DIVORCE PROCEDURE

These forms are not designed for complicated divorce issues. To deal with these matters, you would need additional forms that are not included in these forms and you will need to hire a lawyer. Examples of a complicated divorce matter include a request to divide property, receive alimony, payment of lawyers' fees and expenses, or if your spouse is in the military. ***BE WARNED THAT IF YOU FAIL TO RAISE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYERS FEES OR EXPENSES IN YOUR DIVORCE COMPLAINT THAT YOU MAY LOSE ALL RIGHT TO MAKE SUCH CLAIMS WHEN THE DIVORCE DECREE IS ENTERED.***

STEP ONE: The Notice to Defend and Divorce Complaint

A divorce case is started with the filing of a "Complaint." There are two forms that must be attached to the Complaint: the "Notice to Defend and Claim Rights" must be attached on top, and the "Verification" must be attached on the bottom. The Complaint is filed in the office where legal pleadings are filed. You must pay the office where legal pleadings are filed a filing fee (unless you have been granted the right to proceed *In Forma Pauperis*, and this request would be filed with your Complaint). The caption at the top of the forms includes the county's name, your name, your spouse's name, and the docket number given to your by the office where legal pleadings are filed. This caption must be identical on all documents filed in your case, not matter who is filing a document.

How to Complete Step 1

1. Complete all three pages of Notice to Defend and Divorce Complaint using the detailed "Instruction for Forms" as a guide.

2. After you have filled out Notice to Defend and Divorce Complaint, make two copies of.

3. Take the original and your two copies to the office where legal pleadings are filed in the county in which you are planning to file for divorce (see the "Where Do I File?" in the Introduction section of this packet). The office where legal pleadings are filed will time-stamp the original and two copies. The original will stay in your file in the office where legal pleadings are filed but the two copies will be returned to you. One of the copies is for your records, and the other copy must be served on the other party in STEP TWO.

STEP TWO: Service of the Complaint.

After filing the Notice to Defend, Complaint and Verification, these documents must be served on the other party within thirty (30) days of the date they were filed (the date time-

stamped on the document). If the other party does not live in Pennsylvania, the time requirement is extended to ninety (90) days. If service is not completed within 30 days of the date of filing, the Complaint must be reinstated using Praecipe, and re-served. Service of the Notice to Defend, Complaint and Verification must be made either by Personal Service, by Acceptance of Service, or by regular and Certified Mail return receipt requested, restricted delivery:

What if Service isn't made in time? - If you were unable to successfully serve the other party within 30 days (or within 90 days if the other party does not live in Pennsylvania), then you must complete and file the Praecipe to Reinstate the Complaint. The date you file this Praecipe re-starts the clock for service, and you will have another 30 days to serve the other party (or 90 days if the other party does not live in Pennsylvania). For example, if you file the Praecipe to Reinstate the Complaint on January 1st, then you must serve the other party by January 31st.

How to complete Step 2

1. Decide how you are going to serve the other party. Next, determine which form you will need, fill in the caption exactly as it appears on Notice to Defend and Divorce Complaint, and follow the following instructions:

Form 3a: Acceptance of Service - Give the other party Notice to Defend and Divorce Complaint. After being given Notice to Defend and Divorce Complaint, the other party signs the Affidavit of Acceptance of Service, Form 3a, stating that he/she has received a copy of Notice to Defend and Divorce Complaint.

-OR-

Form 3b: Service by Mail - Mail Notice to Defend and Divorce Complaint to the other party by regular and certified mail, return receipt requested, restricted delivery (the post office can assist you in mailing a document by certified mail). You must complete the Affidavit of Service by Mail, Form 3b, stating that you have mailed your spouse the required forms by certified mail. You must also attach the green card receipt received from the post office (make a photocopy of this green card for your records, and file the original by attaching it to Form 3b). If the certified mail is returned unclaimed, another form of service must be used.

-OR-

Form 3c: Personal Service – An adult, other than you, a relative of yours, or an employee, co-worker of yours, may personally hand Notice to Defend and Divorce Complaint to the other party (such as the Sheriff, private courier service, or any reliable third party). The person who hands the papers to your spouse must sign a completed Affidavit of Service by Personal Service, Form 3c.

2. After you have completed either Form 3a, 3b, or 3c (whichever method you chose to serve the other party), make one copy.

3. File either Form 3a, 3b, or 3c (whichever method you chose to serve the other party) with the office where legal pleadings are filed. Take the original and one copy to the office where legal pleadings are filed and have each document time-stamped. The original will stay in the file in the office where legal pleadings are filed and the copy will be returned to you for your records.

4. If you are having trouble completing service, you may file a Praecipe to Reinstate the Complaint, as many times as you need. The clock starts from the day it is time-stamped in the office where legal pleadings are filed. If you continue to have problems completing service, it is recommended that you speak to an attorney. You may not proceed until proper service has been made.

IF YOUR SPOUSE CONSENTS TO THE DIVORCE, FOLLOW THE STEPS FOR A 3301(c)(1) DIVORCE ON PAGES 5 - 9.

IF YOUR SPOUSE HAS BEEN CONVICTED OF COMMITTING A "PERSONAL INJURY CRIME" AGAINST YOU, YOU MAY PROCEED UNDER SECTION 3301 (c) (2) OF THE DIVORCE CODE. SEE PAGEs 10-12.

IF YOUR SPOUSE <u>DOES NOT CONSENT</u> TO THE DIVORCE, FOLLOW THE STEPS FOR A 3301(d) DIVORCE ON PAGES 10 -13.

YOU SHOULD REVIEW THE OPTIONAL FORMS LOCATED ON PAGES 14–15 OF THIS DOCUMENT.

HOW TO PROCEED WITH A 3301(c)(1) CONSENT DIVORCE:

STEP THREE: Wait 90 Days from the Date the Notice to Defend and Divorce Complaint were Served.

The Pennsylvania Rules of Civil Procedure require both parties to wait ninety (90) days from the service of the Complaint before filing the consent forms.

How to Complete Step 3

You must wait ninety (90) calendar days from the date Notice to Defend and Divorce Complaint is **served** (see Step Two). The date Defendant is served is Day 1 of 90.

It is vital that you complete service of Notice to Defend and Divorce Complaint. Once you have served Notice to Defend and Divorce Complaint, you must wait ninety (90) days before you can file the 3301(c)(1) Affidavit of Consents.

STEP FOUR: Affidavit of Consent and EITHER Waiver of Notice or Notice of Intention to Request Entry of Section 3301(c) Divorce Decree.

Affidavit of Consent: After ninety (90) days have passed from the date the Complaint was served upon the other spouse and both parties agree to the divorce, both parties may file an Affidavit of Consent, declaring that they consent to the divorce. **The Affidavit of Consent must be filed within thirty (30) days after it is signed and dated.** If the parties do not file their Affidavit of Consent within thirty days of the date it was signed, the Affidavit of Consent must be re-signed and re-filed.

Notice of Intention OR Waiver of Notice: In addition to signing and filing an Affidavit of Consent, each party could sign and file a Waiver of Notice, OR, either party could mail the other party a Notice of Intention to File the Praecipe to Transmit Record Under Section 3301(c)(1) of the Divorce Code. If both parties sign and file a Waiver of Notice, then either party may immediately file a Praecipe to Transmit Record and have the file go to a Judge. However, if one party mailed the other party a Notice of Intention to File the Praecipe to Transmit Record Under Section 3301(c)(1) of the Divorce Code, then twenty (20) days must pass before you may file the Praecipe to Transmit Record.

How to Complete Step 4

A	OR	B
If filing Waivers -		*If serving a Notice of Intention -*
1. You (Plaintiff) complete and sign Affidavit of Consent and Waiver of Notice and make one copy of each.		1. You (Plaintiff) complete and sign Affidavit of Consent, and make one copy
2. Provide your spouse (Defendant) Affidavit of Consent and Waiver of Notice to sign. Make one copy of each		2. Provide your spouse (Defendant) an Affidavit of Consent to sign. Make one copy
3. File both signed Affidavits of Consent and Waivers of Notice with the office where legal pleadings are filed **within 30 days of the date they are signed.** The office where legal pleadings are filed will time-stamp the original and copies. The originals will stay in your file in the office where legal pleadings are filed and the copies will be returned to you for your records.		3. File Affidavit of Consent and Waiver of Notice with the office where legal pleadings are filed **within 30 days of the date they were signed.** The office where legal pleadings are filed will time-stamp the original and copies. The originals will stay in your file in the office where legal pleadings are filed but the copies will be returned to you for your records.
		4. Complete Notice of Intention to File Praecipe to Transmit the Record and make two copies. One copy is for your records, one copy is to mail to your spouse (see below), and the other is to attach to the Final Praecipe to Transmit Record in STEP FIVE.
		5. Mail a copy of Notice of Intention to File Praecipe to Transmit the Record to your spouse by first class mail and Certificate of Service. Mark the Box by "Notice of Intention to Request Entry of Section 3301(c) Divorce Decree, and Counter-Affidavit Under 3301(c)." Make one Copy.
		6. File Certificate of Service with the office where legal pleadings are filed. They will time-stamp the original and copy. The original will stay in your file in the office where legal

	pleadings are filed, and the copy will be returned to you for your records. 7. Wait 20 days from the date of service of Notice of Intention to File Praecipe to Transmit the Record.

<u>STEP FIVE</u>: Final Praecipe to Transmit Record, Divorce Decree, and any other forms required by your county.

Upon the filing of both parties' Affidavits of Consent and the other receiving a Notice of Intention to File Praecipe to Transmit the Record Under Section 3301(c)(1) of the Divorce Code, or both parties filing Waivers of Notice, the divorce may be concluded by either party filing with the court a Final Praecipe to Transmit Record. Check your records for the exact dates necessary to complete the form.

Additional forms are also required by the Court, including a proposed Divorce Decree. You must provide the court with self-addressed and stamped envelopes for you and your spouse, in order for the court to mail you a copy of the final divorce decree.

Lastly, check with the Court Administrator's office, office where legal pleadings are filed, or other similar office in the county in which you filed your divorce proceeding to see if your county requires any other documents in order to proceed with your divorce.

How to Complete Step 5

A	OR	B

A — *If filing Waivers -*

1. Call the Court Administrator's Office in your county to determine if any other documents are required to complete a divorce

2. Complete Final Praecipe to Transmit Record and make one copy:

   Line 1: Check 3301(c).

   Line 2: print the date of service and the manner of service (Acceptance, Certified Mail, or Personal Service).

   Line 3(a): print the dates you and your spouse signed Affidavits of Consent

   Line 4: print if any claims are pending, and if none, print "no claims pending."

   Line 5(b): print the date you and your spouse filed Waivers of Notice

3. Complete Divorce Decree, and any other forms required by your county. Make one copy of each.

4. File Final Praecipe to Transmit Record and Divorce Decree and any other forms required by your county in the office where legal pleading are filed. That office will time-stamp both the original and your copy. The original stays in the file, and the copy will be returned to you for your records.

B — *If serving a Notice of Intention -*

1. Call the Court Administrator's Office in your county to determine if any other documents are required to complete a divorce

2. Complete Final Praecipe to Transmit Record and make one copy:

   Line 1: Check 3301(c).

   Line 2: print the date of service and the manner of service (Acceptance, Certified Mail, or Personal Service).

   Line 3(a): print the dates you and your spouse signed Affidavits of Consent

   Line 4: print if any claims are pending, and if none, print "no claims pending."

   Line 5(a): print the date you served Notice of Intention to File Praecipe to Transmit the Record, and attach a copy of the same to the Final Praecipe to Transmit Record.

3. Complete Divorce Decree, and any other forms required by your county. Make one copy of each.

4. File Final Praecipe to Transmit Record and Divorce Decree and any other forms required by your county in the office where legal pleading are filed. That office will time-stamp both the original and your copy. The original stays in the file, and the copy will be returned to you for your records.

STEP SIX: Divorce Decree

The Divorce Decree will be mailed to both parties after filing the above forms, presuming there are no mistakes. If corrections need to be made in the paperwork, a final divorce decree will not be entered until the court has the corrected paperwork. Some courts may contact you if corrections need to be made, and some courts will not, so it is very **important** that all procedures are followed and all forms are filled out correctly the first time!

How to Complete Step 6

At some point while your divorce proceeding is pending, provide the office where legal pleadings are filed two stamped envelopes, one with your current address and one with your spouse's current address, so that the office where legal pleadings are filed can mail copies of your Divorce Decree once it is granted.

HOW TO PROCEED WITH A 3301 (c)(2) PRESUMED CONSENT DIVORCE:

STEP THREE: Wait 90 Days from the Date the Notice to Defend and Divorce Complaint were Served.

The Pennsylvania Rules of Civil Procedure require you to wait ninety (90) days from the service of the Complaint before filing the consent form.

How to Complete Step 3

You must wait ninety (90) calendar days from the date the Notice to Defend and Divorce Complaint is served (see Step Two). The date Defendant is served is Day 1 of 90.

It is vital that you complete service of Notice to Defend and Divorce Complaint, you must wait ninety (90) days before you can file the 3301 (c)(1) Affidavit of Consent.

STEP FOUR: Affidavit of Consent, Affidavit to Establish Presumption of Consent Under Section 3301(c)(2) of the Divorce Code

Affidavit of Consent: After ninety (90) days have passed from the date the Complaint was served upon your spouse, you may file an Affidavit of Consent, declaring that you consent to the divorce. The Affidavit of Consent must be filed within thirty (30) days after it is signed and dated. If you do not filed the Affidavit of Consent within thirty days of the date it was signed, the Affidavit must be re-signed and re-filed.

Affidavit to Establish Presumption of Consent Under Section 3301(c)(2) of the Divorce Code: You must also fill out and file an Affidavit to Establish Presumption of Consent Under Section 3301 (c)(2) of the Divorce Code.

STEP FIVE: Service of Affidavit of Consent, Affidavit to Establish Presumption of Consent Under Section 3301(c)(2) of the Divorce Code, and Counter-Affidavit Under Section 301(c)(2) of the Divorce Code.

After you file the Affidavit of Consent and Affidavit to Establish Presumption of Consent Under Section 3301(c)(2) of the Divorce Code, you must serve these documents, along with a blank Counter-Affidavit Under Section 3301(c)(2) of the Divorce Code on your spouse.

How to complete Step 5

1. Decide how you are going to serve the other party. Next, determine which form you will need, fill in the caption exactly as it appears on Notice to Defend and Divorce Complaint, and follow the following instructions:

Form 3a: Acceptance of Service - Give the other party Notice to Defend and Divorce Complaint. After being given Notice to Defend and Divorce Complaint, the other party signs the Affidavit of Acceptance of Service, Form 3a, stating that he/she has received a copy of Notice to Defend and Divorce Complaint.

-OR-

Form 3b: Service by Mail - Mail Notice to Defend and Divorce Complaint to the other party by regular and certified mail, return receipt requested, restricted delivery (the post office can assist you in mailing a document by certified mail). You must complete the Affidavit of Service by Mail, Form 3b, stating that you have mailed your spouse the required forms by certified mail. You must also attach the green card receipt received from the post office (make a photocopy of this green card for your records, and file the original by attaching it to Form 3b). If the certified mail is returned unclaimed, another form of service must be used.

-OR-

Form 3c: Personal Service – An adult, other than you, a relative of yours, or an employee, co-worker of yours, may personally hand Notice to Defend and Divorce Complaint to the other party (such as the Sheriff, private courier service, or any reliable third party). The person who hands the papers to your spouse must sign a completed Affidavit of Service by Personal Service, Form 3c.

STEP SIX: Wait twenty (20) days after service of the Affidavit of Consent, Affidavit to Establish Presumption of Consent Under Section 3301 (c)(2) of the Divorce Code, and Counter-Affidavit Under Section 3301(c)(2) of the Divorce Code.

Notice of Intention OR Waiver of Notice: Twenty days after serving the documents in Step 5, either party could mail the other party the Notice of Intention to File the Praecipe to Transmit Record Under Section 3301(c)(2) or Section 3301 (d) of the Divorce Code. If both parties sign and file Waivers of Notice, then either party may immediately file a Praecipe to Transmit Record and have the file go to a Judge. However, if one party

mailed the other party a Notice of Intention to File the Praecipe to Transmit the Record Under Section 3301(c)(2) or Section 33301(d) of the Divorce Code, then twenty (20) days must pass before you may file the Praecipe to Transmit Record.

STEP SEVEN: Praecipe to Transmit Record, Divorce Decree and any other form required by your county.

After filing Waivers of Notice or one party sending the other party the Notice of Intention to File the Praecipe to Transmit Record, the divorce may be concluded by either party filing with the court a Praecipe to Transmit Record. Check your records for the exact dates necessary to complete the form.

Additional forms are also required by the Court, including a proposed Divorce Decree. You must provide the court with a self-addressed and stamped envelopes for you and your spouse, in order for the court to mail a copy of the final divorce decree.

Lastly, check with the Court Administrator's Office, office where legal proceedings are filed, or other similar office in the county in which you filed your divorce proceeding to see if your county requires any other documents in order to proceed with your divorce.

HOW TO PROCEED WITH A 3301(d) NON-CONSENT DIVORCE:

STEP THREE: *Wait the applicable time period.

The Pennsylvania Rules of Civil Procedure require the parties to be separated for the applicable time of separation before proceeding with a non-consent no-fault divorce.

***APPLICABLE TIME OF SEPARATION:**

> If the period of separation from your spouse began on or after December 5, 2016, you will need to be living separate and apart from your spouse for a period of **ONE YEAR**, before filing your complaint in divorce.
>
> If the period of separation from your spouse began before December 5, 2016, you are required to be living separate and apart from your spouse for a period of **TWO YEARS**, before filing your complaint in divorce.
>
> The previous requirement of the two year separation was amended by the Pennsylvania General Assembly in 2016, reducing the separation time requirement to one year after the effective date (December 5, 2016 of the new law.
>
> **IF THE PARTIES WERE SEPARATED FOR A TIME PERIOD BEFORE THE FILING OF THE COMPLAINT, THAT TIME IN INCLUDED IN THE APPLICABLE TIME OF SEPARATION REQUIREMENT. THEREFORE, IF YOU HAVE ALREADY BEEN SEPARATED FOR THE APPLICABLE TIME PERIOD AS DEFINED ABOVE WHEN YOU INITIALLY FILED, YOU MAY PROCEED WITH A 3301(d) DIVORCE IMMEDIATELY AFTER FILING AND SERVING THE NOTICE TO DEFEND AND DIVORCE COMPLAINT.**

STEP FOUR: Affidavit Under 3301(d) of the Divorce Code, Notice of Intention to Request Entry of Section 3301(d) Divorce Decree and Counter-Affidavit, Affidavit of Non-Military Service.

General Information: Once the parties have been separated for the applicable time period, either party may sign and file an Affidavit Under Section 3301(d) of the Divorce Code) stating that the parties have in fact been separated for the applicable time period. Once the parties have been separated for the applicable time period and you have filed an Affidavit stating that you have been separated for the applicable time period, then a divorce may be entered after notice is given to the other party. In addition to filing and serving the Affidavit Under Section 3301(d) of the Divorce Code, with a blank Counter-Affidvait Under Section 3301 (d) of the Divorce Code. You must also serve the other party with a Notice of Intention to File the Praecipe to Transmit Record Under Section 3301 (c)(2) or Section 3301 (d) of the Divorce Code in order for them to have the opportunity to oppose the divorce or raise claims if they choose to do so. If the other party does not oppose the divorce and does not wish to raise additional claims, they do not need to take any action on the Counter-Affidavit. If this is the case, a Divorce Decree may be issued after filing the Praecipe to Transmit Record. Lastly, you cannot obtain a 3301(d) divorce against an unrepresented Defendant if he/she is in the military. Therefore, if your spouse is not represented by counsel, you must also sign and file an Affidavit of Non-Military Service.

How to Complete Step 4

1. Complete and sign Counter-Affidavit and Notice of Intention to File Praecipe to Transmit Record and make two copies of each.

2. If your spouse is not represented by counsel and is not in the military, then also complete and sign Affidavit of Non-Military Service. Make two copies.

3. File only Counter-Affidavit, and if applicable, Affidavit of Non-Military Service (the original of Notice of Intention to File Praecipe to Transmit Record will be served without filing, and a copy will be filed in the future). The originals stay in the office where legal pleadings are filed, and the copies are returned to you for your records.

STEP FIVE: Service of the Affidavit Under 3301(d) of the Divorce Code, Notice of Intention to Request Entry of Section 3301(d) Divorce Decree with Counter-Affidavit, and Affidavit of Non-Military Service.

A 3301(d) divorce cannot be completed without proper service of all the required forms. Because the other party's consent is not required in order for a divorce to be entered against them, it is especially important that all service procedures are strictly followed.

How to Complete Step 5

1. Mail the original Notice of Intention to File Praecipe to Transmit Record, a copy of Counter-Affidavit, and, if applicable, a copy of Affidavit of Non-Military Service by first class mail to your spouse.

2. Complete Certificate of Service and mark the appropriate boxes for the documents you have mailed to your spouse. Make one copy of the Certificate of Service.

3. File Certificate of Service. The office where legal pleadings are filed will time-stamp the original and copy. The original stays in your file, and the copy is returned to you for your records.

STEP SIX: Wait 20 days after service of the Affidavit Under Section 3301 (d) of the Divorce Code with blank Counter-Affidavit Under Section 3301 (d) of the Divorce Code.

Twenty (20) days after serving the Affidavit under Section 3301(d) of the Divorce Code with blank Counter-Affidavit, serve the Notice of Intention to File the Praecipe to Transmit Record Under Section 3301 (c)(2) or Section 3301 (d) of the Divorce Code or file Waivers of the Notice of Intent.

General Information: The Pennsylvania Rules of Civil Procedure require that twenty (20) days elapse between serving the Notice of Intention to File the Praecipe to Transmit Record Under Section 3301(c)(2) or Section 3301 (d) of the Divorce Code and filing the Praecipe to Transmit Record.

STEP SEVEN: Praecipe to Transmit Record, Divorce Decree, and any other forms required by your county.

Upon the proper service of the above mentioned documents, the divorce may be concluded by either party filing with the court a Final Praecipe to Transmit Record. Attach a copy of the Notice of Intention to File the Praecipe to Transmit Record Under Section 3301 (c)(2) or Section 3301 (d) of the Divorce Code. Check your records for the exact dates necessary to complete the form. Reminder: The date of execution is the date the form was signed. The date of the time-stamp is the date the form was filed

Additional forms are also required by the Court, including a proposed Divorce Decree. You must provide the court with self-addressed and stamped envelopes for you and your spouse in order for the court to mail you a copy of final divorce decree.

Other forms not mentioned or provided by these forms and instructions may also be required in order to proceed with your divorce. Check with the Court Administrator's Office, office where legal pleadings are filed or the other similar office in the county in which you filed your divorced proceeding to see if your county requires any other documents.

How to Complete Step 7

1. Call the Court Administrator's Office in your county to determine if your county requires any documents not herein mentioned or provided to complete a divorce.

2. Complete Final Praecipe to Transmit Record and make one copy:
   Line 1: 3301(d).
   Line 2: print the date of service and the manner of service (Acceptance, Certified Mail, or Personal Service).
   Line 3(b): print the date you signed Counter-Affidavit and then the date you served Counter-Affidavit with blank Counter-Affidavit Under Section 3301 (d) of the Divorce Code (the date on the Certificate of Service).
   Line 4: print if any claims are pending, and if none, print "no claims pending."
   Line 5(a): print the date you served Notice of Intention and blank Counter- Affidavit, and attach a copy of same to Final Praecipe to Transmit Record; OR
   Line 5(b): print the date the Waivers of Notice were filed.

3. Complete Divorce Decree, and any other forms required by your county. Make one copy of each.

4. File Final Praecipe to Transmit Record and Divorce Decree and any other forms required by your county in the office where legal pleadings are filed. The office where legal pleadings are filed will time-stamp both the originals and your copies. The originals stay in the file, and the copies will be returned to you for your records.

STEP EIGHT: Divorce Decree

The Divorce Decree will be mailed to both parties after filing the above forms, presuming there are no mistakes. If corrections need to be made to the paperwork, a final divorce decree will not be entered until the court has the corrected paperwork. Some courts may contact you if corrections need to be made, and some courts will not, so it is **very important** that all procedures are followed and all forms are filled out correctly the first time!

How to Complete Step 8

At some point while your divorce is pending, provide the office where legal pleadings are filed two stamped envelopes, one with your current address and one with your spouse's current address, so that the office where legal pleadings are filed can mail copies of your Divorce Decree once it is granted.

OPTIONAL FORMS

HOW DO I REQUEST TO PROCEED IN FORMA PAUPERIS (AND NOT PAY FILING FEES)?:

If you think you meet the income requirements to proceed *in forma pauperis* (IFP) and be excused from paying any costs related to your litigation, then you can request that the Court excuse you from paying filing fees. In order to ask for IFP status, you must file a "Petition to Proceed In Forma Pauperis and Affidavit" and a "Verification" with Court, in which you give the judge detailed information about your financial situation. You should fill out, sign, and date the Petition to Proceed In Forma Pauperis and Affidavit and the Verification and submit them -- along with the blank order -- to the, Court Administrator's Office, office where legal pleadings are filed, or other similar office to determine how to have the order signed by a judge. Complete the caption exactly as it appears on all the pleadings in your case. Make sure that the financial information is complete and accurate, or your petition will be denied. You should keep a copy of your IFP request for yourself. If the Judge grants your request, show a copy of your IFP order to the office where legal pleadings are filed every time you file something in your case. You do have the right to appeal the judge's decision, but an appeal can be complicated and having an attorney may be necessary.

Note: If granted IFP status, that status only applies to YOU, not to the other party in the case. If your spouse also wishes to be excused from paying any court costs or filing fees, he/she must submit his/her own IFP request.

How to Request to Proceed In Forma Pauperis (IFP)

Contact your Court Administrator's Office for blank copy of the Petition.

HOW TO FILE A NOTICE OF INTENTION TO RESUME PRIOR SURNAME:

Upon the filing of a Complaint, you may resume your birth surname by filing a Praecipe with the office where legal pleadings are filed (Notice of Intention to Resume Prior Surname). This form can be filed either before or after the granting of a final Divorce Decree. There is a small additional fee associated with filing this form.

How to Complete a Name Change

1. Complete Notice of Intention to Resume Prior Surname. Many counties require this form be notarized, so contact the Court Administrator, office where legal pleadings are filed, or other similar office to see if you need to notarize it.

2. Make one copy of Notice of Intention to Resume Prior Surname.

3. File Notice of Intention to Resume Prior Surname. Take the original and one copy to the office where legal pleadings are filed and have each document time-stamped. The original will stay in the file in the office where legal pleadings are filed, and the copy will be returned to you for your records.