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

PROTHONOTARY / CLERK OF COURTS

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

Mifflin County Pro Se Divorce Packet

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

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

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

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

INFORMATION ON THE PACKET

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

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

FEES AND "APPLICATION TO WAIVE FEES AND COSTS" INFORMATION

To file this Divorce Complaint it will cost **$162.75** (cash, money order or credit card). However, it may be possible to have this filing fee waived if you can prove to the Court that you cannot afford to pay the filing fee.

To do this, you must file an "Application to Waive Fees and Costs" (Wavier). A Waiver is simply a detailed list of your income and expenses. **You must complete the Waiver 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 Verification portion of the form.

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 "Application to Waive Fees and Costs" (if needed) to start the proceeding.

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

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

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

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

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the office of the Prothonotary on the first floor of the Mifflin County Courthouse, Lewistown, Mifflin County, PA.

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

If YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

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

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

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

COMPLAINT FOR DIVORCE
UNDER SECTION 3301(c) OF THE DIVORCE

1. Plaintiff is _____ (name), who currently resides in, _____ (county),
_____ (street address) (city) (state) (zip) since _____,
2. Defendant is _____ (name), who currently resides in, _____ (county),
_____ (street address) (city) (state) (zip) since _____,
3. ( ) Plaintiff and/or ( ) Defendant has/have been a bona fide resident(s) in the Commonwealth for at least six months prior to the filing of this complaint.
4. The Plaintiff and Defendant were married on _____ (date),
at _____ (Location – state/county).
5. There have been no prior actions of divorce or annulment between the parties except -
_____.
6. This 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 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. C.S. §4904, relating to unsworn falsifications to authorities.

_____ Date

_____ Plaintiff's Signature

CP-44-CV-_____-20_____

CERTIFICATE OF COMPLIANCE

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

Submitted by: _____
(print name of who filed document)

Signature: _____

Name: _____
(print)

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

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

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

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

REMOVAL OR WITHDRAWAL OF COUNSEL OF RECORD (If Applicable)

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

____ Withdraw my appearance for the filing party.

_____ Esq. ID# _____
Print Name

_____ _____
Signature Date

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

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

_____
Print Name

_____ _____
Signature Phone Number

_____ _____
Street Adress Fax Number

_____ _____
City, State, Zip Date

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

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

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

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

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

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

_____ Date

_____ Plaintiff's signature

IN THE COURT OF COMMON PLEAS
MIFFLIN COUNTY, PENNSYLVANIA

_____
PLAINTIFF

VS

CP-44-CV-_____-20___

_____
DEFENDANT

APPLICATION TO WAIVE FEES AND COSTS

Party Name:_____
First Middle Last

Residence:_____
City, State, Zip:_____

☐ Check the box if you are currently without a house or apartment.

Do you currently receive one or more of the following public benefits?

- Supplemental Nutrition Assistance Program (SNAP)(food stamps)
- Medicaid
- Supplemental Security Income (SSI) (Not Social Security Disability Insurance (SSDI)
- Temporary Assistance to Needy Families (TANF)
- Public Housing or Section 8 Housing
- Needs-based VA Pension
- Low-Income Energy Assistance
- Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Other need-based federal, state, or local program:_____
  Name of Program

☐ Yes ☐ No

If you answered "Yes," skip the remainder of the form and sign/date the VERIFICATION.

I am providing the following information about people who live with me:

I support ___ adult children, who are incapable of self-support due to a physical or mental disability.

I support ___ children under 18.

GROSS MONTHLY INCOME (income before paying taxes and other deductions):

$_____ monthly wages. I work as a _____ for
(job title/description)
_____.
(name of employer)

$_____ unemployment compensation. I have been unemployed since _____
(date)
My last employer was _____.
(name of employer)

$_____ money received from other people.

$_____ ☐ Retirement/Pension ☐ Disability
☐ Workers Comp ☐ Social Security
☐ Child/Spousal support ☐ Other sources: _____
(describe sources)

$_____ Total monthly gross income

ASSETS (Current Value):

$_____ Cash

$_____ Bank accounts or other financial assets

$_____ Primary vehicle

$_____ Other vehicles

$_____ House

$_____ Other real estate

$_____ Other property: _____
_____
_____
(describe)

$_____ Total value of property

MONTHLY EXPENSES YOU PAY:

$_____ Rent/mortgage payment

$_____ Food and household supplies

$_____ Utilities, including cell phone

$_____ Clothing and other personal expenses

$_____ Medical and dental expenses/insurance

$_____ Child care

$_____ Transportation, including car payments and repairs

$_____ Child and spousal support or alimony

$_____ Other expenses: _____
_____
_____
(describe)

$_____ Total monthly expenses

Are there other facts that you would like the court to know about your circumstances that may help the court decide whether to grant your application, such as you are experiencing homelessness or you have health issues?

_____
_____
_____

VERIFICATION

I understand that I have a continuing obligation to inform the court of an improvement in my financial circumstances that would permit me to pay the fees and costs in this case. If I fail to inform the court of any changes in my circumstances, I understand that the court may rescind the waiver of fees and costs and order me to pay those fees and costs.

I verify that the statements made in this application 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 Party's Signature

IN THE COURT OF COMMON PLEAS
MIFFLIN COUNTY, PENNSYLVANIA

_____

PLAINTIFF

VS **CP-44-CV-_____-20___**

_____

DEFENDANT

ORDER

AND NOW, this _____ day of _____, 20_____, upon consideration of the within Application to Waive Fees and Costs, said Application is GRANTED/DENIED. The Petitioner, _____ may/may not file the _____ and proceed without payment of filing fees.

_____ _____

Date **Prothonotary**

INSTRUCTIONS FOR SERVICE OF COMPLAINT FOR DIVORCE

After you have filed the complaint in the Prothonotary's office, you are required to serve the defendant with a copy of this complaint within 30 days of filing the complaint.

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

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

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

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

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

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

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

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

_____
Plaintiff

v. CP-44-CV-_____-20_____

_____
Defendant IN DIVORCE

CERTIFICATE OF SERVICE FOR DIVORCE COMPLAINT

I,_____, hereby certify that on the _____ day of _____, 20_____, I served the Defendant with a true and correct copy of a complaint for divorce by one of the following methods:

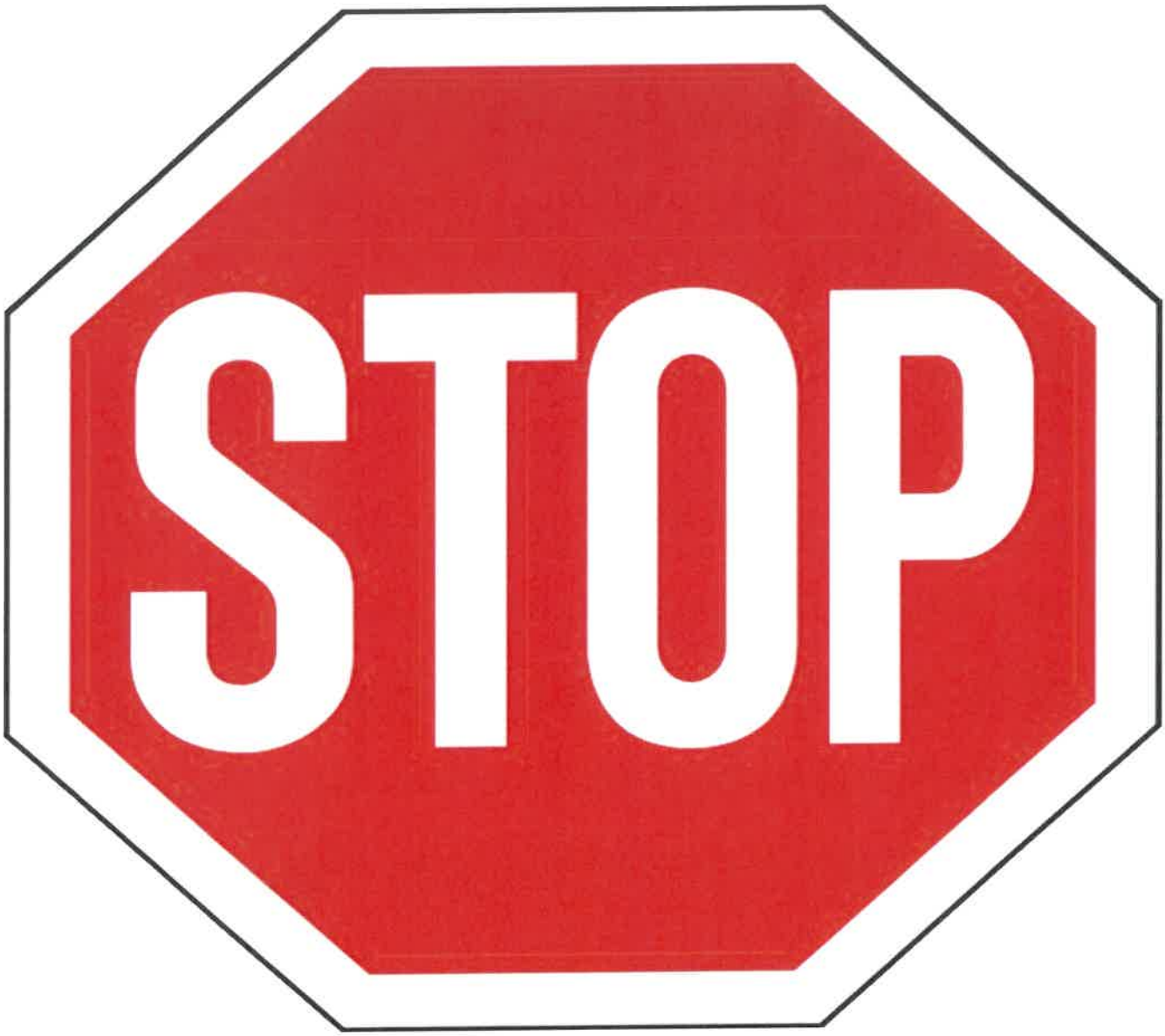
(CHECK ONE)

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

( ) The Defendant was personally served with a true and correct copy of the above pleading by hand-delivering the same to the Defendant or by handing a copy at the residence or place of business of the Defendant as set forth in Pa. R.C.P. §402. Personal service was made at the following location and time: _____ on the _____ day of _____, 20_____, at _____ o'clock. If service was made on an adult, other than the Defendant, at the residence or place of business, the name of this adult is_____.

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

_____ _____
Date Signature of Person Who Made Service



Please Read

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

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

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

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

AFFIDAVIT OF CONSENT

1. A complaint in divorce under §3301(c) of the Divorce Code was filed on _____.
2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety days have elapsed from the date of filing and service of the Complaint.
3. I consent to the entry of a final decree of divorce after service of Notice of Intention to Request Entry of the Decree.

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

_____ Date

_____ Plaintiff's Signature

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

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

AFFIDAVIT OF CONSENT

1. A complaint in divorce under §3301(c) of the Divorce Code was filed on _____.

2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce after service of Notice of Intention to Request Entry of the Decree.

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

_____ Date

_____ Defendant's Signature

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

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

WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE DECREE UNDER 3301(c) OF THE DIVORCE CODE

1. I consent to the entry of a final decree of divorce without notice.

2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the Prothonotary.

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

_____ Date

_____ Plaintiff's Signature

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

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

WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE DECREE UNDER 3301(c) OF THE DIVORCE CODE

1. I consent to the entry of a final decree of divorce without notice.

2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the Prothonotary.

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

_____ Date

_____ Defendant's Signature

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

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

PRAECIPE TO TRANSMIT RECORD
Under Section §3301(c) of the Divorce Code

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 the Complaint was served: _____.

   Complaint was served by ( )Certified Mail or ( ) Hand Delivery.

3) **Date** that the Affidavit of Consent required by §3301(c) of the divorce code was **signed** by parties:

   by plaintiff _____ (Date), by defendant _____ (Date).

4) Related claims pending: _____.

5) **Date** the Waiver of Notice required by §3301(c) of the divorce code was **filed** with the Prothonotary:

   by plaintiff _____ (Date), by defendant _____ (Date).

_____ Date

_____ ( )Plaintiff or ( ) Defendant's Signature

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

_____ Plaintiff	:	
v.	:	CP-44-CV-_____20____
_____ Defendant	:	IN DIVORCE

DECREE

AND NOW, this _____ day of _____, 20_____, it is **Ordered** and **Decreed** that _____, Plaintiff, and _____, Defendant, are divorced from the bonds of matrimony.

The parties shall reaffirm or change the beneficiary status on any life insurance policies, annuity contracts, pensions, profit sharing plans, or other contractual arrangements providing for payment to a spouse if it is the intention of one of the parties to keep or change the other party as a beneficiary. Failure to do so may result in revocation of the beneficiary designation pursuant to 20 Pa.C.S.§ 6111.2.

The court retains jurisdiction of any claims raised by the parties in this action for which a final order has not yet been entered.

Any existing spousal support order shall hereafter be deemed an order for alimony pendente lite if any economic claims remain pending.

BY THE COURT:

_____
Judge