

TIOGA COUNTY, PENNSYLVANIA

DIVORCE COMPLAINT SELF-HELP PACKAGE

*Prepared by the Tioga County Bar Association for use by indigent pro se litigants
in Tioga County, Pennsylvania*

THIS PACKAGE IS ONLY FOR USE IN NO-FAULT DIVORCES WITHOUT ANY ECONOMIC CLAIMS. THIS PACKAGE SHOULD NOT BE USED IF YOU WISH TO RAISE ANY ECONOMIC CLAIMS AGAINST YOUR SPOUSE OR IF YOU EXPECT YOUR SPOUSE TO RAISE ANY ECONOMIC CLAIMS AGAINST YOU.

THIS PACKAGE CAN ONLY BE USED TO OBTAIN A DIVORCE WHEN BOTH PARTIES CONSENT TO THE DIVORCE AND BOTH PARTIES ARE WILLING TO SIGN DOCUMENTS CONFIRMING THEIR CONSENT TO THE DIVORCE.

- **IF YOU AND YOUR SPOUSE HAVE ANY MINOR CHILDREN, YOU SHOULD ALSO FILE A COMPLAINT FOR CUSTODY IF YOU HAVE NOT ALREADY DONE SO. PLEASE REFER TO THE COURT'S CUSTODY SELF-HELP PACKAGES FOR USE IN CONNECTION WITH CHILD CUSTODY MATTERS.**
- **IF YOU CANNOT AFFORD TO PAY THE FILING FEES FOR YOUR DIVORCE AND YOU WISH TO ASK THE COURT TO WAIVE THE FILING FEES, YOU WILL ALSO NEED THE 'DIVORCE IFP PETITION SELF-HELP PACKAGE.'**
- **IF YOU AND YOUR SPOUSE HAVE ALREADY LIVED SEPARATELY AND APART FOR AT LEAST ONE (1) YEAR, YOU MAY ALSO HAVE THE OPTION OF SEEKING A DIVORCE UNDER SECTION 3301(D) OF THE DIVORCE CODE, WHICH DOES NOT REQUIRE YOUR SPOUSE TO FORMALLY CONSENT TO THE DIVORCE. AT THIS TIME, HOWEVER, THE TIOGA COUNTY BAR ASSOCIATION DOES NOT YET PROVIDE A SELF-HELP KIT FOR THAT SITUATION. YOU SHOULD CONTACT AN ATTORNEY IF YOU HAVE ANY QUESTIONS ABOUT THIS OPTION.**
- **IF YOUR SPOUSE HAS BEEN CONVICTED OF A PERSONAL INJURY CRIME AGAINST YOU, YOU MAY ALSO HAVE THE OPTION OF SEEKING A DIVORCE UNDER SECTION 3301(C)(2) OF THE DIVORCE CODE. AT THIS TIME, HOWEVER, THE TIOGA COUNTY BAR ASSOCIATION DOES NOT YET PROVIDE A SELF-HELP KIT FOR THAT SITUATION. YOU SHOULD CONTACT AN ATTORNEY IF YOU HAVE ANY QUESTIONS ABOUT THIS OPTION.**

INSTRUCTIONS:

NOTE: This package is only for use in connection with simple, uncontested, no-fault divorces without any economic claims or issues. It should not be used if you intend to raise any economic claims against your spouse or if you expect your spouse to raise economic claims against you.

You will then need to follow the directions included below to complete the Divorce Complaint:

How to fill out the Divorce Complaint:

Page 2, Question 1 – Fill in your full name, address, phone number, and confirm that you are over the age of eighteen and have not been declared legally incompetent. Here is an example:

1. The Plaintiff's name, address, phone number, and competency status are as follows:

Name: <u>Jane Q. Doe</u>	Is the Plaintiff over the age of eighteen (18)?
Address: <u>123 Main St.</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>Wellsboro, PA 16901</u>	Is the Plaintiff legally incompetent?
Phone No.: <u>(570) 555-1234</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	(See Pa.R.C.P. No. 1920.12)

Page 2, Question 2 – Fill in your spouse's name, address, phone number, and confirm that your spouse is over the age of eighteen and has not been declared legally incompetent. Here is an example:

2. Defendant's name, address, and relationship to the above-listed child(ren) is as follows:

Name: <u>John X. Doe</u>	Is the Defendant over the age of eighteen (18)?
Address: <u>456 Main St.</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>Mansfield, PA 16933</u>	Is the Defendant legally incompetent?
Phone No.: <u>(570) 555-5678</u>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	(See Pa.R.C.P. No. 1920.12)

If either you or your spouse is under the age of eighteen (18) or either of you is legally incompetent, than you will probably need to consult an attorney and you will not be able to use this self-help kit to complete your divorce.

Page 2, Question 3 – You will need to confirm that the court has jurisdiction by certifying that either you or your spouse, or both of you, have resided in Pennsylvania for at least six (6) months before you file your divorce complaint. Brief out-of-state trips do not matter as long as Pennsylvania has been either your primary residence or your spouse's primary residence during the previous six (6) months. You should check the appropriate box for your situation.

Page 2, Question 4 – You will need to state the date and location of your marriage. The result should look something like this:

4. The Plaintiff and Defendant were lawfully married on 01/02/2003 at the following location:

Address: <u>Community Chapel</u>
<u>123 Turning Lane</u>
<u>Hometown, PA 12345</u>

Page 2, Question 5 – You do not need to fill in anything to answer this question, but by signing and filing your divorce complaint you are certifying that you believe your marriage is irretrievably broken.

Page 2, Question 6 – State the date when you and your spouse separated. Provide your best good-faith estimate if the exact date is not clear.

Page 3, Question 7 – In this question you must provide the court with information regarding any prior legal proceedings for divorce or annulment between you and your spouse. For example, if you or your spouse previously filed for divorce but you then reconciled, you will need to provide the requested information. If there have never been any prior proceedings for divorce or annulment between you and your spouse, then you should check “Yes” and you can either leave the lines for Question 7(a) blank or write “N/A” or some equivalent.

Page 3, Question 8 – You do not need to fill in anything to answer this question, but by signing and filing your divorce complaint you are certifying that you are aware that your spouse may request marriage counselling and that the court may order you to participate in such counselling.

Page 3, Question 9 – You do not need to fill in anything to answer this question, but by signing and filing your divorce complaint you are certifying that you want the court to enter a Decree in Divorce ending your marriage to your spouse.

Page 3, Certificate of Compliance with Public Access Policy – By signing and filing the Divorce Complaint, you are certifying that it complies with the Public Access Policy of the Unified Judicial System of Pennsylvania and does not contain any (1) social security numbers, (2) financial account numbers, (3) driver’s license numbers, (4) state identification numbers, (5) minor’s names or dates of birth, (6) abuse victim’s addresses or other contact information, as defined by Pa.R.C.P. No. 1931(a), except for a victim’s name. For more information, visit:
<http://www.pacourts.us/public-records/public-records-policies>

Page 3, Praeipice for Self-Representation – In the ‘Praeipice for Self-Representation,’ check the first box if you have never been represented by an attorney in connection with this divorce case and check the second box if you previously had an attorney represent you in connection with this case (Note: If you currently have an attorney representing you in connection with your case and wish to keep your attorney, then you should not use this packet - your attorney can create all of the necessary forms for you). The address you include below the signature line on Page 3 is the address the court and the other party are supposed to use to send legal papers to you. **Make sure the court and all other parties always have your current mailing address for legal papers because you will be treated as if you received any mail sent to you at the address you provide. If you do not keep your mailing address updated, you may miss important notices and fail to receive important legal documents.** The court provides a separate stand-alone ‘Praeipice to Update Contact Information’ form that you can use later on to inform the court and other parties of any changes in your contact information.

Page 3, Verification and Signature – After you have filled out the rest of the Divorce Complaint, sign and date the last page. **By signing the divorce complaint and filing it with the court you are asserting that the information you provide is true and correct to the best of your knowledge, information, and belief. If you intentionally provide false information in a document you submit to the court, you may be subject to criminal charges under 18 PA. C.S.A. § 4904.**

STEP 2: DO YOU NEED AN IFP SELF-HELP PACKAGE?

There is a filing fee for filing a divorce in Tioga County. ~~Please call for price as the~~ amount is subject to increase at any time. If you cannot afford to pay the filing fee, you will also need to complete the 'IFP SELF-HELP PACKAGE' before you can file for divorce. The Court will need to approve your request to waive the filing fee before you can file your divorce complaint (See the instructions in the IFP SELF-HELP PACKAGE). However, you should have all of your paperwork ready before you go to the Courthouse.

STEP 3: PREPARE COPIES OF YOUR DOCUMENTS

Before you go to court, you will need to make copies of your document(s). When you go to the courthouse you will need to bring with you the following:

- One (1) original** Divorce Complaint and *at least two (2) copies* of the Divorce Complaint
- If you filled out an IFP Application, you will also need **One (1) original** IFP application and *at least two (2) copies* of the IFP Application.

STEP 4: FILE YOUR DOCUMENTS AT THE COURTHOUSE

Now you can go to the Prothonotary's office in the courthouse. Tell the staff that you are there to file a new divorce and give them your papers. After you have either paid the filing fee or the court has waived the filing fee (if applicable), you can submit your paperwork. The Prothonotary's Office will take your original documents for the court file. They will also timestamp the copies of your documents and give the copies back to you. One copy is for your own records and you will need to serve the other copy on your spouse.

STEP 5: SERVE YOUR DOCUMENTS ON THE DEFENDANT

After you have filed your document(s), it is your responsibility to send your spouse copies of the document(s) you filed. If you only filed a Divorce Complaint, then you only need to send your spouse a copy of the Divorce Complaint. If you also filed an IFP Application, then you will need to send your spouse both a copy of the Divorce Complaint and also a copy of the IFP Application. **Please note that your documents must be served on your spouse within thirty (30) days after you file them or you will need to have them reinstated.** See Step 6 for more information about reinstatement of expired divorce complaints.

THERE ARE TWO OPTIONS FOR SERVING YOUR LEGAL PAPERS ON YOUR SPOUSE:

You can *either* (1) hand the divorce papers directly to your spouse and then have them sign an "Acceptance of Service" form acknowledging that they received the divorce papers, *or* (2) you can mail your document(s) by certified mail, restricted delivery, return receipt requested. You do not need to do both.

Service Option One: If you are going to hand-deliver the divorce papers: Fill in the case caption on the top of the "Acceptance of Service" form the same way you filled in the case caption on your other documents. Take the divorce papers with you to a meeting with your spouse. It is strongly recommended that you do not serve your divorce papers in-person if your spouse is not already aware that you are filing for divorce or if you believe handing the divorce papers to your spouse may result in any form of argument or breach of peace. Ask your spouse to print their name on the first blank line on the form, fill in their address and phone number, and then sign and date the "Acceptance of Service" form. You should then take the signed form with you, make a copy of the signed form for your own records, and take both the original and the signed form to the Prothonotary's Office. The Prothonotary's Office will keep the original and timestamp the copy, which you should keep for your own records.

Service Option Two: If you are going to mail the divorce papers: If you are going to mail the divorce papers to your spouse, you must send them by certified mail, restricted delivery, return receipt requested. If you do not know how to complete the postal "green card," the post office can assist you. When you mail something by certified mail, restricted delivery, return receipt requested, the recipient must sign for their mail in order to receive it. The green card with the person's signature is then returned to you. You will need a green card with your spouse's signature to prove that they received the document(s) that you sent to them. PLEASE NOTE THAT SIGNING THE POSTAL GREEN CARD IS NOT THE SAME THING AS CONSENTING TO THE DIVORCE. THE GREEN CARD ONLY PROVED TO THE COURT THAT YOUR SPOUSE RECEIVED YOUR DOCUMENT(S). When you receive a signed green card back from the Defendant, you will need to attach it to the 'Certificate of Service' and file it at the Prothonotary's Office. Fill in the case caption at the top of the Certificate of Service the same way you filled in the case caption on all of your other documents (only this time you should already have the docket number, so you can fill in the docket number yourself). Attach the postal green card to the Certificate of Service using glue or tape with the side containing the Defendant's signature facing up. Then you should sign and date the Certificate of Service. You can then take it back to the Prothonotary's office and file it as part of your case record. You should also make a copy for your own records. **Do not file the Certificate of Service unless and until you have attached the postal green card.** If you do, you will actually be committing a crime because the form itself certified under potential legal penalties that the signed green card is attached. You will need to file a separate Certificate of Service for every Defendant.

STEP 6: REINSTATE YOUR DIVORCE COMPLAINT

The Divorce Complaint must be served within thirty (30) days after it is filed and timestamped by the Prothonotary's Office. **If you succeed in serving your divorce complaint within thirty (30) days, then you can skip Step 6 and go straight to Step 7.**

However, if you are unable to serve the Divorce Complaint within thirty (30) days (for example, if your spouse does not sign the postal green card within thirty days), then you will need to “reinstate” your Divorce Complaint and try again. You can reinstate your Divorce Complaint as many times as necessary (either before or after the thirty (30) days have expired), and every time you reinstate your Divorce Complaint you will have another thirty (30) day window of time in which to serve your Divorce Complaint on your spouse. However, there is a filing fee that you will need to pay every time you reinstate your Divorce Complaint unless the court has approved an IFP application (See Step 2).

If you need to reinstate your complaint, fill in the case caption on the top of the “Praecipe to Reinstate Divorce Complaint” the same way you filled in the case caption at the top of your other documents. Then sign and date the “Praecipe to Reinstate Divorce Complaint,” make *at least* two copies, and take the original and copies to the Prothonotary’s Office. The fee for filing a Praecipe to Reinstate a Divorce Complaint is currently \$30.00, but that is potentially subject to increase at any time. If the Court has granted an IFP Application then no fee will be collected. The Prothonotary will collect any applicable filing fee, keep the original, and timestamp your copies. You will need to include a copy of the timestamped “Praecipe to Reinstate Divorce Complaint” with your Divorce Complaint when you serve your legal papers on your spouse.

STEP 6: WAIT NINETY (90) DAYS

Pennsylvania law required that both spouses next wait *at least ninety (90) days* before signing the final consent forms necessary to complete the divorce. This is intended as a “cooling off” period to prevent hasty divorces. **The ninety-day waiting period does not begin until you actually serve the divorce papers on your spouse.** It does not start on the day you file the Divorce Complaint unless you serve the Divorce Complaint *that same day*. For example, if you file your divorce papers on January 1st, mail them to your spouse on January 2nd, and your spouse signs the postal green card on January 10th, then the ninety-day waiting period begins on January 10th. If you hand the divorce papers directly to your spouse and they sign and date the “Acceptance of Service” form, then the ninety days start as of the date they sign the Acceptance of Service form. After the ninety days have passed, you and your spouse can sign the consent forms at any time.

STEP 7: SIGN THE CONSENT FORMS

The next step is for you and your spouse to sign the “Affidavit of Consent and Waiver of Notice” forms. **Do not sign those forms until *at least ninety (90) days* have passed since you served the divorce complaint on your spouse.** You should fill in the case captions the same way you filled in the case caption at the top of your other documents. In Question 1 on both forms you must insert the date you filed the divorce complaint at the courthouse and also the date you actually served the divorce complaint on your spouse.

Your spouse will need to sign the form titled “Affidavit of Consent and Waiver of Notice (Defendant)” and you will need to sign the form titled “Affidavit of Consent and Waiver of Notice (Plaintiff).” **By signing these forms, you and your spouse are both telling the court that you agree to the entry of a divorce**

decree, and you are also both telling the court that you waive any and all property or economic claims against each other. This does not include any potential child support obligations, which are considered a right of the child and cannot be waived.

The consent forms must be signed and filed within thirty (30) days of each other, so the best practice is to have your spouse sign their consent form first and then for you to then immediately sign your own consent form afterwards. These forms must also be filed with the court within thirty (30) days after signing, so you should proceed immediately to Step 8 after both consent forms are signed.

STEP 8: COMPLETE THE PRAECIPE TO TRANSMIT RECORD

The “Praeipce to Transmit Record” is the last form you will need to file to request the entry of a Divorce Decree. You should fill in the case caption on this form the same way you filled in the case caption at the top of your other documents.

Question 1 – You do not need to fill anything out to answer this question, but please note that the version of the Praeipce to Transmit Record included with this packet is only appropriate for use in a divorce under Section 3301(c)(1) of the Pennsylvania Divorce Code after both spouses have already signed Affidavit of Consent and Waiver of Notice forms as described in Step 7. If you are trying to complete a divorce under any other section of the Divorce Code, you will not be able to use the included Praeipce to Transmit Record and you should probably seek the assistance of an attorney.

Question 2 – Fill in the date your Divorce Complaint was filed on your spouse. If your spouse signed an acceptance of service form, then you should use the date on which they signed the acceptance of service form. If you sent the Divorce Complaint by certified mail, then you should use the delivery date on the postal green card that you attached to your Certificate of Service (see Step 5). You should also check the appropriate box indicated whether service was accepted by your spouse or accomplished by certified mail.

Question 3 – Fill in the dates when you and your spouse signed the Affidavit of Consent and Waiver of Notice forms as described in Step 7. You should also attach both original Affidavit of Consent and Waiver of Notice forms to the Praeipce to Transmit Record.

Question 4 – In this question you will need to confirm that there are no related claims still pending that the court will need to address in connection with the divorce. This primarily refers to economic and property claims. If there are no related claims pending, you should check the box labeled “None” to confirm that no related claims are pending. If there are any related claims still pending, it is strongly recommended that you consult with an attorney before attempting to finalize your divorce. This packet is not designed for use in divorces that involve economic or property claims.

Certificate of Compliance with Public Access Policy – By signing and filing the Praeipce to Transmit Record, you are certifying that it complies with the Public Access Policy of the Unified Judicial System of Pennsylvania and does not contain any (1) social security numbers, (2) financial account numbers, (3) driver’s license numbers, (4) state identification numbers, (5) minor’s names or dates of birth, (6)

abuse victim's addresses or other contact information, as defined by Pa.R.C.P. No. 1931(a), except for a victim's name. For more information, visit:

<http://www.pacourts.us/public-records/public-records-policies>

Verification and Signature – After you have filled out the rest of the Praecipe to Transmit Record, sign and date the last page. **By signing the divorce complaint and filing it with the court you are asserting that the information you provide is true and correct to the best of your knowledge, information, and belief. If you intentionally provide false information in a document you submit to the court, you may be subject to criminal charges under 18 PA. C.S.A. § 4904.**

You should make at least one copy of the Praecipe to Transmit Record, including copies of the attached Affidavit of Consent and Waiver of Notice forms, to keep for your own records.

STEP 9: FILE YOUR FINAL PAPERS AT THE COURTHOUSE

Now you can go back to the Prothonotary's office in the courthouse. You should take with you the original Praecipe to Transmit Record, including the attached original Affidavit of Consent and Waiver of Notice forms, as well as your own copies of all those documents. Tell the staff that you are there to file a Praecipe to Transmit Record and give them your papers. If the court has not granted an IFP Application, you will need to pay a filing fee. The fee for filing a Praecipe to Transmit Record is currently \$30.00 but is potentially subject to increase at any time. You will also need to pay a fee for each sealed copy of the Divorce Decree that you wish to receive. The cost is currently \$5.00 per sealed copy of the decree, but that is also potentially subject to increase at any time. After you pay the applicable fees, the Prothonotary's Office will take your original documents for the court file. They will also timestamp your copies of the documents and give the copies back to you.

If your paperwork is in order, the Court will issue a Divorce Decree and will mail to you as many sealed copies as you requested. If there are any problems with your paperwork, the Court will send you additional instructions.

This Self-Help Divorce Package is provided by the Tioga County Bar Association for the benefit of pro se litigants in Tioga County, Pennsylvania and may be reproduced without restriction. No warranties of any kind are made in connection with these instructions or the included documents, nor is this package intended as a substitute for individualized legal advice. For further assistance, please contact North Penn Legal Services at (877) 953 – 4250.

ADDITIONAL CONTENTS OF THIS PACKAGE:

1. DIVORCE COMPLAINT (3 PAGES)(FIRST PAGE TITLED "NOTICE TO DEFEND AND CLAIM RIGHTS")
2. ACCEPTANCE OF SERVICE (1 PAGE)
3. CERTIFICATE OF SERVICE (1 PAGE)
4. PRAECIPE TO REINSTATE DIVORCE COMPLAINT (1 PAGE)
5. AFFIDAVIT OF CONSENT AND WAIVER OF NOTICE (DEFENDANT) (1 PAGE)
6. AFFIDAVIT OF CONSENT AND WAIVER OF NOTICE (PLAINTIFF) (1 PAGE)
7. PRAECIPE TO TRANSMIT RECORD (1 PAGE)

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

<i>Plaintiff</i>	:	
v.	:	
<i>Defendant</i>	:	NO: ____ FS ____
	:	CIVIL ACTION - DIVORCE
	:	

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NOTICE TO DEFEND AND CLAIM RIGHTS - DIVORCE

You, _____ (Defendant), 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 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 Tioga County Prothonotary at 118 Main Street, Wellsboro Pennsylvania 16901.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR AN 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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. 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.

TIOGA COUNTY COURT ADMINISTRATION TIOGA COUNTY COURTHOUSE 118 MAIN STREET, WELLSBORO PA 16901 (570) 724 - 9380	or	NORTH PENN LEGAL SERVICES TOLL FREE: (877) 953 - 4250
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This Self-Help No-fault Divorce Complaint is provided by the Tioga County Bar Association for the benefit of pro se custody litigants in Tioga County, Pennsylvania and may be reproduced without restriction. No warranties of any kind are made in connection with this document or any associated documents or instructions, which are not intended as a substitute for individualized legal advice. For further assistance, contact North Penn Legal Services at (877) 953 - 4250 or Tioga County Court Administration at (570) 724 - 9380.

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

<i>Plaintiff</i>	:	
v.	:	
<i>Defendant</i>	:	NO: ____ FS ____
	:	CIVIL ACTION – DIVORCE

DIVORCE COMPLAINT – NO-FAULT & NO ECONOMIC CLAIMS

5. The Plaintiff's name, address, phone number, and competency status are as follows:

Name: _____	Is the Plaintiff over the age of
Address: _____	eighteen (18)?
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	Is the Plaintiff legally incompetent?
Phone No.: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(See Pa.R.C.P. No. 1920.12)

6. The Defendant's name, address, phone number, and competency status are as follows:

Name: _____	Is the Defendant over the age of
Address: _____	eighteen (18)?
_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	Is the Defendant legally incompetent?
Phone No.: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(See Pa.R.C.P. No. 1920.12)

7. The following parties have continuously resided within the Commonwealth of Pennsylvania, except for brief absences, for at least six (6) months immediately previous to the commencement of this action: The Plaintiff The Defendant Both

8. The Plaintiff and Defendant were lawfully married on ____/____/____ at the following location: Address: _____

9. The Plaintiff asserts that the marriage is irretrievably broken and that grounds for divorce exist under either Section 3301(c) or Section 3301(d) of the Divorce Code.

10. The parties have been separated since ____/____/____.

11. Have there ever been any prior legal proceedings for divorce or for annulment of marriage between the Plaintiff and the Defendant in this or any other jurisdiction? Yes No
 7.(a). If the answer to this question is "Yes" provide the name of the court, the docket number, and explain the final disposition of the prior legal proceedings:
 Name of court: _____ Docket number: _____
 Disposition of prior proceeding for divorce or for annulment of marriage: _____

12. The Plaintiff has been advised of the availability of counseling and that the Plaintiff may have the right to request that the court require the parties to participate in counseling.
 13. The Plaintiff requests the entry of a Decree in Divorce.

CERTIFICATION OF COMPLIANCE WITH PUBLIC ACCESS POLICY

I, the undersigned Plaintiff in this case, certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

PRAECIPE FOR SELF-REPRESENTATION

I, the undersigned Plaintiff in this case, represent myself in this action.

- I have not previously been represented by an attorney in this action, or
- I was previously represented by _____, Esquire, but am no longer represented by any attorney and wish said attorney removed as my attorney of record (Note: The plaintiff must send a copy of this document to the attorney removed from this case).

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

All pleadings and legal papers can be served on me at the address provided below.

VERIFICATION

I, the undersigned Plaintiff in this case, do verify that the statements made in the foregoing Divorce Complaint, Certificate of Compliance with Public Access Policy, and Praecipec for Self-Representation are all 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.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

 Plaintiff's Signature (pro se)

Address: _____

Phone: _____

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

<i>Plaintiff</i>	:	
	:	
v.	:	
	:	NO: ____ FS ____
<i>Defendant</i>	:	CIVIL ACTION – CUSTODY
	:	

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ACCEPTANCE OF SERVICE

I, _____, the Defendant in the above-captioned action, do hereby accept service and delivery of the Divorce Complaint filed by the Plaintiff.

I understand that by signing this form I am only acknowledging actual receipt of the Divorce Complaint, and signing this form does not mean that I am divorced or that I consent to be divorced. I understand that Pennsylvania law requires both spouses to wait *at least* ninety (90) days from the date a divorce complaint is served before signing any forms consenting to the divorce, and that my spouse and I will not be divorced until the court enters a final Divorce Decree.

I also certify that legal papers in connection with this divorce case may be served upon me at the address listed below unless I provide the court and my spouse with a different address in writing.

I verify that the statements made in this Acceptance of Service 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.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Defendant's Signature

Address: _____

Phone No.: _____

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IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA

Plaintiff

v.

Defendant

:
:
:
:
:
:
:

NO: ____ FS ____

CIVIL ACTION – CUSTODY

.....

CERTIFICATE OF SERVICE

I, _____, the Plaintiff in the above-captioned action, certify that I have served a true and correct copy of my Divorce Complaint on the Defendant by sending the same to the Defendant by U.S. certified mail, restricted delivery, return receipt requested. The postal green-card signed by the Defendant is attached below.

I verify that the statements made in this Certificate of Service 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.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Plaintiff's Signature

Attach the postal return-receipt ("green") card here with clear tape or glue. Make sure that the side with the Defendant's signature faces up.

IF YOU CAN STILL READ THIS, THEN THIS FORM IS NOT READY TO BE FILED WITH THE COURT.

IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA

Plaintiff

v.

Defendant

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:
:
:
:
:
:
:
:

NO: ____ FS ____

CIVIL ACTION – CUSTODY

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PRAECIPE TO REINSTATE DIVORCE COMPLAINT

To the Prothonotary:

Please reinstate the Divorce Complaint in the above-captioned action.

Date: _____

Plaintiff's Signature

This Self-Help Praecipec to Reinstate Divorce Complaint is provided by the Tioga County Bar Association for the benefit of pro se custody litigants in Tioga County, Pennsylvania and may be reproduced without restriction. No warranties of any kind are made in connection with this document or any associated documents or instructions, which are not intended as a substitute for individualized legal advice. For further assistance, contact North Penn Legal Services at (877) 953 – 4250 or Tioga County Court Administration at (570) 724 – 9380.

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

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:
:
:
:
:
:

NO: ____ FS ____

CIVIL ACTION – DIVORCE

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AFFIDAVIT OF CONSENT AND WAIVER OF NOTICE (PLAINTIFF)

1. I, the undersigned Plaintiff, filed a Complaint in Divorce under Section 3301(c) of the Divorce Code on ____/____/____ and served it on the Defendant on ____/____/____.
2. The marriage of the Plaintiff and Defendant is irretrievably broken and at least ninety (90) days have elapsed from the date the Complaint in Divorce was served on the Defendant.
3. I consent to the entry of a final Decree of Divorce without any further notice to me.
4. I understand that I may lose rights concerning alimony, equitable division of property, lawyer's fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.
5. 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.

VERIFICATION

I verify that the statements made herein are all 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.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Plaintiff's Signature (pro se)

Address: _____

Phone: _____

**IN THE COURT OF COMMON PLEAS
OF TIOGA COUNTY, PENNSYLVANIA**

Plaintiff

v.

Defendant

:
:
:
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:
:
:

NO: ____ FS ____

CIVIL ACTION – DIVORCE

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PRAECIPE TO TRANSMIT RECORD

To the Prothonotary: Please transmit the record, together with the following information, to the Court for the entry of a divorce decree:

1. **Ground for divorce:** Irretrievable breakdown under §3301(c)(1) of the Divorce Code.
2. **Date and manner of service of the Divorce Complaint:**
 Date of service: ____/____/_____
 Manner of Service: Personal service accepted by the Defendant
 Certified mail with signed return receipt
 Other: _____
3. **Date of execution of the Affidavits of Consent and Waivers of Notice:**
 By the Plaintiff on ____/____/____ and by Defendant on ____/____/____.
 (See attached or included original documents)
4. **Related claims pending:** None
 Other: _____

CERTIFICATION OF COMPLIANCE WITH PUBLIC ACCESS POLICY

I, the undersigned Plaintiff in this case, certify that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

VERIFICATION

I, the undersigned Plaintiff in this case, do verify that the statements made in the foregoing Praecipe to Transmit Record are all 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.A. § 4904 relating to unsworn falsification to authorities.

Date: _____

Plaintiff's Signature

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