INSTRUCTION AND FORMS FOR FILING PRO SE DIVORCE ACTIONS IN POTTER COUNTY

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THIS PACKET CONTAINS ALL THE FORMS YOU NEED TO FILE PRO SE AS WELL AS INSTRUCTIONS AND OTHER USEFUL MATERIALS.

Filing Fees:
Complaint $93.00
Praecipe $10.00
Total: $103.00
Cash or Money Order Only
(Subject to Change)

RELEASE AND DISCLAIMER

Divorce proceedings, like all legal matters, can be very complex and require extensive knowledge of many sources of law. These sources of law can be difficult to read and understand and are in a constant state of flux. No guidebook or short summary of how to file for a divorce can possibly fully explain or adequately protect your rights. **We strongly recommend that you hire and consult with a lawyer to represent your interest and to provide you with professional legal advice.** The Prothonotary and the staff in the courthouse are not attorneys and they are prevented by law from offering any legal advice to you.

The enclosed packet includes the information, instructions and forms currently necessary to file a divorce action pro se (without an attorney). The information in the enclosed packet is not a substitute for professional legal advice. The County of Potter, Potter County Court and staff of the Potter County Courthouse assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents.

With the intent to be legally bound under the laws of Pennsylvania, I agree to each of the following:

1. I understand that, under the Pennsylvania Divorce Code, I may have rights to alimony, alimony pendente lite, equitable distribution of property, counsel fees, custody, visitation and court costs. The divorce papers I will be provided at the Potter County Courthouse **WILL NOT** include a claim for any of these. I, therefore, understand that if I file a divorce using the information and forms provided at the Potter County Courthouse I will be waiving or voluntarily giving up any rights I may have to alimony, alimony pendent elite, equitable distribution of property, counsel fees, custody, visitation and court costs. I further understand that if I do so, I forever lose my right to file for or receive any of these.

2. I confirm that I have read this Release and Disclaimer (or had it read to me), and I understand it and I also confirm that I have been advised to consult with a lawyer and that my failure to do so may result in a loss of my legal rights.

3. I confirm that I have been advised that the information, instructions and forms which I have been given may contain errors or omissions and that I agree that I will be assuming all risk of harm from using or relying upon such information.

4. I hereby knowingly and voluntarily release and forever discharge the County of Potter, the Potter County Court and staff of the Potter County Courthouse of and from any and all actions, causes of action, claims, demands, damages, costs, expenses, compensation and all consequential damages arising as a result of using or relying upon such information, instructions and forms.

_____ _____

Date Name

INSTRUCTIONS FOR PRO SE DIVORCE ACTIONS IN POTTER COUNTY

1) If you decide to file a lawsuit read and fill out the forms completely.

2) If you do not think you can pay the filing fee, you can ask the Court to waive some or all of the costs. The form you need to fill out is the Affidavit – In Forma Pauperis. The Court will review your petition and decide whether or not you will have to pay the costs. YOU MUST GIVE COMPLETE INCOME INFORMATION OR YOUR APPLICATION WILL BE REJECTED.

3) Return all completed forms, plus two copies, for filing to the Prothonotary's Office, First Floor, Potter County Courthouse, Coudersport, PA 16915

4) Once the forms are reviewed and filed the copies will be returned to you. You are responsible for service of the Complaint upon the opposing party.

5) Service can be made by the Potter County Sheriff's Department. Please contact the Potter County Sheriff's Department at 814-274-9350 for their costs and fees.

6) You may also serve the Complaint by U.S.P.S. certified mail. To do so you must send the Complaint to the Defendants last known address by U.S.P.S. certified mail, return receipt requested. **Delivery of certified mail must be restricted to addressee only.** For further instructions on this procedure contact your local post office. No other service by mail is proper. If certified mail is refused by the Defendant, it should be given to the Prothonotary's Office **un-opened**.

7) DO NOT personally deliver the forms to the Defendant yourself. This would not be proper service according to the Court rules since you are a party to the lawsuit. Service must be made within thirty (30) days (if the Defendant lives within the Commonwealth of Pennsylvania) or ninety (90) days (if the Defendant lives outside the Commonwealth of Pennsylvania) from the date of the filing of the Complaint with the Prothonotary's office.

8) Proof of service MUST BE FILED IN THE PROTHONOTARY'S OFFICE. You must be able to show the Court that service was made and on what date.

PLEASE READ THE ATTACHED INSTRUCTION SHEET CAREFULLY

FORMS FOR STEP 1

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	POTTER COUNTY, PENNSYLVANIA
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant	:	CIVIL DIVISION

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 following address:

POTTER COUNTY COURTHOUSE
PROTHONOTARY'S OFFICE
1 EAST SECOND STREET, ROOM 23
COUDERSPORT, PA 16915

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

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER. TO FIND OUT WEHRE YOU CAN GET LEGAL HELP. IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

NORTHWEST LEGAL SERVICES
1001 STATE STREET #700
ERIE, PA 16501
(800) 665-6957

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	POTTER COUNTY, PENNSYLVANIA
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant	:	CIVIL DIVISION

COMPLAINT UNDER SECTION 3301 (C) OF THE DIVORCE CODE

1. Plaintiff is _____
who currently resides at _____
and whose telephone number is _____.

2. Defendant is _____
who currently resides at _____
and whose telephone number is _____.

3. _____has/have been a bona fide resident(s) in the Commonwealth of Pennsylvania for at least six (6) months immediately previous to the filing of this Complaint.

4. The Plaintiff and Defendant were married on _____.
(Date)
at _____, _____
(City) (State/County)

5. There have been no prior actions of divorce or for annulment between the parties except _____.

6. The marriage is irretrievable broken.

7. Plaintiff has been advised that counseling is available and that Plaintiff may have the right to request that the court require the parties to participate in counseling.

8. Plaintiff requests the court to enter a decree of divorce.

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

Date:_____ _____
Plaintiff

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	POTTER COUNTY, PENNSYLVANIA
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant	:	CIVIL DIVISION

AFFIDAVIT OF SERVICE

I, _____, did deposit into the U.S.P.S. mail via "certified mail return receipt requested" a certified copy of the Complaint in Divorce on _____.
(date of mailing)

The return receipt card for certified mail number _____ bearing the signature of the addressee is attached hereto.

Date:_____ _____
Name

PLEASE ATTACH THE RETURN RECEIPT CARD BELOW:

FORMS FOR STEP 2 AFTER 90 DAYS

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	POTTER COUNTY, PENNSYLVANIA
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant	:	CIVIL DIVISION

AFFIDAVIT OF CONSENT

1. A Complaint in Divorce under Section 3301 (c) of the Divorce Code was filed on _____.
(Date)

2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety (90) days have elapsed from the date of service of the Complaint.

3. I consent to the entry of a final decree of divorce.

4. I understand that under the laws of the Commonwealth of Pennsylvania, I have the right to request marriage counseling and have the right to have the Court order counseling, and I hereby waive that right.

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

COMMONWEALTH OF PENNSYLVANIA }
}
COUNTY OF _____ }

On this _____ day of _____, 20___, before me, a Notary Public, personally appeared the above affiant known to me to be the person whose name is subscribed to the within document and acknowledged that he/she executed the foregoing document for the purpose therein contained.

In Witness Whereof, I have hereunto set my hand and official seal.

_____
Notary Public

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	POTTER COUNTY, PENNSYLVANIA
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant	:	CIVIL DIVISION

AFFIDAVIT OF CONSENT

1. A Complaint in Divorce under Section 3301 (c) of the Divorce Code was filed on _____.
(Date)

2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety (90) days have elapsed from the date of service of the Complaint.

3. I consent to the entry of a final decree of divorce.

4. I understand that under the laws of the Commonwealth of Pennsylvania, I have the right to request marriage counseling and have the right to have the Court order counseling, and I hereby waive that right.

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

COMMONWEALTH OF PENNSYLVANIA }
}
COUNTY OF _____ }

On this _____ day of _____, 20___, before me, a Notary Public, personally appeared the above affiant known to me to be the person whose name is subscribed to the within document and acknowledged that he/she executed the foregoing document for the purpose therein contained.

In Witness Whereof, I have hereunto set my hand and official seal.

_____
Notary Public

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	POTTER COUNTY, PENNSYLVANIA
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant	:	CIVIL DIVISION

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, lawyer's fees or expenses if I do not claim them before a divorce is granted.

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

I verify that the statements made in this Waiver 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

COMMONWEALTH OF PENNSYLVANIA }
}
COUNTY OF _____ }

On this _____ day of _____, 20___, before me, a Notary Public, personally appeared the above known individual, known to me to be the person whose name is subscribed to the within document and acknowledged that he/she executed the foregoing document for the purpose therein contained.

In Witness Whereof, I have hereunto set my hand and official seal.

_____
Notary Public

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	POTTER COUNTY, PENNSYLVANIA
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant	:	CIVIL DIVISION

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, lawyer's fees or expenses if I do not claim them before a divorce is granted.

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

I verify that the statements made in this Waiver 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

COMMONWEALTH OF PENNSYLVANIA }
}
COUNTY OF _____ }

On this _____ day of _____, 20___, before me, a Notary Public, personally appeared the above known individual, known to me to be the person whose name is subscribed to the within document and acknowledged that he/she executed the foregoing document for the purpose therein contained.

In Witness Whereof, I have hereunto set my hand and official seal.

_____

Notary Public

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	POTTER COUNTY, PENNSYLVANIA
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant	:	CIVIL DIVISION

PRAECIPE TO TRANSMIT RECORD

TO THE PROTHONOTARY:

Kindly transmit the record, together with the following information to the Court for entry of a divorce decree.

1. Grounds for divorce: Irretrievable breakdown under Section3301 (c) of the Divorce Code.

2. Date and manner of service of the Complaint for Divorce:

Date: _____

Manner of Service _____

3. Date of execution of the Affidavit of Consent is required by Section 3301 (c) of the Divorce Code:

By Plaintiff: _____
(Date)

By Defendant: _____
(Date)

4. Related claims pending: _____

Date: _____ _____
Plaintiff

_____	:	IN THE COURT OF COMMON PLEAS
Plaintiff	:	POTTER COUNTY, PENNSYLVANIA
	:	
vs.	:	No. _____
	:	
_____	:	
Defendant	:	CIVIL DIVISION

DECREE

AND NOW, _____, 20_____, it is ordered and decreed that _____, Plaintiff, and _____, Defendant, are divorced from the bonds of matrimony.

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

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

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

BY THE COURT:

_____

Stephen P.B. Minor, President Judge
55th Judicial District