table style="width: 100%;"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table> <p style="text-align: right;">Domestic Return Receipt</p>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise																
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	

## REVERSE SIDE

<p>UNITED STATES POSTAL SERVICE</p>		<p>First-Class Mail Postage &amp; Fees Paid USPS Permit No. G-10</p>
<p>• Sender: Please print your name, address, and ZIP+4 in this box •</p> <p style="font-size: 1.2em;"><b>Jane A. Doe</b> <b>100 Paradise Drive</b> <b>Erie, PA 16501-0000</b></p>		
<p>USPS TRACKING#</p>  <p style="font-size: 1.2em;">9590 9403 0287 5155 0461 74</p>		

JANE A. DOE,  
Plaintiff

v.

JOHN B. DOE,  
Defendant

: IN THE COURT OF COMMON PLEAS  
:  
: OF ERIE COUNTY, PENNSYLVANIA  
:  
: NO. 012345 - 2009  
:

**AFFIDAVIT OF SERVICE BY MAIL PURSUANT TO P.A.R.CIV.P1920.4**

COMMONWEALTH OF PENNSYLVANIA

:

SS:

COUNTY OF ERIE

:

JANE A. DOE, being duly sworn according to law, deposes and says that he/she representing himself/herself pro se: that he/she mailed a copy of the Complaint if Divorce filed in this matter by certified mail, return receipt requested, addressee only , to the Defendant at 200 Sunside Drive , on May 30 , 20 09 .

[Check one below]

The return receipt signed by the Defendant is evidence of delivery to him/her and is attached hereto along with the Certified Mail receipt as Exhibit "A".

The Defendant refused to sign the receipt. However, Defendant was also served via regular mail and said regular mail was not returned within fifteen (15) days. The Certified Mail receipt and Certificate of Mailing for regular mail is attached hereto as Exhibit "A."

Name: (Signature in front of notary)

Address: 100 Paradise Drive

Erie, PA 16501

Phone: (814) 444-9999

Sworn to and subscribed before me

this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

<u>JANE A. DOE</u>	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	
v.	:	OF ERIE COUNTY, PENNSYLVANIA
	:	
<u>JOHN B. DOE</u>	:	NO. <u>012345</u> - 2009
Defendant	:	

**ACCEPTANCE OF SERVICE**

I, John B.Doe, Defendant in the above action, hereby accept service of the above-referenced Complaint for Divorce in the above-captioned action. I received a true and attested copy of the Complaint for Divorce on [Date received copy of Divorce Complaint].

DATE: \_\_\_\_\_ (Signature of Defendant)  
 Defendant

## The 90-day Waiting Period

Once you have filed the Divorce Complaint, served your spouse, and submitted proof of service to the Prothonotary, there is a 90-day waiting or “cooling off” period that must pass before you can proceed with the divorce. The waiting period is 90 days from the day you *served* the divorce complaint. So, using the example of May 25<sup>th</sup> again, if you filed the complaint on that date, but didn’t serve it until May 30<sup>th</sup>, you wouldn’t be able to proceed with the rest of your divorce until on or after August 28<sup>th</sup>.

If you and your spouse have children who are still under the age 18, it is mandatory that you both must complete a 4-hour seminar entitled, “Helping your Children Cope with Divorce, Custody and/or Visitation,” or Children Cope with Divorce (CCWD) for short. The seminar should be completed within **60 days** of filing a divorce action. Once again, if you were to file May 25<sup>th</sup>, you should complete the seminar by July 24<sup>th</sup>.

This deadline applies to your spouse as well. Remember, you included instructions for taking the seminar with the Divorce Complaint when you served your spouse. The instructions were to inform your spouse how to register for the seminar; below are instructions for you.

### A. Children Cope with Divorce (CCWD) Seminar

In this packet envelope is a registration brochure for the CCWD seminar that you can use to register and pay for the seminar. You can choose to attend one of the 4-hour Saturday morning sessions which are offered twice a month, or two 2-hour sessions offered on consecutive Monday evenings once a month. The full year’s schedule of classes is listed in the brochure and you should indicate which session you prefer.

The cost of the class is \$50.00 (as of 1/1/14) and can be paid by a check made payable to Family Services and mailed in with the registration form. However, if you were granted an IFP or if you are receiving cash assistance through Welfare, you qualify to have the fee waived. You can mail in a copy of your IFP signed by a judge with your registration form if you have an IFP. If you receive cash assistance, contact Family Services at (814) 866-4500 for a verification form. In both cases, you would indicate “Fee Waived” on the registration form.

Make sure you attend the seminar during your scheduled time. If you miss the class or are excessively late, you will be charged an **additional \$5.00 fee that cannot be waived**. Your children are not permitted to attend the class, so you must make arrangements for their care. If you would rather not attend the seminar at the same time as your spouse, there is a box to check and a space at the bottom of the registration form to indicate your spouse’s name.

Once you have completed the class, you can have them forward a copy of your attendance certificate to the Prothonotary’s office. Parents living outside of Erie County will have to contact Family Services for alternate arrangements. If you have completed this seminar before for a custody action or a previous divorce action, contact Family Services to see if they can forward proof of your attendance to the Prothonotary’s office. Remember to include your docket number.

Court approval is required for an extension of time to complete the seminar. If you are having a problem with your spouse not completing the seminar, you could file an additional petition in motion court to ask that the judge grant the divorce decree without proof of your spouse’s attending the seminar. Please see pages 43-48 for further instructions on this.

## After the 90-day Waiting Period

Once you have waited 90 days after serving the Divorce Complaint, you can complete and file the rest of the paperwork necessary to finalize the divorce. **\*\*NOTE: DO NOT date or submit any of the remaining paperwork until after 90 days have passed from the date of service.**

You are going to be filing both sets of Affidavits of Consent and Waivers of Notice, the Praecepto to Transmit, Social Security Information Sheet, Vital Records form, and Divorce Decree with the Prothonotary. The following instructions outline how to complete all of these forms.

### A. Completing Both Sets of Affidavits of Consent and Waivers of Notice

There are two sets of Affidavits of Consent and Waivers of Notice of Intention to Request Entry of a Divorce Decree Under §3301(c) included in this packet, one for you, the Plaintiff, and one for your spouse, the Defendant. Please make sure that you sign the Plaintiff set and your spouse signs the Defendant set. **\*\*NOTE: If you are filing under §3301(c)(2) and your spouse will not sign the Affidavit of Consent and Waiver of Notice, please follow the alternate directions in the Supplement (pgs. 7-10).**

1. Complete the captions on both sets. Do not forget the docket number.
2. On both Affidavits of Consent, on the blank line in paragraph 1, print or type the date on which you filed the Divorce Complaint. Remember, this is the date that the Prothonotary stamped on your copy of the Complaint.
3. Date and sign the Plaintiff set of forms at the bottom of both the Affidavit of Consent and the Waiver of Notice using your full, legal name, including middle initial. Have your spouse do the same with the Defendant set of forms. You can have your spouse do this in person, or you can mail the forms to your spouse with a postage-paid return envelope to send the signed forms back to you so that you can file them.
4. **Both Affidavits of Consent and Waivers of Notice must be filed with the Prothonotary within 30 days after they are signed and dated.** If you are going to be mailing your spouse the forms to sign and return, make sure you let your spouse know of this time limit and you may want to wait until after the forms are returned to you before you sign the Plaintiff forms. **\*\*Again, if you are filing under §3301(c)(2) and your spouse will not sign the Affidavit of Consent and Waiver of Notice, follow the directions in the Supplement (pgs. 7-10).**

### B. Completing the Praecepto to Transmit

**\*\*NOTE: If you are filing under §3301(c)(2) and your spouse will not sign the Affidavit of Consent and Waiver of Notice, you should use the Praecepto to Transmit found in the blank forms at the end of the Supplement.**

1. Again, make sure you complete the caption.
2. For paragraph 2, you should fill in when and how you served the Complaint. For example:
  - a. If you served the Complaint by mail, print or type "Service by Certified Mail, Restricted Delivery, Return Receipt Requested on [date your spouse signed the green card]." This is the same date that you would have also put on the Affidavit of Service by Mail.

- b. If the Complaint was served personally through someone else, print or type, "Personal service by [name of the person who served Complaint] at [location where Complaint was served] on [date Complaint was served]." Again, this would be the same information you would have put on the Affidavit of Service.
  - c. If your spouse accepted service of the Complaint from you, print or type, "Acceptance of Service was signed by [your spouse's full name] on [date your spouse signed Acceptance of Service]." Once again, this would be the same information from the Acceptance of Service form.
3. For 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.
  4. For paragraph 4, print or type the word "None."
  5. For paragraph 5, you will be completing option (b) by printing or typing the date you are filing your Waiver of Notice on the first blank and the date you are filing your spouse's Waiver of Notice in the second blank (both dates will be the date you will go to the Prothonotary's to file the documents as instructed below and should be the same for both).
  6. Print or type the date on the top line at the bottom of the page and *sign* your full, legal name beneath the date next to "Plaintiff."

### **C. Completing the Divorce Information Sheet**

The following numbered instructions correspond to the boxes on the Divorce Information Sheet. You will be repeating most of the same information that you entered on the Social Security Information Sheet.

1. Docket Number – Enter the docket number that was assigned to your divorce complaint.
2. Plaintiff's Name – Fill in your full name **AND** current address in this box.
3. Plaintiff's Social Security Number – Fill in your Social Security Number.
4. Defendant's Name – Fill in your spouse's full name **AND** current address in this box.
5. Defendant's Social Security Number – Fill in your spouse's Social Security Number.
6. Date of This Marriage – Fill in the date (month, day, year) that you and your spouse were married.

### **D. Completing the Divorce Decree**

1. Complete the caption as on all forms, including the docket number and year.
2. Do **not** fill in the date in the first line; this is for the judge to fill in.
3. Print or type your full, legal name in the first blank on the second line and the full, legal name of your spouse in the second blank. Leave the signature line beneath blank; this is for the judge's signature.

For samples of these completed forms, please see pages 33-39. **\*\*NOTE: If you are filing under §3301(c)(2) and your spouse will *not* sign the Affidavit of Consent and Waiver of Notice, you can see samples of the appropriate forms in the Supplement (pgs. 11-18).**

## **E. Filing the Final Documents with the Prothonotary**

Once you have completed all the forms, you will need to make some copies. The originals you will file with the Prothonotary and a set of copies you will keep for yourself. Your spouse does not need copies of these documents (unless they specifically ask you for them), except the divorce decree. The following list shows how many copies of each document you will need (including the originals).

Affidavit of Consent & Waiver of Notice (Plaintiff) – 1 copy (2 total)  
Affidavit of Consent & Waiver of Notice (Defendant) – 1 copy (2 total)\*\*  
Praecipe to Transmit – 1 copy (2 total)  
Divorce Information Sheet – 1 copy (2 total)  
Divorce Decree – 2 copies (3 total)

You will also need to prepare 2 empty envelopes, one addressed to yourself, and one addressed to your spouse. Affix a first-class stamp to both envelopes.

**\*\*NOTE: If you are filing under §3301(c)(2) and your spouse will *not* sign the Affidavit of Consent and Waiver of Notice, in addition to the above, you will also need copies of the additional documents. Please see pages 7-10 in the Supplement.**

Take the envelopes and all the other final documents to the Prothonotary's Office, where they will be date-stamped (make sure to get your copies date-stamped, too.) The Prothonotary's office will check that all the necessary documents are present and send all the information to the Judge so he/she can review the documents and sign the Divorce Decree. Once the Decree is granted, the Prothonotary's office will forward a copy to you and your spouse using the envelopes you provided for them.

You and your spouse will receive copies of your Divorce Decree within a few weeks unless there is a problem, in which case you will receive a letter from a Court Administrator informing you of any problems that you may have to correct. A common reason for a delay in the granting of your Divorce Decree is failing to submit documentation within the time limits allotted or submitting documents too early. On page 50 you will find a timeline-tracking sheet which may help to keep you from missing any of your filing deadlines.

If your spouse's completion of the CCWD seminar becomes a factor as to why your divorce will not be granted, please see pages 43-48 for further instructions.



<u>JANE A. DOE</u>	:	IN THE COURT OF COMMON PLEAS
	:	
Plaintiff	:	OF ERIE COUNTY, PENNSYLVANIA
v.	:	
	:	
<u>JOHN B. DOE</u>	:	NO. <u>012345</u> - 2009
	:	
Defendant	:	

**AFFIDAVIT OF CONSENT**

1. A Complaint in Divorce under § 3301(c) of the Divorce Code was filed on May 25, 2009.

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:         [Date]        

                                (Your Signature)  
Plaintiff



<u>JANE A. DOE</u> _____,	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	
v.	:	OF ERIE COUNTY, PENNSYLVANIA
	:	
<u>JOHN B. DOE</u> _____,	:	NO. <u>012345</u> - 2009
Defendant	:	

**AFFIDAVIT OF CONSENT**

1. A Complaint in Divorce under § 3301(c) of the Divorce Code was filed on \_\_\_  
May 25, 2009\_\_\_\_\_.

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.

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: [Date]\_\_\_\_\_

\_\_\_\_\_  
 (Your spouse's signature)  
 Defendant

<u>JANE A. DOE</u>	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	
v.	:	OF ERIE COUNTY, PENNSYLVANIA
	:	
<u>JOHN B. DOE</u>	:	NO. <u>012345</u> - 2009
Defendant	:	

**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, lawyers 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. §4904 relating to unsworn falsification to authorities.

DATE:  [Date]

(Your spouse's signature)   
Defendant

JANE A. DOE \_\_\_\_\_, : IN THE COURT OF COMMON PLEAS  
 Plaintiff :  
 v. : OF ERIE COUNTY, PENNSYLVANIA  
 :  
JOHN B. DOE \_\_\_\_\_, : NO. 012345 - 2009  
 Defendant :

**PRAECIPE TO TRANSMIT RECORD**

To the Prothonotary:

Transmit the record, together with the following information to the Court for entry of a divorce decree:

1. Grounds for divorce: Irretrievable breakdown under §3301(c) of the Divorce Code.
2. Date and Manner of service of Complaint: Service by Certified Mail on May 30, 2009, Restricted Delivery, Returned Receipt Requested, No. 7000 0020 8598 2644.
3. Date of execution of the plaintiff's affidavit of consent required by §3301(c) of the Divorce Code: [The date you signed]; date of execution of the defendant's affidavit of consent required by § 3301(c) of the Divorce Code: [The date your spouse signed].
4. Relating claims pending: None.
5. Date plaintiff's Waiver of Notice in §3301(c) Divorce was filed with the prothonotary: [The date you file]. Date defendant's Waiver of Notice in §3301(c) Divorce was filed with the prothonotary: [The date you file].

[Signature]  
Jane A. Doe \_\_\_\_\_, Plaintiff

## **DIVORCE INFORMATION SHEET**

Please complete the appropriate information and file with the Prothonotary.

<b>DOCKET NUMBER</b>	012345-2009
<b>PLAINTIFF'S NAME</b>	Jane A. Doe, 100 Paradise Drive, Erie, PA 16501
<b>PLAINTIFF'S SOCIAL SECURITY NUMBER</b>	111-22-3333
<b>DEFENDANT'S NAME</b>	John B. Doe, 200 Sunside Drive, Erie, PA 16501
<b>DEFENDANT'S SOCIAL SECURITY NUMBER</b>	123-45-6789
<b>DATE OF THIS MARRIAGE</b>	(Month) (Day) (Year) 7 / 17 / 2004

JANE A. DOE, : IN THE COURT OF COMMON PLEAS  
Plaintiff :  
v. : OF ERIE COUNTY, PENNSYLVANIA  
: :  
JOHN B. DOE, : NO. 012345 - 2009  
Defendant :

**DECREE OF DIVORCE**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is ORDERED AND  
DECREED that Jane A. Doe, Plaintiff, and John B. Doe,  
Defendant, are divorced from the bonds of matrimony.

The Court retains jurisdiction of the following claims which have been raised of record in  
this action for which a final order has not yet been entered: None.

\_\_\_\_\_  
J.

# Retaking a Maiden Name

After the divorce has been granted, the woman may wish to resume her maiden name. To do this, she must go to the Prothonotary's office and file a statement indicating that she intends to resume using her maiden name. If the woman never took the husband's last name when they got married or if she chooses to keep her married name, then she will not need to do this.

The blank forms include two forms called Notice of Intent to Retake Prior Name. One is to use if the woman is the Plaintiff in the divorce and the other is to use if the woman is the Defendant. If you, the plaintiff, are the man, you may let your spouse know about this by giving or sending her the form for the Defendant and these instructions.

## A. Completing the Notice of Intent to Retake Prior Name

1. Complete the caption.
2. In the blank in the first paragraph, the woman should print or type in the full maiden name that she wishes to retake, including middle initial.
3. This document must be notarized, so **do not sign until you are in the presence of a Notary Public**. Where it says "Signature of Plaintiff" (or "Signature of Defendant," if woman is the Defendant), the woman should sign her married name (as it appears in the caption) on the line.
4. Also before the Notary, on the line beneath "TO BE KNOWN AS:" the woman should sign the maiden name (as it appears on the first blank line) that she wishes to retake.
5. The entire bottom portion of the form is for the Notary to complete and emboss his/her notary seal to. Almost all notaries charge a small fee for notarization services. The completed notarized form should then be filed at the Prothonotary's office. If the IFP was not granted or the woman is the Defendant, the cost of filing this form is approximately \$8.00.
6. The woman should probably make a copy of the completed notarized form for her records in case any problems arise from the resumption of her maiden name.

Please see pages 41-42 for both Plaintiff and Defendant sample forms.



JANE A. DOE, : IN THE COURT OF COMMON PLEAS  
 Plaintiff :  
 v. : OF ERIE COUNTY, PENNSYLVANIA  
 :  
JOHN B. DOE, : NO. 012345 - 2009  
 Defendant :

NOTICE OF INTENT TO RETAKE PRIOR NAME

Notice is hereby given that the Plaintiff in the above matter, and hereby elects to retake and use her previous name of JANE A. SMITH, and gives this written notice avowing her intention in accordance with the provisions of the Act of December 16, 1982, 54 Pa. Cons. Stat. §704 as amended, January 1, 2001.

[Signature of Married Name]  
 Signature of Plaintiff

TO BE KNOWN AS:

[Signature of Maiden Name]  
 Signature--prior name

COMMONWEALTH OF PENNSYLVANIA :  
 : SS.  
 COUNTY OF ERIE :

Before me, a Notary Public, in and for said County and State, personally appeared JANE A. DOE, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the foregoing for the purpose therein contained.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
 Notary Public

JOHN B. DOE \_\_\_\_\_, : IN THE COURT OF COMMON PLEAS  
 Plaintiff :  
 v. : OF ERIE COUNTY, PENNSYLVANIA  
 :  
JANE A. DOE \_\_\_\_\_, : NO. 012345 - 2009  
 Defendant :

NOTICE OF INTENT TO RETAKE PRIOR NAME

Notice is hereby given that the Defendant in the above matter, hereby elects to retake and use her previous name of JANE A. SMITH, and gives this written notice avowing her intention in accordance with the provisions of the Act of December 16, 1982, 54 Pa. Cons. Stat. §704 as amended, January 1, 2001.

[Signature of Married Name]  
 Signature of Defendant

TO BE KNOWN AS:

[Signature of Maiden Name]  
 Signature--prior name

COMMONWEALTH OF PENNSYLVANIA :  
 : SS.  
 COUNTY OF ERIE :

Before me, a Notary Public, in and for said County and State, personally appeared JANE A. DOE, known to me to be the person whose name is subscribed to the within instrument and acknowledged that she executed the foregoing for the purpose therein contained.

WITNESS my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_  
 Notary Public

## **If Your Spouse Doesn't Take the Seminar**

As you know now, if you and your spouse have minor children from your marriage, both of you are required to attend the Children Coping with Divorce (CCWD) seminar. If the Prothonotary's office has not received certificates of completion for the seminar for both you and your spouse by the time you submit the rest of the documents to them for the finalization of the divorce, the judge will not sign the Decree.

It may come to a point when all you are waiting for is for your spouse to take the CCWD seminar. There may be several reasons for this: your spouse may not be able to come up with the registration fee, or cannot take off work during the times the classes are being offered, or perhaps there is a transportation issue. Whatever the reason, it will hold up the divorce.

If you have reason to believe that your spouse may not be able to comply with taking the seminar in a reasonable amount of time, you could ask the court to waive your spouse's attendance of the seminar in order to grant the divorce. **This would not waive your spouse's responsibility to take the class altogether, it would only waive the requirement of having to have the class completed before granting the divorce.**

In order to do this, you would need to file a petition in Motion Court, just like with the IFP (if you filed one). Included in the blank forms of this packet are an additional Motion Cover Sheet and a Petition for Leave to Enter Divorce Decree if you should need to use them.

### **A. Completing the Petition for Leave to Enter Divorce Decree**

The following instructions correspond with the blanks in the paragraphs on this form. Fill in the caption at the top of the form with the docket number.

1. The first paragraph has one blank. Enter your full name as it appears in the caption.
2. In the next paragraph, numbered 1, enter your full name again as it appears in the caption on the first blank line, your house number, street name, and apartment number (if applicable) on the second blank line, your city on the third blank line, and your zip code on the last blank line.
3. In the next paragraph, numbered 2, enter your spouse's full name as it appears in the caption on the first blank line, your spouse's house number, street name, apartment number (if applicable), and city on the second blank line, your spouse's county on the third blank line, your spouse's state on the fourth blank line, and your spouse's zip code on the last blank line.
4. In the paragraph numbered 4, enter the full date that you attended the CCWD seminar.
5. On the blank lines just above the ORDER section, enter the date and sign your name on the line next to "Petitioner." Do not fill in any lines in the Order portion of the petition at the bottom, as this is for the judge to fill in.

## B. Completing the Motion Cover Sheet

The Motion Cover Sheet is the same as the one to present a petition for an IFP (if you filed one). It is a two-sided form that must accompany any petition brought to Motion Court. You must fill it out and present it with your completed Petition for Leave to Enter Divorce Decree when you go to Motion Court.

There are two partially completed Motion Cover Sheets included in the blank forms of this packet. The first one was for presenting the IFP petition and was partially completed for that purpose. The cover sheet for presenting the Petition for Leave to Enter Divorce Decree looks the same, but is partially completed for this purpose. **Please make sure that you do not mix the two cover sheets up.** The instructions for completing the Motion Cover Sheet follow.

1. Complete the caption at the top of the front page. Fill in the date and the name of the Motion Court Judge. You can call the courthouse and find out who that week's Motion Court Judge is, as long as you call during the same week which you will be presenting your petition. Where it says "caption," write in your full name "vs." your spouse's full name. Fill in the docket number.
2. In the first blank beneath the caption, write in the date that you will be presenting your Petition for Leave to Enter Divorce Decree in Motion Court. You will not need to fill out anything else on the front of the Motion Cover Sheet; everything else is either already filled in or does not apply.
3. On the other side of the Motion Cover Sheet at the bottom, *sign* your name on the line next to "By." Then, *print* your spouse's name on the line next to where you signed, underneath "Name(s) of opposing counsel or pro se litigants." There is nothing more to complete on this side; everything else has been filled out for you already.

REMEMBER: Motions are only heard Monday through Thursday, starting at 9:00 a.m. Therefore, you will need to decide in advance when you are going to go so that you can complete the Motion Cover Sheet in advance with the motion judge's name for that week and the date.

You will want to make 2 copies of the completed petition for a total of 3; you do not need copies of the cover sheet. Please see the sample forms on pages 46-48 for examples of how the Petition for Leave to Enter Divorce Decree and Motion Cover Sheet should look when completed.

## C. Presenting the Petition for Leave to Enter Divorce Decree in Motion Court

When you get to the courthouse, you want to go to the 2<sup>nd</sup> floor and to the right. You should have already called ahead to find out what judge is hearing motions that week because you had to fill this information into the caption of the Motion Cover Sheet ahead of time. When you reach the correct judge's chambers, one of the tipstaff will be there to take your petition. Give the tipstaff the original and the 2 copies of your completed petition, along with the Motion Cover Sheet on top, and tell him or her that you are there to present an *uncontested motion to waive your spouse's attendance at the Children Cope with Divorce Seminar*. You will be called to present your motion in the order it was received. Tell the judge that you attended the Self-Help Divorce Clinic through Northwestern Legal Services, that everything in your petition is true and correct, and ask that he or she please grant your petition. If granted, the judge will sign all copies of the petition and return them to you.

## **D. Filing a Praecepte to Re-Transmit**

If the judge grants the Petition for Leave to Enter Divorce Decree, you will then need to submit it along with a Praecepte to Re-Transmit. Filing this allows the Prothonotary to submit the divorce decree to the judge again for finalization. The Praecepte to Re-Transmit looks just like the Praecepte to Transmit you submitted the first time only it says “*Re-Transmit.*” Make sure that you do not mix the two forms up. You may follow the instructions on pages 30-31 for filling out this form. The sample form is located on page 37.

Take the granted Petition for Leave to Enter Divorce Decree and the Praecepte to Re-Transmit to the Prothonotary’s Office and submit it. If you did not have an IFP there will be small fee to file this. If the judge does not grant your Petition for Leave to Enter Divorce Decree for any reason, your spouse will need to complete the CCWD Seminar before the judge will grant your divorce.

**\*\*If after the 90-day waiting period you are aware that your spouse has still not completed the seminar, you can wait to complete and file the final paperwork to avoid having to go through this extra step.**

DATE: [Date of motion presentation] HEARING REQUIRED: YES  NO

MOTIONS JUDGE: Dunlavey

HEARING JUDGE: N/A

CAPTION: Jane A. Doe VS. John A. Doe

DOCKET NO.: 012434-2009

**FAMILY / ORPHAN'S DIVISION  
MOTION COVER SHEET AND NOTICE**

You are hereby notified that the attached motion/petition will be presented by me on:

[Date of motion presentation], [year] :

- to the Court Administrator as a contested matter:  
 to Motion Court at 9:00 a.m.

**CERTIFICATION OF NOTICE AND SERVICE  
(To be completed for Motion Court presentation)**

The undersigned represents that a copy of this motion and proposed order have been serviced upon all parties or their counsel of record on \_\_\_\_\_, \_\_\_\_\_ in accordance with:

- A. Local Rule No. 440, hereby providing:  
 Two full business days prior notice by  hand delivery,  fax,  
 Five full business days prior notice by mail; or
- B. Local Orphan's Court Rule 12 for Special Petitions, thereby providing:  
 Ten full business days written notice.

**UNCONTESTED MOTION CERTIFICATE**

The undersigned represents that:

- All parties or counsel have consented and consents are attached.  
 The Order seeks only a return hearing or argument date and no other relief.

**INFORMATION FOR COURT ADMINISTRATOR**

- E. If a Judge has heard previously, please identify:  DiSantis  Dunlavey  
 Kelly  Cunningham  Connelly  
 Trucilla  Domitrovich  
 Bozza  Garhart

F. Estimated court time required \_\_\_\_\_ minutes \_\_\_\_\_ hours \_\_\_\_\_ days

G. Is this motion / position opposed?  yes  no  unknown

**(OVER)**

**FAMILY COURT MOTIONS**

**CUSTODY:** Petition/Motion relating to:

- Temporary custody
- Approval of custody agreement
- Waive attendance at sem
- Custody Other: \_\_\_\_\_
- Special relief (Cust)
- Cust Contempt
- Continuance (Cust)
- Counsel fees & expenses(Cust)

**DIVORCE:** Petition/Motion relating to:

- Exclusive possession of property
- Bifurcation
- Filing Inven/Pre-Trial Stmt
- Waive Attendance at sem
- Alimony Pende Lite
- Divorce Other: \_\_\_\_\_
- Approve QDRO
- Divorce Contempt
- Divorce, Special Relief
- Amend pleadings divorce
- Counsel fees & expenses(Divo)

**SUPPORT:** Petition/Motion relating to:

- Cont conf/de novo hrg (support)
- Support Other: \_\_\_\_\_
- Paternity/Blood tests
- Support Contempt

**ORPHANS' COURT MOTIONS**

**DECEDENTS' ESTATES:** Petition/Motion relating to: **ADOPTIONS:** Petition for:

- Inheritance Tax Return
- Family Exemption
- Settlement of Small Estate
- Approval of sale of property
- App settlement/Wrongful Death, et
- Decedents' Estates Other: \_\_\_\_\_
- Adoption
- Voluntary Relinquishment
- Involuntary Termination
- Confirm Consent Adop
- Adoption Other: \_\_\_\_\_

**MINOR'S ESTATES:** Petition for:

- Appr Set of Minor's Claim
- Auth to Release
- Funds from Minor's Account
- Minor's Estates Other: \_\_\_\_\_

**GUARDIANSHIPS:** Petition for:

- Minor guardianship
- Alleged Incapacitated
- Emergency Intervention
- Discharge/Sub/Guardian
- Guardianship Other: \_\_\_\_\_

I hereby certify all of the above statements are true and correct.

By           [Your Signature]            
Plaintiff      Defendant

Name(s) of opposing counsel or pro se litigants  
          John A. Doe            
\_\_\_\_\_

Jane A. Doe, : IN THE COURT OF COMMON PLEAS  
 Plaintiff :  
 v. : OF ERIE COUNTY, PENNSYLVANIA  
 :  
John A. Doe, : NO. 01234 - 2009  
 Defendant :

**PETITION FOR LEAVE TO ENTER DIVORCE DECREE**

The Plaintiff, Jane A. Doe, files the following Petition for Leave to Enter Divorce Decree and alleges in support the following:

1. Plaintiff is Jane A. Doe, who currently resides at 100 Paradise Drive, Erie, Erie County, Pennsylvania 16501.
2. Defendant is John A. Doe, who currently resides at 200 Sunside Drive, Erie, Erie County, PA 16501.
3. The Plaintiff filed a Complaint in Divorce at the above term and number.
4. The Plaintiff attended the “Children Coping with Divorce” seminar on [date you attended seminar].
5. The Defendant has not attended the seminar.
6. The Plaintiff is hereby requesting that the court grant leave to enter the divorce decree without the Defendant having attended the seminar.

WHEREFORE the Plaintiff hereby seeks leave of the court to have a decree in divorce entered at the above term and number.

DATE: [DATE] Petitioner [Your Signature]

**ORDER**

AND NOW, this     day of                     , 20   , upon consideration of the request of the Plaintiff to permit the granting of a divorce in the above-captioned matter prior to the Defendant’s completion of the requirement of attendance at the “Children Cope with Divorce” seminar, **IT IS ORDERED** that the request is (granted / denied) and a Decree of Divorce (may / may not) be entered when otherwise properly before the court.

Notwithstanding the above, and so that the parties may understand their parental responsibilities, both parties are still required to complete the “Children Cope with Divorce” seminar.

BY THE COURT:

\_\_\_\_\_  
 JUDGE



# ERIE COUNTY COURTHOUSE PHONE LISTINGS

Here are some telephone listings to various offices at the Erie County Courthouse that you may need to refer to at some point in this process. Remember, if you have any procedural questions, refer first to this packet, then the attorney who instructed your Divorce Clinic class, and lastly, you can contact Northwestern Legal Services if you still have problems or questions. Also, no one at the Courthouse is permitted to give you legal advice or instruction. They will accept whatever documents you submit whether they have been filled out correctly or not. Double-check your documents and deadlines before submission.

Office	Location	Number
Clerk of Courts	Rm 103, Courthouse	451-6221
Court Administration – Family	Rm 205, Courthouse	451-6251
Court Administrator	Rm 210, Courthouse	451-6295
Custody Conciliation	Rm 02, Courthouse	451-6234
Domestic Relations AVR	155 W. 8 <sup>th</sup> Street	451-6151
Judge's Chambers		
Judge Brabender	Courtroom F, Room 220	451-6294
Judge Cunningham	Courtroom A, Room 206	451-6287
Judge Domitrovich	Courtroom G, Room 222	451-6230
Judge Garhart	Courtroom D, Room 214	451-6297
Judge Kelly	Courtroom H, Room 229	451-6363
Judge Mead	Courtroom C, Room 213	451-6315
Judge Sambroak	Courtroom I, Room 217	451-6374
Judge Trucilla	Courtroom E, Room 219	451-6481
Judge Walsh	Courtroom B, Room 208	451-6269
Prothonotary	Room 120, Courthouse	451-6250

# DIVORCE TRACKING CHECKLIST

Please use this tracking checklist as a visual reminder of where you are in the filing process. This may help you to not miss any deadlines that may cause a delay in getting your divorce granted.

1. Completed Complaint?	Y or N		
2. Completed Notice to Defend and Claim Rights?	Y or N		
3. Completed IFP?	Y or N/A		
4. Completed Minor Children Form?	Y or N		
5. Presented IFP in Motion Court?	Y or N/A	Granted? Y or N	
6. Filed Divorce Complaint?	Y or N	Date:	
7. Served Divorce Complaint?	Y or N	Date:	Deadline:
8. Proof of Service Submitted?	Y or N	Date:	Deadline:
9. 90-Day Waiting Period Passed?	Y or N	Date:	
10. CCWD Seminar Completed?	Y or N/A	Date:	Deadline:
11. Spouse Completed Seminar?	Y or N/A	Date:	Deadline:
12. Signed Affidavit of Consent & Waiver?	Y or N	Date:	
13. Spouse Signed Affidavit of Consent & Waiver?*	Y or N	Date:	
**If "N" & filing under §3301(c)(2), Did you complete file & serve Notice of Intention, Counter-Affidavit, & Certificate of Service?	Y or N/A	Date:	
14. Completed Praecipe to Transmit?	Y or N		
15. Completed Divorce Information Sheet?	Y or N		
16. Submitted All Final Documents?	Y or N	Date:	

**notes:**