

**COURT OF COMMON PLEAS
STATE OF PENNSYLVANIA**

(For use in any Pennsylvania County *except* Philadelphia County)

DIVORCE PACKAGE

MUTUAL CONSENT DIVORCE PACKET

(Irretrievable Breakdown – Mutual Consent Divorce)

MINOR CHILDREN

Control Number – PACKET PA-006-D

This package contains the following:

- Forms
- Instructions
- Access to Law Summary

**You and your spouse must agree to all terms of the divorce to use this packet.
All forms to be filed with the Court must be printed on Bond paper.**

INFORMATION ABOUT DIVORCE

1. **WHO CAN USE THESE FORMS:** You may use this Joint Divorce Package only when all of the following facts are true;
 - (a) You and your spouse are seeking a divorce based upon the ground of mutual consent that the marriage is irretrievably broken;
 - (b) There are minor children of said marriage;
 - (c) You and your spouse agree on all the terms of the divorce

2. **THE BASICS:** In a typical divorce, you must satisfy two basic requirements before you can file for divorce. Those requirements include the ***residency requirements*** and appropriate ***grounds for divorce***. These requirements are discussed in detail in their respective sections, below. In addition, you must agree with your spouse to dissolve the marriage, and agree to all the terms of the dissolution of marriage in filling out the forms, including property division.

3. **RESIDENCY / VENUE REQUIREMENTS:** No spouse is entitled to commence an action for divorce unless at least one of the parties has been a bona fide resident in the Commonwealth of Pennsylvania for at least six months immediately previous to the commencement of the action.

A proceeding for divorce or annulment may be brought in the county:

 - (a) Where the defendant resides;
 - (b) If the defendant resides outside of the Commonwealth of Pennsylvania, where the plaintiff resides;
 - (c) Of matrimonial domicile, if the plaintiff has continuously resided in the county;
 - (d) Prior to six months after the date of final separation and with agreement of the defendant, where the plaintiff resides or, if neither party continues to reside in the county of matrimonial domicile, where either party resides;
or
 - (e) After six months after the date of final separation, where either party resides.

4. **GROUND FOR DIVORCE:** A divorce may be granted in the State of Pennsylvania on fault or no-fault grounds. The grounds for a no-fault divorce include:
 - (a) Institutionalization
 - (b) Mutual consent

- (c) Irretrievable breakdown.

The grounds for a divorce based upon fault include whenever it is judged that the other spouse has:

- (a) Committed willful and malicious desertion and absence from the habitation of the injured and innocent spouse, without a reasonable cause, for the period of one or more years.
- (b) Committed adultery.
- (c) By cruel and barbarous treatment, endangered the life or health of the injured and innocent spouse.
- (d) Knowingly entered into a bigamous marriage while a former marriage is still subsisting.
- (e) Been sentenced to imprisonment for a term of two or more years upon conviction of having committed a crime.
- (f) Offered such indignities to the innocent and injured spouse as to render that spouse's condition intolerable and life burdensome.

This divorce package is designed for use by parties seeking a divorce based upon the no-fault ground of mutual consent that the marriage is irretrievably broken. The court may grant a divorce where it is alleged that the marriage is irretrievably broken and 90 days have elapsed from the date of commencement of an action, and an affidavit has been filed by each of the parties evidencing that each of the parties consents to the divorce.

- 5. **LEGAL SEPARATION:** While Pennsylvania does permit the parties to obtain child support and alimony without obtaining a decree of divorce, there are no procedures for a decree of legal separation.

This package does not contain forms for a legal separation.

- 6. **WAITING PERIOD:** To obtain a divorce based upon the ground of mutual consent that the marriage is irretrievably broken, at least 90 days must have elapsed from the date of commencement of an action.

- 7. **ALIMONY/SUPPORT:** The court may allow alimony, as it deems reasonable, to either party only if it finds that alimony is necessary. In determining whether alimony is necessary and in determining the nature, amount, duration and manner of payment of alimony, the court shall consider all relevant factors, including:

- (a) The relative earnings and earning capacities of the parties.
- (b) The ages and the physical, mental and emotional conditions of the parties.

- (c) The sources of income of both parties, including, but not limited to, medical, retirement, insurance or other benefits.
- (d) The expectancies and inheritances of the parties.
- (e) The duration of the marriage.
- (f) The contribution by one party to the education, training or increased earning power of the other party.
- (g) The extent to which the earning power, expenses or financial obligations of a party will be affected by reason of serving as the custodian of a minor child.
- (h) The standard of living of the parties established during the marriage.
- (i) The relative education of the parties and the time necessary to acquire sufficient education or training to enable the party seeking alimony to find appropriate employment.
- (j) The relative assets and liabilities of the parties.
- (k) The property brought to the marriage by either party.
- (l) The contribution of a spouse as homemaker.
- (m) The relative needs of the parties.
- (n) The marital misconduct of either of the parties during the marriage.
- (o) The Federal, State and local tax ramifications of the alimony award.
- (p) Whether the party seeking alimony lacks sufficient property to provide for the party's reasonable needs.
- (q) Whether the party seeking alimony is incapable of self-support through appropriate employment.

The court in ordering alimony shall determine the duration of the order, which may be for a definite or an indefinite period of time which is reasonable under the circumstances.

8. **DISTRIBUTION OF PROPERTY:** Since this is an agreed upon divorce, the parties will agreed to property distributions. In a contested proceeding, the court shall, upon request of either party, equitably divide, distribute or assign, in kind or otherwise, the marital property between the parties without regard to marital misconduct in such proportions and in such manner as the court deems just after considering all relevant factors, including:

- (a) The length of the marriage.
- (b) Any prior marriage of either party.
- (c) The age, health, station, amount and sources of income, vocational skills, employability, estate, liabilities and needs of each of the parties.
- (d) The contribution by one party to the education, training or increased earning power of the other party.
- (e) The opportunity of each party for future acquisitions of capital assets and income.
- (f) The sources of income of both parties, including, but not limited to, medical, retirement, insurance or other benefits.

- (g) The contribution or dissipation of each party in the acquisition, preservation, depreciation or appreciation of the marital property, including the contribution of a party as homemaker.
- (h) The value of the property set apart to each party.
- (i) The standard of living of the parties established during the marriage.
- (j) The economic circumstances of each party, including Federal, State and local tax ramifications, at the time the division of property is to become effective.
- (k) Whether the party will be serving as the custodian of any dependent minor children.

9. **COUNSELING:** Whenever indignities are the ground for divorce, the court shall require up to a maximum of three counseling sessions where either of the parties requests it. Whenever mutual consent is the ground for divorce, the court shall require up to a maximum of three counseling sessions within the 90 days following the commencement of the action where either of the parties requests it. Whenever the court orders a continuation period as provided for irretrievable breakdown, the court shall require up to a maximum of three counseling sessions within the time period where either of the parties requests it or may require such counseling where the parties have at least one child under 16 years of age.

10. **CHILD CUSTODY / VISITATION:** In making an order for custody, the court shall consider the preference of the child as well as any other factor which legitimately impacts the child's physical, intellectual and emotional well-being. The court shall also consider, among other factors, which parent is more likely to encourage, permit and allow frequent and continuing contact and physical access between the noncustodial parent and the child.

The court shall award sole custody when it is in the best interest of the child.

An order for shared custody may be awarded by the court when it is in the best interest of the child:

- (a) Upon application of one or both parents;
- (b) When the parties have agreed to an award of shared custody; or
- (c) In the discretion of the court.

11. **CHILD SUPPORT:** The support guidelines set forth the amount of support which a spouse or parent should pay on the basis of both parties' net monthly incomes and the number of persons being supported. If it has been determined that there is an obligation to pay support, there shall be a rebuttable presumption that the amount of the award determined from the guidelines is the correct amount of support to be awarded. If the amount of support deviates from the amount of support determined by the

guidelines, the trier of fact shall specify, in writing, the guideline amount of support, and the reasons for, and findings of fact justifying, the amount of the deviation. In deciding whether to deviate from the amount of support determined by the guidelines, the trier of fact shall consider:

- (a) Unusual needs and unusual fixed obligations;
- (b) Other support obligations of the parties;
- (c) Other income in the household;
- (d) Ages of the children;
- (e) Assets of the parties;
- (f) Medical expenses not covered by insurance;
- (g) Standard of living of the parties and their children;
- (h) In a spousal support or alimony pendente lite case, the period of time during which the parties lived together from the date of marriage to the date of final separation; and,
- (i) Other relevant and appropriate factors, including the best interests of the child or children.

13. **NAME CHANGE:** A party may resume the use of a former or maiden name upon divorce by filing a Notice of Intention to Retake Prior Name with the Court.

For more information, see the Pennsylvania Divorce Law Summary.

FORMS LIST

1. Self-Represented Party Entry of Appearance (**PA-1930-8**)
2. Notice to Defend and Claim Rights (**PA-1920-71**)
3. Notice of Intention to Request Entry of Divorce Decree (**PA-500D**)
4. Court of Common Pleas Intake (**PA-502D**)
5. Income and Expense Statement (**PA-503D**)
6. Notice to File Social Security Numbers (**PA-510D**)
7. Non-Military Affidavit (**PA-805D**)
8. Certificate of Service (**PA-804D**)
9. Marital Property Settlement Agreement (**PA-DO-11A**)
10. Acknowledgement (**PA-505D**)
11. Defendant's Affidavit of Consent (**PA-1920-72B-D**)
12. Plaintiff's Affidavit of Consent (**PA-1920-72B-P**)
13. Waiver of Notice for Defendant (**PA-1920-72C-D**)
14. Waiver of Notice for Plaintiff (**PA-1920-72C-P**)
15. Child Support Guidelines Worksheet (**PA-504D**)
16. Praeceptum to Transmit Record (**PA-1920-73B**)
17. Decree of Divorce (**PA-509D**)
18. Notice of Intention to Retake Prior Name (**PA-511D**)

You will also need to obtain from the Prothonotary a *Record of Divorce* (“*Vital Statistics form*”). This form must be completed and filed after the divorce is granted.

FORM EXPLANATIONS

All forms included in this package are identified below.

1. **Self-Represented Party Entry of Appearance (PA-1930-8)** – This form is used by the parties to inform the Court that the party is representing themselves. Each party should complete a copy.
2. **Notice to Defend and Claim Rights (PA-1920-71)** – This form is used to provide the opposing party with notice that a suit for divorce has been filed and to provide that party with basic information regarding his or her rights.
3. **Notice of Intention to Request Entry of Divorce Decree (PA-500D)** – This form is used by the parties to ask that the Court enter a decree of divorce, as well as any other relief requested.
4. **Court of Common Pleas Intake (PA-502D)** – This form is used to inform the Court of the type of divorce filing as well as provide contact information for the parties.
5. **Income and Expense Statement (PA-503D)** – This form provides the Court with basic information regarding employment, health insurance and the income and expenses of the parties. Each party must complete and file a copy of this form.
6. **Notice to File Social Security Numbers (PA-510D)** – Each party is required to provide the Court with their Social Security numbers using this form.
7. **Non-Military Affidavit (PA-805D)** – This form is used to certify to the Court that the Defendant is not presently serving in a branch of the US Military.
8. **Certificate of Service (PA-804D)** – This form is used by the Defendant to acknowledge to the Court receipt of the Complaint in Divorce and Notice to Defend and to further enter an appearance in the matter.
9. **Marital Property Settlement Agreement (PA-DO-11A)** – This document provides for the final distribution of any assets and debts of the parties, provides for support of any children of the marriage and any other agreements reached between the parties.
10. **Acknowledgement (PA-505D)** – This form is used to state to the Court that the parties agree that the marriage is irretrievably broken and that the required waiting period of ninety (90) days has elapsed from the date the Complaint was filed. It further states that the parties have entered into a Marital Property Settlement Agreement and wish its terms to be adopted in the Decree. Each party must complete and file a copy of this form.

- 11. Defendant's Affidavit of Consent (PA-1920-72B-D)** – This form is used by the defendant to state to the Court that the marriage is irretrievably broken, that the required time period has elapsed after the filing of the Complaint, and that a Decree may be entered without notice.
- 12. Plaintiff's Affidavit of Consent (PA-1920-72B-D)** – This form is used by the plaintiff to state to the Court that the marriage is irretrievably broken, that the required time period has elapsed after the filing of the Complaint, and that a Decree may be entered without notice.
- 13. Waiver of Notice for Defendant (PA-1920-72B-D)** – This form is used by the defendant to agree to give up the rights to receive notice of the request for a divorce decree.
- 14. Waiver of Notice for Plaintiff (PA-1920-72B-P)** – This form is used by the plaintiff to agree to give up the rights to receive notice of the request for a divorce decree.
- 15. Child Support Guidelines Worksheet (PA-504D)** – This form is used to calculate the correct amount of child support to be paid.
- 16. Praecipe to Transmit Record (PA-1920-73B)** – This form is used to tell the Court that all necessary forms have been filed and that the action is now ready to be decided.
- 17. Decree of Divorce (PA-509D)** – This form grants the divorce along with any other relief requested.
- 18. Notice of Intention to Retake Prior Name (PA-511D)** – This form is used by a party to provide notice of the intent to resume the use of a former name.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

This packet is for use in all Pennsylvania Counties except Philadelphia County. Philadelphia County requires a different set of forms.

STEP 1: The filing party (Plaintiff), in cooperation with the Defendant, should complete the following forms:

- *Self-Represented Party Entry of Appearance (PA-1930-8)*
- *Notice to Defend and Claim Rights (PA-1920-71)*
- *Notice of Intention to Request Entry of Divorce Decree (PA-500D)*
- *Court of Common Pleas Intake (PA-502D)*
- *Notice to File Social Security Numbers (PA-510D)*
- *Non-Military Affidavit (PA-805D)*
- *Plaintiff's Affidavit of Consent (PA-1920-72B-P)*
- *Waiver of Notice for Plaintiff (PA-1920-72C-P)*

STEP 2: Each party should next complete a copy of the *Income and Expense Statement (PA-503D)*.

STEP 3: Make at least three copies of the completed documents and file the originals with the Prothonotary's office in the county of filing. A filing fee must be paid at this time. Make sure to call ahead to determine the amount of the filing fee and accepted methods of payment. Make certain to have each set of copies of the documents stamped “filed”.

STEP 4: The Defendant should then be provided copies of the previously filed documents as well as the *Acceptance of Service and Entry of Appearance (PA-804D)*. The Defendant should be instructed to complete the *Acceptance of Service and Entry of Appearance (PA-804D)* and return it to you for filing.

STEP 5: You are required by law to wait ninety (90) days after filing your *Notice to Intention to Request Entry of Divorce Decree (PA-500D)* before filing additional documents in your divorce case. During that waiting period, you must agree to all

terms of property and debt division with your spouse, and document your agreement by completing the *Marital Settlement Agreement (PA-DO-11A)*. Do not sign the *Marital Settlement Agreement (PA-DO-11A)* yet.

The parties should also complete at this time the *Child Support Guidelines Worksheet (PA-504D)*.

- STEP 6:** After the required waiting period of ninety (90) days have passed since you filed the *Notice of Intention (PA-500D)*, the parties should each sign the *Acknowledgement (PA-505D)* form. This document may not be signed until ninety (90) days have passed since the filing of the *Notice of Intention (PA-500D)*. There is no need to go to the Notary twice, so just wait until the time has passed and sign the *Marital Settlement Agreement (PA-DO-11A)* and *Acknowledgements (PA-505D)* at the same time. Both *Acknowledgements (PA-505D)* must be signed within thirty (30) days of filing the final *Praecipe to Transmit Record (PA-1920-73B)* document (see below).
- STEP 7:** You and your spouse must next sign the *Affidavit of Consent and Waiver of Notice (PA-1920-72B-D, PA-1920-72B-P, PA-1920-72B-D and PA-1920-72B-P)*. The *Affidavit of Consent and Waiver of Notice (PA-1920-72B-D, PA-1920-72B-P, PA-1920-72B-D and PA-1920-72B-P)* must be signed within thirty (30) days of filing the final *Praecipe to Transmit Record (PA-1920-73B)* document (see below).
- STEP 8:** Fill out the *Praecipe to Transmit Record (PA-1920-73B)* and attach to the completed *Marital Settlement Agreement (PA-DO-11A)*, *Acknowledgements (PA-505D)*, and *Affidavits of Consent and Waiver (PA-1920-72B-D, PA-1920-72B-P, PA-1920-72B-D and PA-1920-72B-P)*. If a party desires to return to the use of a prior name, fill out the *Notice of Intention to Retake Prior Name (PA-511D)* (you must sign before a Notary Public) and attach. Finally, attach 3 blank copies of the *Decree of Divorce (PA-509D)* (you fill out only the caption (the area stating the party names and case number)). File all of this with the Prothonotary. The judge will complete the *Decree of Divorce (PA-509D)*, sign, and mail you a copy. Once signed, your divorce is granted.
- STEP 9:** After receiving your signed *Decree of Divorce (PA-509D)*, you must obtain and complete the *Record of Divorce (Vital Statistics form)* and file with the Prothonotary. This form is only available from the Prothonotary, and may be contacted for help if you have any questions about this form.

CHECKLIST

- ☐ The Plaintiff, in cooperation with Defendant, completes the following forms:
 - *Self-Represented Party Entry of Appearance (PA-1930-8)*
 - *Notice to Defend and Claim Rights (PA-1920-71)*
 - *Notice of Intention to Request Entry of Divorce Decree (PA-500D)*
 - *Court of Common Pleas Intake (PA-502D)*
 - *Notice to File Social Security Numbers (PA-510D)*
 - *Non-Military Affidavit (PA-805D)*
 - *Plaintiff's Affidavit of Consent (PA-1920-72B-P)*
 - *Waiver of Notice for Plaintiff (PA-1920-72C-P)*

- ☐ Each party completes *Income and Expense Statement (PA-503D)*.

- ☐ At least three copies made of completed documents. Originals filed with Prothonotary. Filing fee paid. Each set of copies stamped "filed".

- ☐ Defendant provided copies of previously filed documents and *Acceptance of Service and Entry of Appearance (PA-804D)*. Defendant instructed to complete *Acceptance of Service and Entry of Appearance (PA-804D)* and return for filing.

- ☐ During ninety (90) days waiting period, parties agree to all terms of property and debt division and document agreement in *Marital Settlement Agreement (PA-DO-11A)*. *Marital Settlement Agreement (PA- DO-11A)* is not signed yet.

- ☐ Parties complete *Child Support Guidelines Worksheet (PA-504D)*.

- ☐ After required waiting period elapses, parties sign *Acknowledgement (PA-505D)* and *Marital Settlement Agreement (PA- DO-11A)* at same time in front of notary.

- ☐ Parties next sign *Affidavit of Consent and Waiver (PA-1920-72B-D, PA-1920-72B-P, PA-1920-72B-D and PA-1920-72B-P)*.

- ☐ *Praeipice to Transmit Record (PA-1920-73B)* completed and attached to *Marital Settlement Agreement (PA- DO-11A)*, *Acknowledgements (PA-505D)*, and

Affidavits of Consent and Waiver (PA-1920-72B-D, PA-1920-72B-P, PA-1920-72B-D and PA-1920-72B-P). Notice of Intention to Retake Prior Name (PA-511D) completed and attached if necessary. Three blank copies of the Decree of Divorce (PA-509D) attached (only caption completed). All documents then filed with Prothonotary. Judge completes Decree of Divorce (PA-509D), signs, and mails parties a copy. Once signed, divorce is granted.

- ☐ After receiving signed *Decree of Divorce (PA-509D)*, *Record of Divorce (Vital Statistics form)* obtained and completed and filed with Prothonotary. This form is only available from the Prothonotary.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

The forms are locked which means that the content of the forms cannot be changed. You can only fill in the information in the fields.

If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock, click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields.

After any required changes and re-protecting the document, click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you have any problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/PA/PA-006-D.htm>

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