

Filing Fee: \$156.75  
Cash Or Money Order



**PROTHONOTARY / CLERK OF COURTS**  
(COURT OF COMMON PLEAS OF MIFFLIN COUNTY)  
20 NORTH WAYNE STREET  
LEWISTOWN, PA 17044  
Phone (717) 248-8146 FAX (717) 248-5275  
Hours: 8:00am – 4:00pm  
Monday - Friday

### **Mifflin County Pro Se Divorce Packet**

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These forms and instructions have been developed so you will not need a lawyer to file for a No-Fault Consensual Divorce. You may file legal papers and appear in court by yourself. This system is called "pro se."

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

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

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

## **INFORMATION ON THE PACKET**

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

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

## **FEES AND IN FORMA PAPERIS INFORMATION**

To file this Divorce Complaint it will cost **\$156.75** (cash or money order). However, it may be possible to have this filing fee reduced if you can prove to the court that you cannot afford to pay the \$156.75.

To do this, you must file a Petition to Proceed In Forma Pauperis ("IFP"). An IFP simply is a detailed list of your income and expenses. You must complete the IFP and file it along with your Divorce complaint at the Prothonotary's office. Fill out the information to the best of your ability and don't forget to sign and date the bottom.

## **FILING AND SERVICE INFORMATION**

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

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

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



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

\_\_\_\_\_  
PLAINTIFF

vs.

\_\_\_\_\_  
DEFENDANT

CP-44-CV- \_\_\_\_\_-20\_\_\_\_

IN DIVORCE

**COMPLAINT FOR DIVORCE UNDER  
SECTION 3301(c) OR 3301(d) OF THE DIVORCE CODE**

1. Plaintiff is \_\_\_\_\_ (Name), who currently resides at \_\_\_\_\_ (Street Address), \_\_\_\_\_ (City), \_\_\_\_\_ (County), \_\_\_\_\_ (State and Zip), since \_\_\_\_\_ (Date).
2. Defendant is \_\_\_\_\_ (Name), who currently resides at \_\_\_\_\_ (Street Address), \_\_\_\_\_ (City), \_\_\_\_\_ (County), \_\_\_\_\_ (State and Zip), since \_\_\_\_\_ (Date).
3.  Plaintiff and/or  Defendant has/have been a bona fide resident(s) in the Commonwealth for at least six months immediately previous to the filing of this Complaint.
4. The plaintiff and defendant were married on \_\_\_\_\_ (Date) at \_\_\_\_\_ (City) \_\_\_\_\_ (State/County).
5. There have been no prior actions of divorce or for annulment between the parties, except \_\_\_\_\_.
6. The marriage is irretrievably broken.

7. Plaintiff has been advised that counseling is available and that Plaintiff may have the right to request that the Court require the parties to participate in counseling.

8. Plaintiff requests that the Court enter a decree of divorce.

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

Respectfully submitted,

Date: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Plaintiff's Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State and Zip

\_\_\_\_\_  
Telephone

**CERTIFICATE OF COMPLIANCE**

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

Submitted by: \_\_\_\_\_  
Print name of who filed document

Signature: \_\_\_\_\_

Name: \_\_\_\_\_  
Print

Attorney No. (if applicable): \_\_\_\_\_



IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY, PENNSYLVANIA  
CIVIL ACTION

\_\_\_\_\_  
PLAINTIFF

vs.

\_\_\_\_\_  
DEFENDANT

CP-44-CV- \_\_\_\_\_ -20 \_\_\_\_\_

IN DIVORCE

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

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

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff's Signature



IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA

PLAINTIFF  
vs  
DEFENDANT

CP-44-CV-\_\_\_\_\_-20\_\_\_\_\_

PETITION TO PROCEED IN FORMA PAUPERIS

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

a.) My Name is: \_\_\_\_\_
My Address is: \_\_\_\_\_
Street/PO Box Town State Zip

b.) Employment:
If you are presently employed, state your:
Employer: \_\_\_\_\_
Employer's Address: \_\_\_\_\_
Salary or wages: \$ \_\_\_\_\_ (monthly)
If you are presently unemployed, state:
Date of last employment: \_\_\_\_\_ Salary or wages: \$ \_\_\_\_\_ (monthly)
Employer: \_\_\_\_\_

c.) Please list any other income received within the past twelve months:
Social security benefits: \$ \_\_\_\_\_ (monthly) Disability payments: \$ \_\_\_\_\_ (monthly)
Unemployment compensation and/or supplemental benefits: \$ \_\_\_\_\_ (monthly)
Workers' Compensation: \$ \_\_\_\_\_ (monthly) Public assistance: \$ \_\_\_\_\_ (monthly)
Other or Self-Employment \$ \_\_\_\_\_ (monthly)

d.) Other contributions to household:
Wife/Husband Name: \_\_\_\_\_
If your wife/husband is employed, please state:
Employer: \_\_\_\_\_ Salary or wages: \$ \_\_\_\_\_ (per month)

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

f.) Debts and obligations:

Mortgage: \$ \_\_\_\_\_ (monthly) Rent: \$ \_\_\_\_\_ (monthly)  
Loans: \$ \_\_\_\_\_ (monthly) Other: \$ \_\_\_\_\_  
\_\_\_\_\_ (monthly)

(Write all of your regular monthly bills, phone, utilities, cable, insurance, etc.)

g.) Persons dependent upon you for support:

(Wife/Husband) Name: \_\_\_\_\_

Children, if any:

Initials: \_\_\_\_\_ Age: \_\_\_\_\_ Initials: \_\_\_\_\_ Age: \_\_\_\_\_

Initials: \_\_\_\_\_ Age: \_\_\_\_\_ Initials: \_\_\_\_\_ Age: \_\_\_\_\_

Initials: \_\_\_\_\_ Age: \_\_\_\_\_ Initials: \_\_\_\_\_ Age: \_\_\_\_\_

Other persons:

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\*\*\*\*\*

Action of the Prothonotary: \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Prothonotary Signature

## INSTRUCTIONS FOR SERVING THE DIVORCE COMPLAINT

After you have filed complaint in the Prothonotary's office, you are required to serve the Defendant with a copy of the complaint and Notice to Defend and Claim Rights. Service must be made **within 30 days of the filing of the Complaint**. Service can be made in a number of ways. We recommend either of the following methods:

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

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

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

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

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

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

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

IN THE COURT OF COMMON PLEAS OF MIFFLIN COUNTY, PENNSYLVANIA

Plaintiff

v.

Defendant

CIVIL ACTION

CP-44-CV-\_\_\_\_\_ 20\_\_\_\_\_

IN DIVORCE

AFFIDAVIT OF SERVICE

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

(CHECK ONE)

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

The Defendant was personally served with a true and correct copy of the above pleading by hand-delivering the same to the Defendant. Personal service was made at the following location and time:

\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock.

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of the Person who made Service



## **Please Read**

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

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

IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY, PENNSYLVANIA

\_\_\_\_\_  
PLAINTIFF

vs.

\_\_\_\_\_  
DEFENDANT

CP-44-CV-\_\_\_\_\_-20\_\_\_\_\_

IN DIVORCE

**AFFIDAVIT OF CONSENT OF PLAINTIFF  
§ 3301(c)**

1. A complaint in divorce under § 3301(c) of the Divorce Code was filed on \_\_\_\_\_ (Date).
2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety days have elapsed from the date of filing and service of the Complaint.
3. I consent to the entry of a final decree of divorce after service of notice of intention to request entry of the decree.

I verify that the statements in this document 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's Signature

IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY, PENNSYLVANIA

\_\_\_\_\_  
PLAINTIFF

vs.

\_\_\_\_\_  
DEFENDANT

CP-44-CV-\_\_\_\_\_-20\_\_\_\_

**AFFIDAVIT OF CONSENT OF DEFENDANT  
§ 3301(c)**

1. A complaint in divorce under § 3301(c) of the Divorce Code was filed on \_\_\_\_\_ (Date).
2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety days have elapsed from the date of filing and service of the Complaint.
3. I consent to the entry of a final decree of divorce after service of notice of intention to request entry of the decree.

I verify that the statements in this document 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's Signature

IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY, PENNSYLVANIA

\_\_\_\_\_  
PLAINTIFF

vs.

\_\_\_\_\_  
DEFENDANT

CP-44-CV \_\_\_\_\_ -20 \_\_\_\_\_

**WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE DECREE  
UNDER § 3301(c) AND § 3301(d) OF THE DIVORCE CODE - PLAINTIFF**

1. I consent to the entry of a final decree of divorce without notice.
2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.
3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the prothonotary.

I verify that the statements in this document 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's Signature



IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY, PENNSYLVANIA

\_\_\_\_\_  
PLAINTIFF

vs.

\_\_\_\_\_  
DEFENDANT

CP-44-CV- \_\_\_\_\_ -20 \_\_\_\_\_

**WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE DECREE  
UNDER § 3301(c) AND § 3301(d) OF THE DIVORCE CODE - DEFENDANT**

1. I consent to the entry of a final decree of divorce without notice.
2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.
3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the prothonotary.

I verify that the statements in this document 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's Signature

IN THE COURT OF COMMON PLEAS OF \_\_\_\_\_ COUNTY, PENNSYLVANIA

\_\_\_\_\_  
PLAINTIFF

vs.

\_\_\_\_\_  
DEFENDANT

CP-44-CV- \_\_\_\_\_ -20 \_\_\_\_\_

DIVORCE

### PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

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

1. Ground for divorce: irretrievable breakdown under  § 3301(c)  § 3301(d)(1) of the Divorce Code.
2. Date and manner of service of the Complaint: \_\_\_\_\_ (date of service);  
\_\_\_\_\_ (manner of service).
3. Complete either paragraph (a) or (b).
  - (a) Date of execution of the affidavit of consent required by § 3301(c) of the Divorce Code: by plaintiff \_\_\_\_\_; by defendant \_\_\_\_\_.
  - (b)(1) Date of execution of the affidavit required by § 3301(d) of the Divorce Code: \_\_\_\_\_;
  - (2) Date of filing and service of the § 3301(d) affidavit upon the opposing party: \_\_\_\_\_.
4. Related claims pending: \_\_\_\_\_.
5. Complete either (a) or (b).
  - (a) Date and manner of service of the notice of intention to file praecipe, a copy of which is attached: \_\_\_\_\_ (date of service);  
\_\_\_\_\_ (manner of service).
  - (b) Date plaintiff's Waiver of Notice was filed with the prothonotary: \_\_\_\_\_.  
Date defendant's Waiver of Notice was filed with the prothonotary: \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
( ) Plaintiff  
( ) Defendant

