

INSTRUCTIONS

**DIVORCE IN WHICH PARTIES
CONSENT TO THE DIVORCE AND NO
PROPERTY NEEDS TO BE DIVIDED
(NO FAULT DIVORCE)**

IT IS STRONGLY RECOMMENDED THAT YOU CONTACT AN ATTORNEY

DISCLAIMER

THE STAFF IN ANY COURT OFFICE CANNOT GIVE YOU LEGAL ADVICE. THE INFORMATION IN THE PACKET 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 THE PENNSYLVANIA BAR ASSOCIATION at 1-800-932-0311 or PA LAWYER REFERRAL SERVICE AT 1-(800)692-7375 or www.PaLawHelp.org.

SNYDER COUNTY

PRO SE DIVORCE – NO FAULT/ CONSENSUAL

This packet of forms, information and instructions was developed so that you will not need a lawyer to file for a No-Fault Consensual Divorce (both agree to the divorce.) You are permitted to file legal papers and represent yourself in court (pro se). **However it is strongly recommended that you seek the advice of an attorney.**

ANYONE THINKING ABOUT USING THESE FORMS IS ADVISED TO READ ALL INSTRUCTIONS COMPLETELY AND CAREFULLY

DEFINITIONS OF TERMS USED IN DIVORCE

PLAINTIFF – the person who starts a lawsuit.

DEFENDANT – the person who is being sued.

PARTY – a person named in a Complaint (the Plaintiff or Defendant).

NO- FAULT DIVORCE – a divorce in which one spouse does not have to prove that the other spouse did something wrong.

IRRETRIEVABLY BROKEN – the term that means that the marriage has little or no chance of reconciliation

SPOUSAL SUPPORT – support received by a spouse prior to the filing of a divorce

ALIMONY PENDENTE LITE – support that either party can ask the court to order after the divorce is filed but before it is granted. Alimony pendente lite ends when the divorce decree is entered.

ALIMONY – support that either party can ask the court to order which is paid after a divorce decree is entered. The court may order alimony if the party seeking alimony cannot support himself or herself, or if that party does not have enough money or property to provide for his or her reasonable needs.

MARITAL PROPERTY – generally, all property that is acquired during the marriage no matter whose name it is in.

COUNSELING – a court can order sessions with a marriage counselor if either party requests it.

ATTORNEY'S FEES – charges by an attorney for handling a case.

DOCKET NUMBER – the number assigned to the Divorce Complaint by the Prothonotary's Office. This number must be used on any subsequent document either party files with the court which relates to the divorce.

FILE – presenting your Complaint and other necessary forms to the Prothonotary’s Office to be date-stamped. The Prothonotary’s Office will keep the original of all forms and return the extra copies to you.

EXPLANATION OF FORMS USED IN DIVORCE ACTIONS

PETITION FOR WAIVER OF COSTS – There is a cost to “file” the Notice to Defend and Claim Rights and Divorce Complaint. If you cannot afford to pay these fees to the court, you can complete the Petition for Waiver of Costs.

NOTICE TO DEFEND AND CLAIM RIGHTS – a cover page that is attached to the front of the Divorce Complaint which tells the Defendant that he or she is being sued for divorce and may lose rights if he or she does not respond to the Complaint. It also advises the Defendant of the right to request counseling.

DIVORCE COMPLAINT – a legal document that sets out specific information about the Plaintiff, the Defendant, and the marriage. It also asks the court to grant a divorce. Your Complaint will be assigned a docket number by the Prothonotary’s Office. This number **must** be used on any document either party files with the court which relates to the divorce.

SELF-REPRESENTED PARTY ENTRY OF APPEARANCE – a form indicating the Court you are proceeding with filing the Divorce Complaint without an attorney. It provides the Court with your mailing address and telephone number.

AFFIDAVIT OF SERVICE – a form that must be filed with the Prothonotary’s Office indicating that the Plaintiff has delivered the “Complaint” and “Notice to Defend and Claim Rights” to the Defendant in a proper manner.

ACCEPTANCE OF SERVICE – a form that your spouse can sign indicating that he or she accepted service of the “Complaint” and “Notice to Defend and Claim Rights.” This is then filed with the Prothonotary’s Office and becomes part of the official file.

AFFIDAVIT OF CONSENT – a document that must be signed and filed with the Prothonotary’s Office **no earlier** than 90 days after a Complaint is SERVED. The affidavit states that the marriage is irretrievably broken and the party signing the affidavit wants a divorce. **BOTH PARTIES MUST SIGN AND FILE AN AFFIDAVIT OF CONSENT**

WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE – a document that must be signed and filed in the Prothonotary’s Office no earlier than ninety (90) days after the Complaint is SERVED. **BOTH PARTIES** must file this form waiving notice of a request for entry of the divorce decree.

CERTIFICATE OF SERVICE – a form that that must be filed with the Prothonotary’s Office indicating that the Plaintiff has delivered the “Notice of Intention to File a Praecipe to Transmit the Record”, the “Affidavit of Non-Military Service”, if applicable, and the “Notice of Intention to Request Entry of Divorce Decree and Counter-Affidavit”.

PRAECIPE TO TRANSMIT RECORD – a form that asks the Prothonotary’s Office to send the file to a judge for review and entry of a Divorce Decree.

DECREE – an Order from the court granting the divorce.

NOTICE OF INTENT TO RETAKE PRIOR NAME – At any time after the divorce complaint is filed, you may choose to resume your maiden name. To do this you must go to the Snyder County Prothonotary’s Office and file a statement indicating that you intend to resume your maiden name. The **cost is subject to change see Prothonotary’s office or county website**, which has to be paid in cash, certified check, or money order made payable to the **SNYDER** County Prothonotary. The Prothonotary’s Office will provide you with the form.

PRAECIPE TO REINSTATE THE COMPLAINT – a form requesting the Prothonotary to re-start the clock for service if proper service has been unsuccessful.

NOTE: If you **OR** your spouse, **OR** both you and your spouse are under the age of 18, there are forms other than those included in this packet which **must** be used.

GENERAL INFORMATION REGARDING DIVORCE

In 1980, the Pennsylvania divorce law changed to allow married couples to get a divorce with little trouble or expense. The law also allows for alimony and a fair division of marital property.

The law provides for No-Fault Divorces. Couples can now get a divorce without having to prove that their spouse did something wrong. You need only show that the marriage is “irretrievably broken” – which means that there are problems in the marriage and it is not likely that the couple will get back together. In some cases, both parties must sign a written consent to the divorce.

THE TYPES OF DIVORCES IN PENNSYLVANIA ARE AS FOLLOWS

1. **No-Fault Consent Divorce (3301(c))**– A divorce that requires the consent of both husband and wife.
2. **Irretrievable breakdown (3301(d))**– You can get a divorce without your spouse consenting if you have lived separate and apart for one year.
3. **Fault** – With this type of divorce you need to prove that your spouse did something wrong. Ground for a fault divorce are: desertion for a year or more; bigamy; adultery; imprisonment for 2 years or more upon conviction of any crime; indignities (continuing conduct by the Defendant that makes Plaintiff’s life unbearable); and endangering the life or health of the Plaintiff.

4. **Institutionalization** – You can get this type of divorce if your spouse is insane or has a serious mental disorder and has been confined to a mental institution for a least 18 months before you file for this type of divorce and is expected to remain in the institution for at least 18 months after you file for divorce.

NOT INCLUDED WITH THESE FORMS ARE THE DOCUMENTS NECESSARY TO FILE FOR CUSTODY, ALIMONY PENDENTE LITE, ALIMONY AND/OR EQUITABLE DISTRIBUTION OF MARITAL PROPERTY. If you wish to file for custody, alimony pendente lite, alimony, and/or equitable distribution of marital property, you will be unable to do so using these forms. The following paragraphs discuss Alimony and Equitable Distribution.

A No-Fault Consent Divorce allows a spouse to ask for alimony if the spouse cannot support himself or herself or does not have enough money or property to provide for his or her reasonable needs. Alimony is usually ordered for a limited time – long enough for the person asking for alimony to get a suitable job or develop a suitable job skill. Alimony can be ordered for a longer period of time if a person cannot work or develop a skill because of age, disability, or the need to care for children. A person asking for alimony must request it as part of a divorce action before the court grants the divorce. **YOU CAN NEVER COME BACK AGAIN AND ASK THE COURT TO ORDER ALIMONY.**

A No- Fault Consent Divorce also allows either spouse to ask the court for equitable distribution of marital property (see Definition of Terms Page in these instructions). The court will consider the length of the marriage, the ages, health, needs and source of income of each party, and several other factors when deciding how to distribute marital property. A person asking for the marital property to be distributed must request it as part of a divorce action before the court grants the divorce. **IF YOU DO NOT, YOU CAN NEVER COME BACK AND ASK THE COURT TO ORDER AN EQUITABLE DISTRIBUTION OF MARITAL PROPERTY.** If neither party asks the court to distribute marital property, both parties will be able to use or dispose of their separate property, even if it was obtained during the marriage, once the divorce decree is entered.

Either party in a divorce has a right to request marriage counseling. The Prothonotary's Office will provide a list of marriage counselors upon request. Counseling will not generally delay or prevent the divorce. Also, counseling is not free.

Either party in a divorce action has the right to request that a child custody order be entered concerning children born to the parties. **These forms will not help you file for custody. If you want to file for custody or the modification of an existing custody order you may file a custody complaint or a petition to modify custody (see Pro Se Custody forms).**

AGAIN, THIS INFORMATION IS PROVIDED ONLY FOR A NO-FAULT CONSENT DIVORCE WHEN NEITHER PARTY WISHES TO REQUEST CUSTODY, ALIMONY PENDENTE LITE, ALIMONY OR THE EQUITABLE DISTRIBUTION OF MARITAL PROPERTY. 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 split it up.
4. If you wish to request attorney's fees and court costs.
5. If your spouse is in the military service.
6. If you wish to pursue custody as part of the divorce (However, a separate action for custody or visitation can be filed before or after a divorce case).

TIMETABLE AND LIST OF FORMS

1. The Complaint with the attached Notice to Defend and Claim Rights should be taken to the Prothonotary's Office for filing (this will start the divorce action). The Prothonotary's Office is located on the first floor of the Snyder County Courthouse. The Prothonotary's Office charges a **filing fee subject to change (see filing office for amount or county website)**, which must be paid at the time of filing of the complaint by cash, certified check, or money order (payable to Snyder County Prothonotary). If you think that you cannot afford to pay the filing fee, you may file a Petition for Waiver of Costs.
2. Affidavit of Service: to be filed with the Prothonotary's Office when service has been made. Service means that your spouse has properly received the Divorce Complaint.
3. Forms to be filed with the Prothonotary's Office together, **ninety (90)** days from date of service: **DO NOT SIGN, DATE OR FILE THE AFFIDAVITS OF CONSENT OR THE WAIVER OF NOTICE OR INTENTION TO REQUEST ENTRY OF DIVORCE DECREE BEFORE NINETY (90) DAYS HAVE ELAPSED FROM THE DATE OF SERVICE OF THE DIVORCE COMPLAINT.**
 - a. Praecipe to Transmit Record.
 - b. Decrees (Prepare three (3) proposed "Divorce Decrees")
 - c. Affidavit of Consent: each spouse must sign an Affidavit of Consent **no earlier than 90 days** after the Complaint is SERVED on the Defendant. Both Affidavits of Consent must be filed **within 30 days** after they are signed by the parties.
 - d. Waivers of Notice of Intention to Request Divorce Decree: each spouse must sign a Waiver **no earlier than 90 days** after the Divorce Complaint is served. Both Waivers of Notice of Intention to Request Divorce Decree must be filed **within 30 days** after they are signed by the parties.

INSTRUCTIONS

INSTRUCTIONS FOR COMPLETING A DIVORCE COMPLAINT AND A NOTICE TO DEFEND AND CLAIM RIGHTS

A. Completing the Caption

The caption is the top part of page one (1) of the divorce 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. 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. Fill in the Defendant's full, legal name including middle initial, above the word "Defendant" in the Complaint and the Notice to Defend and Claim Rights.

YOU MUST COMPLETE THE CAPTION ON EVERY FORM YOU FILE. THE DOCKET NUMBER WILL BE PROVIDED TO YOU BY THE PROTHONOTARY'S OFFICE WHEN YOU FILE THE COMPLAINT AND MUST BE INCLUDED IN EVERY CAPTION.

B. The following instructions correspond to each line on the Petition for Waiver of Costs.

If you cannot afford to pay the filing fees to the court, you can complete the Petition for Waiver of Costs. You will be asked for your income and expense statements. Once completed, take the Petition for Waiver of Costs to the Prothonotary in your county courthouse.

1. Fill in the Caption address in paragraph A.
2. Fill in all the information below. Do not include any blank lines.
3. Write the date on which you are completing the form.
4. Sign your name on the form after carefully reading the statements.

C. The following instructions correspond to each line on the Notice to Defend and Claim Rights.

1. Print the address of the courthouse of the county in which you are filing. For Snyder County, please use 9 W. Market Street, Middleburg, PA 17842.
2. Print the designated Agency for Information about Legal Services

D. The following instructions correspond to each numbered paragraph in the Complaint for Divorce.

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 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. Check the appropriate box stating whether you have resided in Pennsylvania for at least six months before filing the divorce Complaint. This statement, like all others on these forms, **MUST BE TRUE**.
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 (withdrawn, dismissed, etc.).
6. There is nothing to complete in this paragraph. It is a statement claiming the marriage is irretrievably broken, defined on page 2.
7. There is nothing to complete in this paragraph. It simply states that counseling is available.

8. There is nothing to complete in this paragraph. It simply requests a decree of divorce.

9. Sign the Complaint using your full, legal name and enter the date.

E. The following instructions correspond to each line on the Entry of Appearance of Self-Represented Party.

1. Print your name and check whether you are the plaintiff or the defendant.

2. If you were represented by an attorney in this case, and no longer want his or her representation, check here. The attorney may also complete this section.

3. Complete this section with an address and telephone number so that you receive court papers, either from the court or from another party. The address does not need to be your home address.

INSTRUCTIONS FOR FILING THE COMPLAINT

NOTE: If the county in which you are filing for divorce is not SNYDER, you will not be able to use these forms.

You will need to file the Divorce Complaint with the Notice to Defend and Claim Rights attached to the front of the Divorce Complaint with the SNYDER County Prothonotary's Office. You can file your divorce in SNYDER County if one of the following applies:

1. you live in SNYDER County;

2. your spouse lives in SNYDER County; or

3. you and your spouse agree in writing to file for Divorce in SNYDER County (You need to attach a statement to the complaint which reads: "The Plaintiff, your name, and the Defendant your spouse's name, agree that this Divorce action should be filed in SNYDER County." Both you and your spouse must sign and date the statement.)

Once you complete the Notice to Defend and Claim Rights and the Complaint, you will have to make two (2) copies of the completed Notice to Defend and Claim Rights and two (2) copies of the Complaint. You must attach a Notice to Defend and Claim Rights to the front of each Complaint you have just completed. Be sure the caption on all copies of each form is completed.

You will then be ready to file your papers. Take all copies of the Complaint and the Notice to Defend and Claim Rights (a total of three (3)) to the SNYDER County Prothonotary's office which is located on the first floor of the SNYDER County Courthouse, 9 West Market Street, Middleburg, PA. The Prothonotary's Office will put a docket number on each notice to Defend and Claim Rights and Complaint and will keep the original for filing. The Prothonotary's Office will date-stamp the documents and will return two (2) copies of the Complaint and Notice to Defend and Claim Rights to you. Be sure the docket number is on each copy of the Notice to Defend and Claim Rights and the Complaint.

You must serve one (1) copy of the Notice to Defend and Claim Rights and the Complaint on the Defendant (see Instructions for Serving the Notice to Defend and Claim Rights and Divorce Complaint). The other copy is for your records.

INSTRUCTIONS FOR SERVING THE DIVORCE COMPLAINT

"Service" means that the Defendant received the Notice to Defend and Claim Rights and the Divorce Complaint. Service must be made within thirty (30) days of the filing of the Complaint. Service can be made in a number of ways.

1. Service by Certified Mail – this can be accomplished by sending a copy of the "Notice to Defend and Claim Rights" and the "Divorce Complaint" to the **Defendant certified mail, return receipt requested, restricted delivery**. **The Defendant is the only person who is permitted to sign for the delivery of the Notice to Defend and Claim Rights and the Divorce Complaint.**

a. Prepare an envelope with the other party's name and address, using your own address as the return address.

b. Print the words "Restricted Delivery" on the lower left hand corner of the envelope. It is best to do this with red ink.

c. Someone at the post office can help you complete the cards properly, but here are the instructions for your information:

i. Fill in the other party's name and address on the backside of the green card. There are boxes on this side for you to check the type of delivery you want.

ii. Check the box that indicates you want a return receipt and the box that indicates the item should be delivered **only** to the person named on the envelope.

iii. Fill in your name and address on the reverse side so the green card will be returned to you after the other party has signed for the envelope.

iv. There will also be a green and white paper slip that is numbered which you need to complete. Fill in the other party's name and address.

d. There is a list of blanks indicating fees for the mailing. Someone at the post office will help you complete this part if you are not sure which costs apply.

e. The reverse side of the green part of this slip will have adhesive on it. Wet it and attach it to the top of the envelope allowing room for postage. The number from this slip of paper will be filled in on the green card where indicated.

f. MAKE SURE YOU KEEP THE RECEIPT FROM THIS SLIP. Check with the post office for the cost of certified mail, return receipt, restricted delivery.

g. **WHEN YOUR GREEN CARD IS RETURNED TO YOU, YOU MUST ATTACH BOTH THE GREEN CARD AND THE WHITE SLIP TO A PIECE OF PAPER, THEN ATTACH THE PIECE OF PAPER TO THE COMPLETED “AFFIDAVIT OF SERVICE BY CERTIFIED MAIL” AND FILE IT WITH THE COURT (See the instructions on completing the “Affidavit of Service”)**

If the green card is not returned to you within one month, contact the post office where you mailed the envelope. If the other party does not sign for the envelope you should proceed with personal service or service by the sheriff.

2. **Personal service** – this is accomplished by an adult, **other than you**, by personally handing the Notice to Defend and Claim Rights and the Complaint to the Defendant. The person who handed the papers to the Defendant must sign an Affidavit of Personal Service which is included in the forms.

3. **Acceptance of Service** – If you are on cordial terms with your spouse, an easy way to accomplish service is to mail or hand-deliver the “Notice to Defend and Claim Rights” and the “Divorce Complaint” to your spouse and have him or her complete “Acceptance of Service” form. If you are sending this by mail, send a self-addressed stamped envelope along with the packet. The only time you are permitted to hand-deliver the packet to your spouse is if you have him or her complete the “Acceptance of Service” form. If you obtain the completed “Acceptance of Service” form, file this with the Prothonotary’s Office within 10 days of service.

4. **Sheriff** – The safest way to ensure that service is accomplished is to use the SNYDER County Sheriff’s Office. Confirm costs with the Sheriff’s department. The Sheriff Office is located on the first floor of the SNYDER County Courthouse across from the Prothonotary’s office.

INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

If you served your spouse by certified mail, check the first paragraph and fill in the date your spouse signed the green card. Then sign and date the Affidavit of Service by Certified Mail. Be sure to put the “docket number” on the caption and write the same year that is on the Complaint. Staple the green card and receipt to a plain piece of paper and attach it to the Affidavit of Service. Take the Affidavit with attached paper to the Prothonotary’s Office for filing.

Take the Affidavit to the Prothonotary’s Office for filing within ten (10) days of the date of service.

INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF PERSONAL SERVICE

After serving the Notice to Defend and Claim Rights and the Complaint according to the instructions, you will need to complete and file the Affidavit of Service.

1. **First Blank** – Print the name of the Person who handed the Notice to Defend and Claim Rights and the Complaint to your spouse. **A THIRD PARTY MUST PERSONALLY SERVE YOUR SPOUSE. YOU CANNOT PERSONALLY SERVE YOUR SPOUSE.**
2. **Second Blank** – Fill in the date on which service was made (the date your spouse was handed the Notice to Defend and Claim Rights and the Complaint).
3. **Take the affidavit to the Prothonotary’s office for filing within ten (10) days from the date of service.**

INSTRUCTIONS FOR COMPLETING THE ACCEPTANCE OF SERVICE

If your spouse was personally served, he or she must check the category of the filing, date and sign the Acceptance of Service. File the Acceptance of Service with the Prothonotary’s Office within 10 days after signature and dated.

INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF CONSENT

There are two (2) Affidavits of Consent included in this packet, one for you and one for your spouse. **THE AFFIDAVITS OF CONSENT CANNOT BE SIGNED AND FILED UNTIL NINETY (90) DAYS HAVE PASSED FROM THE DAY YOU SERVED THE COMPLAINT.**

- a. Make sure you complete the caption of each Affidavit of Consent.
- b. Paragraph 1 – print the date on which the Complaint was filed on both Affidavits (the date the Prothonotary's Office stamped on your copy of the Complaint) and the date when the defendant was served.
- c. Date and sign the form for the Plaintiff with your full, legal name, including middle initial.
- d. The second Affidavit of Consent must be dated and signed by your spouse. Mail your spouse a copy of the Affidavit of Consent or contact him or her personally.
- e. **YOU AND YOUR SPOUSE MUST FILE YOUR AFFIDAVITS OF CONSENT WITHIN THIRTY (30) DAYS AFTER THEY HAVE BEEN SIGNED.** For example, you cannot sign your Affidavit of Consent one day and file it 45 days later.

File both Affidavits of Consent with the Prothonotary's Office within 30 days after they are signed and dated. Remember, when you file both Affidavits of Consent, you should also file both Waivers of Notice of Intention to Request Entry of a Divorce Decree, the Praecipe to Transmit Record, and the Decrees.

INSTRUCTIONS FOR COMPLETING THE WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD

When you file your Affidavit of Consent forms, you must also file both copies of the "Waiver of Notice of Intention to File the Praecipe to Transmit Record." One must be signed by you, and the other must be signed by your spouse.

- a. Make sure you complete the caption on each "Waiver."
- b. Check the box you are requesting.
- c. Date and Sign the form for the Plaintiff with your full, legal name, including middle initial.
- d. The second "Waiver" must be dated and signed by your spouse. Mail your spouse a copy of the "Waiver" or contact him or her personally.

You should file both copies of the Waiver of Notice of Intention to File the Praecipe to Transmit Record at the same time you file the Affidavits of Consent, the Praecipe to Transmit Record, and the Decrees.

INSTRUCTIONS FOR COMPLETING THE PRAECIPE TO TRANSMIT RECORD

1. Make sure you complete the caption.
2. Check the box with the request you are making.
3. Check the applicable section of the Divorce Code.
4. Write in the date the Divorce Complaint was served on your spouse and the manner of service. If the complaint was served by certified mail, print "Service by Certified Mail, Restricted Delivery, Return Receipt Requested" then, enter the date your spouse signed the green card (this will also be on the Affidavit of Service). If the Complaint was served personally, fill in the date, the location of service, and the name of the person who served the Complaint.
5. Complete either paragraph (a) or (b).
6. Print the word "none".
7. Complete either paragraph (a) or (b).
8. Sign your full legal name.

After you complete the Praecipe to Transmit Record, file it in the Prothonotary's Office along with both the Affidavits of Consent, both Waivers of Notice of Intention to Request Entry of Divorce Decree, and the Decrees.

INSTRUCTIONS FOR COMPLETING DIVORCE DECREES

Complete the caption as on all forms, including the docket number and year.

Do not fill in any dates in the first line.

Print or type your full, legal name in the blank on the second line and the full, legal name of your spouse in the blank on the third line.

Take the Divorce Decrees to the Prothonotary's Office along with the Praecipe to Transmit Record, both Affidavits of Consent, and both Waivers of Notice of Intention to Request Divorce Decree.

The Prothonotary's Office will forward the file to a judge for review and signature.

If all documents have been filed and served correctly, you may receive your signed divorce decree in as soon as one (1) week. If everything was not prepared properly, you may receive an order from the court detailing the deficiencies and what needs to be done to correct any errors.

INSTRUCTIONS FOR NOTICE OF INTENT TO RETAKE PRIOR NAME

This form should be completed should you want to change your name to a previous name.

1. Complete the caption.
2. On the first line, print your current full name.
3. Write either "Plaintiff" or "Defendant". (If you filed the original Divorce Complaint, then you are the Plaintiff. If you did not file the original Divorce Complaint, then you are the Defendant).
4. Write the date the Divorce Decree was granted IF you are requesting the name change after the divorce is granted.
5. Write the surname (last name) of the name you wish to resume.
6. Sign your current name.
7. Print the name you are resuming.
8. Sign the name you are resuming.

You must sign the form before a notary who will complete the bottom portion.

INSTRUCTIONS FOR COMPLETING PRAECIPE TO REINSTATE THE COMPLAINT

You only need to file this form if you are UNABLE to successfully serve the Divorce Complaint on the other party within 30 days (or within 90 if the other party does not live in Pennsylvania).

The date you file this Praecipe re-starts the clock for service, and you will have another 30 days (or 90 days if the other party does not live in Pennsylvania) to serve the Divorce Complaint on the other party.

1. Fill out the caption.
2. Write the date on which you are signing.
3. Sign the form.
4. File the form with the Prothonotary. There may be a fee to reinstate the Divorce Complaint.

INSTRUCTIONS

DIVORCE IN WHICH PARTIES DO NOT CONSENT TO THE DIVORCE, NO PROPERTY NEEDS TO BE DIVIDED, AND THE PARTIES HAVE BEEN SEPARATED OVER ONE (1) YEAR (3301(d) NO FAULT DIVORCE)

INSTRUCTIONS

1. Follow the instructions on pages 8-10 to complete the caption, Petition for Waiver of Costs, Notice to Defend and Claim Rights, and Divorce Complaint.
2. Follow the instructions on pages 10-11 to file the Complaint.
3. Follow the instructions on pages 11-12 to serve the Divorce Complaint.
4. Follow the instructions on page 13 for completing the correct Affidavit/Acceptance of Service.

**IF YOUR SPOUSE DOES NOT CONSENT TO THE DIVORCE, AND YOU HAVE
BEEN SEPARATED FOR MORE THAN 1 YEAR, FOLLOW THE INSTRUCTIONS
BELOW**

INSTRUCTIONS FOR AFFIDAVIT OF NON-MILITARY SERVICE

You cannot obtain a 3301(d) divorce against an unrepresented Defendant if he/she is in the military. Therefore, you only need this form if your spouse is NOT represented by counsel, and you are seeking a divorce under Section 3301(d) of the Divorce Code (No Fault and applicable time of separation).

1. Fill in the caption.
2. Print your full name on the line.
3. Print the date.
4. Sign your name.
5. File the form with the Prothonotary.

INSTRUCTIONS FOR AFFIDAVIT UNDER SECTION 3301(D)
OF THE DIVORCE CODE

1. Fill in the caption.
2. Print your full name on the line indicating you have been separated from your spouse for over 1 year.
3. Print the date.
4. Sign your name.
5. File the form with the Prothonotary.
6. Serve your spouse with the Affidavit Under Section 3301(d) of the Divorce Code and a blank copy of the Counter-Affidavit Under § 3301(d) of the Divorce Code. (see page 12 for how to serve)
7. File the certificate of service with the Prothonotary.
 - a. Fill in the caption.
 - b. Fill in the address where you served the Affidavit Under Section 3301(d) of the Divorce Code and Counter-Affidavit Under § 3301(d) of the Divorce Code.
 - c. Print the date.
 - d. Sign your name.
8. **Wait twenty (20) days.**

INSTRUCTIONS FOR NOTICE OF INTENTION TO REQUEST ENTRY OF
§ 3301(D) DIVORCE DECREE

1. Fill in the caption.
2. Fill in the blank line with your spouses' name.
3. Fill in the blank.
 - a. The blank will be 20 days after you file and serve this specific Notice of Intention to Request Entry of § 3301(d) Divorce Decree.
4. Fill in the blanks with the following information:

Court Administrator
Snyder County Courthouse
9 West Market St., PO Box 217
Middleburg, PA 17842
(570) 837-4344
5. File the form with the Prothonotary.
6. Serve your spouse with the Notice of Intention to Request Entry of § 3301(d) Divorce Decree and a blank copy of the Counter-Affidavit Under § 3301(d) of the Divorce Code.
7. File the certificate of service with the Prothonotary.
 - a. Fill in the caption.
 - b. Fill in the address where you served the Affidavit Under Section 3301(d) of the Divorce Code and Counter-Affidavit Under § 3301(d) of the Divorce Code.
 - c. Print the date.
 - d. Sign your name.
8. **Wait twenty (20) days.**

After twenty (20) days have elapsed, you can file the Praecipe to Transmit the Record

INSTRUCTIONS FOR COMPLETING THE PRAECIPE TO TRANSMIT RECORD

1. Make sure you complete the caption.
2. Check the box with the request you are making.
3. Check the applicable section of the Divorce Code.
4. Write in the date the Divorce Complaint was served on your spouse and the manner of service. If the complaint was served by certified mail, print "Service by Certified Mail, Restricted Delivery, Return Receipt Requested" then, enter the date your spouse signed the green card (this will also be on the Affidavit of Service). If the Complaint was served personally, fill in the date, the location of service, and the name of the person who served the Complaint.
5. Complete either paragraph (a) or (b).
6. Print the word "none".
7. Complete either paragraph (a) or (b).
8. Sign your full legal name.

SCHEDULE OF DIVORCE COSTS: COSTS ARE SUBJECT TO CHANGE

Divorce- 3301(c) or (d) (No Fault) Fees include: Writ, tax, JCP, AOPC, CTF, PAF,	Subject to change, please contact county Prothonotary's office for fees or website
Self Help Pro Se Divorce Packet Fee	\$5.00 (Subject to change)
Master's Fee	\$750.00

NOTE: All fees are to be paid by money order, cashier's check, personal check or cash. A money order or check should be made payable to the SNYDER County Prothonotary.

**** Filing a divorce fee – fee includes initial filing, PAF, and Final Costs*

An additional resource available online is: www.PaLawHelp.org