

DIVORCE INSTRUCTIONS/FORMS

“PACKET C”

SECTION 3301(C) DIVORCE

USE “PACKET C” INSTRUCTIONS AND FORMS WHEN YOU AND YOUR SPOUSE WILL BOTH CONSENT (AGREE) TO THE DIVORCE AND NO PROPERTY MUST BE DIVIDED AND NO SUPPORT ISSUES MUST BE ADDRESSED.

IT IS STRONGLY RECOMMENDED THAT YOU CONTACT “ATTORNEY CONNECTIONS” AT (717) 854-8755 FOR A LOW-COST INITIAL CONSULTATION WITH AN ATTORNEY BEFORE PROCEEDING FURTHER.

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PACKET C – INSTRUCTIONS

Use this packet to obtain a no-fault consensual divorce in York County only. To be able to file your divorce action in York County, either you or your spouse must live in York County. In addition, this packet is **NOT** appropriate for you if **ANY** of the following pertain to you:

1. You have not been a resident of Pennsylvania for at least six months.
2. You want to request alimony, alimony pendente lite, equitable distribution of property, counsel fees, costs, expenses or any other type of economic relief.
3. Your spouse is on active duty in the military.
4. You wish to include custody and/or child support as part of the divorce action. (**Note:** a separate custody action can be filed with the Prothonotary on the first floor of the York County Judicial Center at any time before or after the filing of the Divorce Complaint. A child support action can be started at any time before or after the filing of the Divorce Complaint by going to the York County Domestic Relations Office located on the second floor of the York County Judicial Center. You should consult with an attorney if you have any questions about filing for custody or child support.)
5. Your spouse will not consent to the entry of a divorce decree, in which case you should use “Packet D” Instructions/Forms.

IMPORTANT: All forms and instructions are available on-line in portable document format (pdf). You will need Adobe Reader[®] to open the forms. You can download and install Adobe Reader[®] for free at <http://get.adobe.com/reader/>. The forms are “interactive.” That means you can fill in the blanks on a form using your computer, and then print the form. You will NOT be able to save the filled-in version of the form unless you have Adobe Acrobat[®]. Use Adobe Reader[®] “Help” for instructions on how to fill in forms. Use the checklist on the last page of these instructions to keep track of the forms you use.

The forms and instructions start on the next page of this document. The instructions are “bookmarked” to help you navigate. Just click on the “Bookmarks” tab at the top of the left-hand side of the page. The instructions also contain links to the forms. These links are highlighted in red. Use the bookmarks to move back and forth between the forms and instructions.

SPECIFIC INSTRUCTIONS

Take the following steps to obtain a no-fault divorce decree based on mutual consent (Section 3301(c) Divorce):

Step 1. Starting the Action.

Complete the following forms (form numbers correspond to the checklist that appears at the end of these instructions):

Form 1.1, Notice to Defend

Form 1.2, Divorce Complaint

Form 1.3, Social Security Information Sheet; and

Form 1.4, Divorce Information Sheet.

YOU MUST ATTACH A “NOTICE TO DEFEND” TO YOUR COMPLAINT. THE NOTICE TO DEFEND MUST BE PROVIDED IN ENGLISH AND SPANISH UNDER YORK COUNTY’S RULES OF CIVIL PROCEDURE, REGARDLESS OF YOUR OR YOUR SPOUSE’S PRIMARY LANGUAGE.

A. Completing the Caption on the Notice to Defend (Form 1.1).

1. The caption is the top part of the first page of the Notice to Defend and the first page of the Divorce Complaint. The names of the parties, the docket number (which will be assigned by the Prothonotary when the document is filed), the type of document and the court’s name are contained in the caption.
2. You are “the Plaintiff” since you are filing this action. Print your full legal name, including middle initial, above the word “Plaintiff” in the caption of the Notice to Defend and the Complaint.
3. Your spouse is “the Defendant” (husband or wife). Print your spouse’s full legal name, including middle initial, above the word “Defendant” in the caption of the Notice to Defend and the Complaint.

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 NOTICE TO DEFEND AND THE COMPLAINT. YOU MUST FILL IN THE DOCKET NUMBER IN THE CAPTION OF ALL FORMS THAT YOU FILE AFTER THE NOTICE TO DEFEND AND THE COMPLAINT.

B. Completing the Caption on the Divorce Complaint (Form 1.2).

Fill in the caption on the Divorce Complaint the same way you completed the caption on the Notice to Defend.

C. Completing the numbered paragraphs of the Complaint (Form 1.2).

1. Fill in your full legal name, including the middle initial, your full street address (number and street, route, box number, town, county, state and zip code) and the month and year you began living at this address, where indicated. If you receive your mail at a post office box, insert the P.O. Box address at the end of the paragraph as follows: “The Plaintiff’s mailing address is: (insert full mailing address including P.O. Box number).”
2. Fill in your spouse’s full legal name, including his/her middle initial, his/her full street address (number and street, route, box number, town, county, state and zip code) and the month and year your spouse began living at this address, where indicated. If your spouse receives his/her mail at a post office box, insert the P.O. Box address at the end of the paragraph as follows: “The Defendant’s mailing address is: (insert full mailing address including P.O. Box number).”
3. There is nothing to complete in this paragraph. It is a statement claiming that you have resided in Pennsylvania for at least six months before filing the 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 (or foreign country) in which you were married.
5. If there has never been another divorce filed during the 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.). If the action was not filed in Pennsylvania, also indicate the state or foreign country (if applicable) in which the action was filed.
6. There is nothing to complete in this paragraph. It is a statement claiming that your spouse is not a member of the Armed Forces of the United States of America or any of its Allies. This statement, like all others on these forms, must be true.
7. There is nothing to complete in this paragraph. It is a statement claiming that your marriage is irretrievably broken.
8. There is nothing to complete in this paragraph. It states that counseling is available.

9. There is nothing to complete in this paragraph. It requests that a divorce decree be entered.

Sign and date. Sign and date the Complaint where indicated. Print your name, address, and telephone number under your signature.

D. Completing the Social Security Information Sheet (Form 1.3).

1. Fill in the blanks with the information requested. The docket number will be provided by the Prothonotary at the time of filing. If your spouse will not disclose his/her social security number, contact the office of the Prothonotary at (717) 771-9611 for guidance.
2. **The Court will not sign a Divorce Decree unless this form has been completed and filed.**

E. Completing the Divorce Information Sheet (Form 1.4).

1. Fill in the blanks with the information requested, except for the docket number and the "Date of Decree." The docket number will be provided by the Prothonotary at the time of filing. The Court will fill in the date of the decree when it issues your Divorce Decree.
2. **The Court will not sign a Divorce Decree unless this form has been completed and filed.**

Step 2. Filing the Initial Documents.

File the Notice to Defend, Complaint, Social Security Information Sheet, and Divorce Information Sheet with the Prothonotary. The Prothonotary is the keeper of the civil court records. The Prothonotary's Office is located on the first floor of the York County Judicial Center. **NOTE: TO BE ABLE TO FILE FOR DIVORCE IN YORK COUNTY, YOU OR YOUR SPOUSE MUST LIVE IN YORK COUNTY.**

- A. Make two copies of the entire completed Notice to Defend, two copies of the Complaint and one copy of each of the Social Security Information Sheet and the Divorce Information Sheet.
- B. Take the original Notice to Defend, the Complaint, the Social Security Information Sheet, the Divorce Information Sheet and the copies to the York County Prothonotary's Office located on the first floor of the York County Judicial Center along with the filing fee in cash, certified check, money order or traveler's checks payable to the "Prothonotary of York County." The amount of the filing fee can be obtained by calling the Prothonotary's office at (717) 771-9611.

- C. The Prothonotary's staff will place a docket number on each Notice to Defend, each Complaint, each Social Security Information Sheet and each Divorce Information Sheet. The Prothonotary's staff will date-stamp each document and return two date-stamped copies of the Notice to Defend and the Complaint, as well as one date-stamped copy of the Social Security Information Sheet and the Divorce Information Sheet to you.
- D. One of the date-stamped copies of each document is for you to keep for your records. One of the date stamped copies of the Notice to Defend and one of the date stamped copies of the Complaint must be served on the Defendant (your spouse) within thirty days of the filing of the Complaint.

Step 3. Serving the Initial Documents.

You must complete "service" of the Notice to Defend and the Complaint. "Service" means that the Defendant received the Notice to Defend and the Complaint. Service must be made within thirty days of the filing of the Complaint. You must file a document with the court to prove that you completed service. Service can be accomplished in any one of the following ways:

- A. **Acceptance of Service (use Form 3.1).** 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 Complaint to your spouse and have him or her, in the presence of a notary, sign, date, and return to you the Acceptance of Service Form. Before sending the Acceptance of Service Form to your spouse, fill in the caption; including the docket number and the date the Complaint was filed. Instruct your spouse to fill in the date he/she received the Notice to Defend and Complaint, his/her current mailing address and his/her telephone number; and then to have his/her signature notarized. Once your spouse has returned the signed form to you, make a copy and take the original form and the copy to the Prothonotary's Office for filing. The Prothonotary's staff will date-stamp the original and copy, keep the original and return the copy to you for your records.
- B. **Service by Certified Mail (use Form 3.2).** You can serve the Notice to Defend and Complaint by sending the extra date-stamped copy of each to the Defendant **by 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 the Complaint. To accomplish service by Certified Mail, do the following:**
 - 1. Prepare an envelope with your spouse's name and mailing address, using your own address as the return address.

2. Insert a date-stamped copy of the Notice to Defend and the Complaint into the envelope and seal.
3. Print the words “Restricted Delivery” on the lower left hand corner of the envelope. It is best to do this with red ink.
4. Take the envelope to the Post Office and tell the postal worker that you want to send it “certified mail, return receipt requested, restricted delivery.”
5. The postal worker will help you complete the “green card” and attach it to your envelope.
6. The postal worker will provide you with a receipt after you have paid the fee for mailing. **MAKE SURE YOU KEEP THIS RECEIPT.** You will need to attach it to your Affidavit of Service by Certified Mail (See # 7, below).
7. When the green card is returned to you, completely fill out and sign the Affidavit of Service by Certified Mail (Form 3.2) and attach the receipt and the green card to it. Make a copy of the completed Affidavit of Service by Certified Mail and take the original and the copy to the Prothonotary’s Office for filing. The Prothonotary’s staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

C. Personal Service (use Form 3.3). Service can also be made by an adult, other than you, personally handing a date-stamped copy of the Notice to Defend and the Complaint to your spouse. The adult who handed the papers to your spouse must fill out and sign the Affidavit of Personal Service after you have filled in the caption and docket number on the Affidavit of Personal Service (Form 3.3). Make a copy of the completed Affidavit of Personal Service and take the original and the copy to the Prothonotary’s Office for filing. The Prothonotary’s staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

D. Service by York County Sheriff. The most certain way to ensure service is to pay the York County Sheriff’s Office to serve the Notice to Defend and the Complaint. Take a date-stamped copy of the Notice to Defend and the Complaint to the Sheriff’s Office located on the first floor of the York County Judicial Center. You will need to pay the Sheriff’s fee in advance. After the Sheriff has served the Notice to Defend and Complaint, he/she will file an affidavit of service in the Prothonotary’s Office and provide you with a copy for your records.

Step 4. Establishing Grounds for Divorce.

Before the court will issue a decree in divorce, you must demonstrate that you meet the requirements of the Divorce Code. You can do this by completing and filing the Affidavits of Consent (Forms 4.1 and 4.3) and the Waivers of Notice (Forms 4.2 and 4.4).

The Affidavit of Consent and Waiver of Notice documents cannot be signed and filed until at least ninety days have passed from the day the Notice to Defend and the Complaint were served on (received by) your spouse.

- A. After at least ninety days have passed since your spouse was served with the Complaint, fill in the Affidavit of Consent (**Form 4.1**) and the Waiver of Notice (**Form 4.2**) for your (Plaintiff's) signature and the Affidavit of Consent (**Form 4.3**) and the Waiver of Notice (**Form 4.4**) for your spouse's (Defendant's) signature. On the Affidavits of Consent, fill in the caption, the date the Complaint was filed, and the date the Complaint was served (received by your spouse). On the Waiver, you only need to fill in the caption.
- B. In the presence of a notary, or a clerk in the Prothonotary's office, you and your spouse should each sign the applicable Affidavit of Consent. In addition, you each must sign a Waiver of Notice but it need not be in the presence of a notary. Your spouse should then give his/her Affidavit of Consent and Waiver of Notice to you for filing.
- C. Make a copy of each Affidavit of Consent and of each Waiver of Notice and take the originals and the copies to the Prothonotary's Office for filing. The Prothonotary's staff will date-stamp the originals and the copies, keep the originals and return the copies to you for your records. **YOU AND YOUR SPOUSE MUST SIGN AND FILE BOTH THE AFFIDAVIT OF CONSENT AND THE WAIVER OF NOTICE FOR YOU TO BE ABLE TO FINALIZE THE DIVORCE PURSUANT TO STEP 5 BELOW. THEY MUST BE FILED WITHIN THIRTY DAYS OF THE DATE THEY ARE SIGNED.**

Step 5. Finalizing the Divorce.

Once you file both Affidavits of Consent /Notices of Waiver, you will be in position to finalize your divorce decree. To do so you will need to complete and file the Praeipite to Transmit Record (Form 5.1) and two copies of the Rule 236 Notice of Decree in Divorce (Form 5.2) as outlined below.

- A. **Praeipite to Transmit Record (Form 5.1).** Fill in the caption and docket number and complete the following:

Paragraph 1. You do not need to fill in this paragraph since it simply states that the ground for divorce is irretrievable breakdown (no-fault) under §3301(c) of the divorce code (consensual).

Paragraph 2. In the first blank, if the Complaint was served by certified mail, insert the date your spouse signed the green card; if the Complaint was

served personally by another adult or by Sheriff, fill in the date the Complaint was delivered to your spouse; and if your spouse accepted service of the Complaint, then insert the date the Acceptance of Service was signed. In the second blank, if the complaint was served by certified mail, print “Service by Certified Mail, Restricted Delivery, Return Receipt Requested”; if the Complaint was served personally by another adult or by a Sheriff, fill in the location of service, and the name of the person/Sheriff who served the Complaint, and if your spouse accepted service of the Complaint then print “Defendant accepted service of the Complaint by signing an Acceptance of Service.”

Paragraph 3. Print the date you signed the Affidavit of Consent in the first blank and the date your spouse signed the Affidavit of Consent in the second blank.

Paragraph 4. You do not need to fill in this paragraph since it simply states that there are no related economic claims, such as alimony and equitable distribution pending before the court. Like all other statements you make in your documents, this statement must be true.

Paragraph 5. Print the date you filed your Waiver of Notice (the date stamped on the document by the Prothonotary) in the first blank. Print the date on which you filed your spouse’s Waiver of Notice (the date stamped on the document by the Prothonotary) in the second blank.

Sign and date. Sign and date the Praecipe to Transmit.

B. Rule 236 Notice of Decree in Divorce (Form 5.2).

Name and address. Fill in your spouse’s name and correct mailing address in the blank lines in the upper left-hand corner of the form.

Docket number. Fill in the docket number in the blank after the word “No:” on the right side of the form.

Caption. Fill in the caption of the Rule 236 Notice of Decree in Divorce (Form 5.2) with the name of the plaintiff in the space after the word “RE,” and the name of the defendant in the blank after the word “VS”.

Signature Block. Fill in your name, address and telephone number in the “Attorney or Filing Party” spaces. **DO NOT FILL IN ANY OF THE DATE SPACES BECAUSE THE PROTHONOTARY WILL FILL IN THESE SPACES WHEN THE DIVORCE DECREE IS FILED.**

Make one copy of the Praeceptum to Transmit Record and two copies of the Rule 236 Notice. Take the originals and copies to the Prothonotary's Office for filing along with two stamped envelopes, one addressed to you and the other one addressed to your spouse. The Prothonotary's Office will keep the envelopes and the original documents and return date-stamped copies to you for your records.

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

If all documents have been filed and served correctly, you should receive your signed divorce decree and Rule 236 Notice promptly. Your spouse will receive a Rule 236 Notice that the decree was entered. Your spouse can obtain a certified copy of the decree from the Prothonotary for a fee. If everything was not prepared properly, you will receive correspondence from the reviewing judge detailing the deficiencies and what needs to be done to correct any errors.

Step 6 (optional). Resuming a prior surname (use Form 6.1).

At any time after the Complaint has been filed, the spouse that changed his/her name upon marriage may choose to resume his/her prior surname (last name) by filling out the Notice to Resume Prior Surname (Form 6.1), filing it with the Prothonotary's Office and paying a filing fee. The filing fee can be obtained by calling the Prothonotary's office at (717) 771-9611.

- A. **Caption.** Fill out the caption with the names of the parties and the docket number of the divorce action.
- B. **First line.** Check the appropriate box to show whether you were the Plaintiff or Defendant in the divorce action.
- C. **Lines 3 and 4.** Check the box to show whether the divorce decree has been entered yet. If the decree has been entered, fill in the date of the decree in the blank after the word "dated" near the end of line 4.
- D. **Date.** Fill in the date that you are signing the form.
- E. **Signature block and Notary block.** Take the unsigned form to a Notary Public. In the presence of the notary, sign your name as it appears in the caption on the first line, and print that name underneath the signature. Sign your name as it will appear after it has been changed on the third line. The Notary Public will fill in the notary block and return the document to you. The Notary Public will charge a fee for this service.
- F. **File the document.** Take the signed form to the Prothonotary's Office and pay the filing fee.

PACKET C – FORMS CHECKLIST

Step 1 Forms – Starting the Action:

- 1.1 Notice to Defend
- 1.2 Divorce Complaint (Filing Fee Required)
- 1.3 Social Security Information Sheet
- 1.4 Divorce Information Sheet

Step 3 Forms – Proof of Service (only one needed):

- 3.1 Acceptance of Service, or
- 3.2 Affidavit of Service by Certified Mail, or
- 3.3 Affidavit of Personal Service

Step 4 Forms – Establishing Grounds for Divorce:

- 4.1 Plaintiff's Affidavit of Consent
- 4.2 Plaintiff's Waiver of Notice
- 4.3 Defendant's Affidavit of Consent
- 4.4 Defendant's Waiver of Notice

Step 5 Forms – Finalizing the Divorce:

- 5.1 Praecipe to Transmit Record
- 5.2 Rule 236 Notice of Decree in Divorce

Step 6 (optional) Form:

- 6.1 Notice to Resume Prior Surname (use only if a party desires to resume her/his prior last name) (Filing Fee Required)

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION**

PLAINTIFF (Your Name)

vs.

DEFENDANT (Your Spouse's Name)

: No.
:
: **ACTION IN DIVORCE**
:
: **CIVIL ACTION – LAW**

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 at the York County Judicial Center, 45 North George Street, York, Pennsylvania 17401.

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

YOU 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.

Lawyer Referral Service of the
York County Bar Association
York County Bar Center
137 East Market Street
York, Pennsylvania 17401
Telephone (717) 854-8755

AVISO PARA DEFENDER Y RECLAMAR DERECHOS

USTED HA SIDO DEMANDADO EN LA CORTE. Si desea defenderse de las quejas expuestas en las páginas siguientes, debe tomar acción con prontitud. Se le avisa que si no se defiende, el caso puede proceder sin usted y un decreto de divorcio o anulamiento puede ser emitido en su contra por la Corte. Una decisión puede también ser emitida en su contra por cualquier otra queja o compensación reclamados por el demandante en estos papeles. Usted puede perder dinero, o propiedades u otros derechos importantes para usted, incluyendo custodia o visitas de sus hijos.

Cuando la base para el divorcio es indignidades o rompimiento irreparable del matrimonio, usted puede solicitar consejo matrimonial. Una lista de consejeros matrimoniales esta disponible en la oficina del Prothonotary, en la York County Judicial Center, 45 North George Street, York, Pennsylvania 17401.

SI USTED NO RECLAMA PENSIÓN ALIMENTICIA, PROPIEDAD MARITAL, HONORARIOS DE ABOGADO U OTROS GASTOS ANTES DE QUE EL DECRETO FINAL DE DIVORCIO O ANULAMIENTO SEA EMITIDO, USTED PUEDE PERDER EL DERECHO A RECLAMAR CUALQUIERA DE ELLOS.

USTED DEBE LLEVAR ESTE PAPEL A UN ABOGADO DE INMEDIATO. SI NO TIENE RECURSOS PARA PAGAR UN ABOGADO VAYA O LLAME A LA OFICINA INDICADA ABAJO PARA AVERIGUAR DONDE PUEDE OBTENER ASISTENCIA LEGAL.

Lawyer Referral Service of the
York County Bar Association
York County Bar Center
137 East Market Street
York, Pennsylvania 17401
Teléfono (717) 854-8755

6. Defendant **is not** a member of the Armed Forces of the United States of America or any of its Allies.
7. This marriage is irretrievably broken.
8. Plaintiff has been advised that counseling is available and that either party may have the right to request that the court require the parties to participate in counseling.
9. 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: _____

Signature of Plaintiff

Print Name

Street Address

City

PA

Zip Code

Telephone Number

SOCIAL SECURITY INFORMATION SHEET

PURSUANT TO 23 Pa.C.S.A. SECTION 4304.1 (a) (3) ALL DIVORCES MUST INCLUDE THE PARTIES' SOCIAL SECURITY NUMBERS.

PLEASE FILL IN THE APPROPRIATE INFORMATION AND RETURN TO THE PROTHONOTARY'S OFFICE.

DATE: _____

DOCKET NUMBER: _____

PLAINTIFF / PETITIONER'S SS#: _____

NAME: _____

DEFENDANT / RESPONDENT'S SS# _____

NAME _____

DIVORCE INFORMATION SHEET

PURSUANT TO ACT 2001-82, VITAL STATISTIC FORMS ARE NOT REQUIRED BY THE STATE EFFECTIVE JANUARY 1, 2002. THE PROTHONOTARY IS REQUESTING THIS INFORMATION IN LIEU OF THE VITAL STATISTICS FORM.

PLEASE FILL IN THE APPROPRIATE INFORMATION AND RETURN TO THE PROTHONOTARY'S OFFICE.

DOCKET NUMBER: _____

PLAINTIFF'S NAME: _____

PLAINTIFF'S ADDRESS: _____

_____, PA _____

DEFENDANT'S NAME: _____

DEFENDANT'S ADDRESS: _____

DATE OF MARRIAGE: _____

DATE OF DECREE: _____

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION**

PLAINTIFF	:	No. _____-FC-_____ -02
vs.	:	ACTION IN DIVORCE
DEFENDANT	:	CIVIL ACTION – LAW

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

I, _____, hereby verify that
(Name of Plaintiff)

on _____ day of _____, 20____, I served the Defendant with a true and correct copy
(Date) (Month)

of the Divorce Complaint filed on _____ by the following method:
(Date of filing Divorce Complaint)

Service was made by **United States Postal Service**, first class mail, postage prepaid, certified, **restricted delivery**, return receipt requested to the Defendant, on the _____ day of _____, 20____. The return receipt (postal green card) signed by Defendant and the receipt from the Post Office are attached hereto.

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

Date

Signature of Plaintiff

Print Name

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION**

PLAINTIFF	:	No. _____-FC-_____ -02
vs.	:	ACTION IN DIVORCE
DEFENDANT	:	CIVIL ACTION – LAW

AFFIDAVIT OF PERSONAL SERVICE

I, _____, hereby verify that
(Name of Person who Served Divorce Complaint)

on _____ day of _____, 20____, I served the Defendant with a true and correct copy
(Date) (Month)

of the Divorce Complaint filed on _____ by the following method:
(Date of filing Divorce Complaint)

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

(Location of Service)

on the _____ day of _____, 20____, at _____ o'clock.
(Date) (Month) (Time)

(PERSONAL SERVICE CANNOT BE MADE BY PLAINTIFF)

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

Date

Signature of the Person Who Made Service

Print Name

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____	:	No. _____-FC-_____02
PLAINTIFF	:	
vs.	:	ACTION IN DIVORCE
	:	
_____	:	CIVIL ACTION - LAW
DEFENDANT	:	

AFFIDAVIT OF CONSENT

1. A complaint in divorce under section 3301(c) of the Divorce Code was filed on _____ and served on _____.
(Complaint filing date) (Date of Service of Complaint)
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)

(Print Plaintiff's Name)

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF YORK :

On the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public / Prothonotary Clerk

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____	:	No. _____-FC-_____02
PLAINTIFF	:	
vs.	:	ACTION IN DIVORCE
	:	
_____	:	CIVIL ACTION - LAW
DEFENDANT	:	

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

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

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

Date: _____

(Plaintiff's Signature)

(Print Plaintiff's Name)

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____	:	No. _____-FC-_____02
PLAINTIFF	:	
vs.	:	ACTION IN DIVORCE
	:	
_____	:	CIVIL ACTION - LAW
DEFENDANT	:	

AFFIDAVIT OF CONSENT

1. A complaint in divorce under section 3301(c) of the Divorce Code was filed on _____ and served on _____.
(Complaint filing date) (Date of Service of Complaint)
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)

(Print Defendant's Name)

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF YORK :

On the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____	:	No. _____-FC-_____02
PLAINTIFF	:	
vs.	:	ACTION IN DIVORCE
	:	
_____	:	CIVIL ACTION - LAW
DEFENDANT	:	

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

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

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

Date: _____

(Defendant's Signature)

(Print Defendant's Name)

**IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION**

PLAINTIFF	:	No. _____ -FC- _____ -02
vs.	:	ACTION IN DIVORCE
	:	
DEFENDANT	:	CIVIL ACTION – LAW

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a Divorce Decree:

1. Ground for divorce: ir retrievable breakdown under §3301(c) of the Divorce Code.
2. Date and manner of service of Complaint: _____
(Date of Service)

(State Whether Complaint Was Served By Certified Mail / Personal Service By Someone Other Than Plaintiff Or by Sherriff)
3. Date of execution of the Affidavit of Consent required by §3301(c) of the Divorce Code:
by Plaintiff _____, by Defendant _____
(Date of Execution of Plaintiff s Affidavit) (Date of Execution of Defendant’s Affidavit/)
4. Related claims pending: No economic claims were raised by either party.
5. Date Plaintiff’s Waiver of Notice was filed with the Prothonotary: _____
(Date of Filing of Plaintiff’s Waiver)
6. Date Defendant’s Waiver of Notice was filed with the Prothonotary: _____
(Date of Filing of Defendant’s Waiver)

Date: _____

Signature of Plaintiff

Print Name

OFFICE OF THE PROTHONOTARY

Of York County

Pamela S. Lee
Prothonotary
Billie Jo Bones
Deputy Prothonotary
Gregory E. Gettle
Solicitor



York County Courthouse
45 North George Street
York, Pennsylvania 17401
Telephone (717) 771-9611

Date: _____

No: _____

RE: _____, Plaintiff

VS: _____, Defendant

Notice is given that a Decree in Divorce in the above captioned matter has been entered against you on _____.

Pamela S. Lee
PROTHONOTARY OF YORK COUNTY

By: _____
Clerk or Deputy

If you have any questions concerning the above case, please contact:

Attorney or Filing Party

Phone # _____

(PA Rule of Civil Procedure 236, as revised)

