

No Fault Divorce under § 3301 (c)(1) of the Divorce

MUTUAL CONSENT

BEFORE YOU BEGIN

- Print a copy of this checklist. This checklist is meant to be used in conjunction with this self-help section.

READ AND UNDERSTAND THE FOLLOWING DISCLAIMERS.

- Completing the divorce process is your responsibility. There is no guarantee that you will be able to successfully complete a divorce using this self-help system.
- This self-help information is not intended to be legal advice. No additional assistance is available from court staff.
- To complete a divorce successfully, you must follow certain Rules of Court. Instructions on this checklist and on the forms are based on the Rules of Court, but there may be other options.
- If you want to use another option, that is your choice. However, court and law library staff will not suggest, discuss or instruct you on those options. You may have to do additional reading or legal research to choose the correct option for you.
- You must **record the dates on which you take certain steps** on the printed checklist so that you have record of those dates to complete other forms later in the process.
- If you fail to do the steps in the proper order, fail to complete steps, or fail to keep track of dates, you risk having your divorce denied.

E-FILING

- If you plan to E-file your documents from your own PC, your browser's default PDF reader may prevent the PDF self-help forms from being fully operational when opened and completed *in the browser*.
 - If Adobe Reader or Adobe Acrobat is not your default PDF reader, make it your default PDF Reader.
 - If you do not have Adobe Reader or Adobe Acrobat, Adobe Reader is available for download free at: <https://www.adobe.com/acrobat/pdf-reader.html>

To be able to electronically sign Self-help PDF forms

1. Download the form to your PC,
 2. Open form in Adobe Reader* or Adobe Acrobat,
 3. Complete and electronically sign,
 4. Save (print to pdf and save) completed form to PC and rename before uploading through E-filing system (OFS Odyssey File & Serve). **NOTE:** The self-help forms have instructional blue text. Do not upload a document with the instructional blue text. To remove the instructional blue text, Print to PDF and save.
- Some forms may need to be printed and scanned or photographed and converted to PDF before E-filing. If you do not have access to the proper equipment you will have to E-file in person at the Lehigh County Courthouse.

GENERAL INSTRUCTIONS TO PARTIES WITH NO LAWYER

There are complex rules of law that everyone who comes to court must follow. You must follow these rules even though you are not a lawyer because the rules exist to provide an orderly process to reach a fair conclusion. For more information for Pro Se Parties go to <https://www.lccpa.org/selfhelp>

- Complete the following:
 - **Praeceptum for self-representation**

SECTION 1 - COMPLAINT PACKET PREPARATION

- Complete the following:
 - **Complaint Packet** (Form 4 Complaint and Form 3 Notice to Defend and Claim Rights, Notice of Availability of Counseling).

SECTION 2 - E-FILING COMPLAINT PACKET

Option 1 - E-filing in person at the Lehigh County Courthouse.

- Take the following to the Lehigh County Courthouse, Clerk of Judicial Records room 122.
 - Completed, signed and printed **Praecipe for self-representation form**.
 - Completed, signed and printed **Complaint Packet**. (Form 3 and 4)
 - Cash, Money order or Credit/Debit Card to cover divorce filing fees. No personal checks will be accepted. Note: When using a Credit/Debit Card a service fee will be added.
 - Give the completed, signed and printed forms to the Civil Clerk at the window.
 - Pay all filing fees.
 - **NOTE:** For an additional \$1.00 per page conversion fee, the Civil Clerk will E-file your documents for you at the window when you pay, then you may skip the Kiosk.
 - Proceed to Kiosk to E-file original documents.
 - You will receive one (1) time-stamped complimentary copy for your records.
- You **MUST** make two (2) additional copies of the time-stamped **Complaint Packet** for Section 3- Serving the Defendant by Certified and first-class mail.

Option 2 – E-filing from your personal computer.

- Register at <https://pennsylvania.tylertech.cloud/ofswb>.

Information regarding registration, independent filer instructions, and Family Court Guidelines are available under the Self-Help section of the Lehigh County Odyssey File & Serve site at <https://pennsylvania.tylertech.cloud/ofswb>.
- E-filing a new action, choose “Start a New Case” from the Filer Dashboard.

Case Information

- Location-select “Civil”
- Category-select “Family”
- Case Type-select “Divorce”

Party Information

- Enter Plaintiff Name and Address – “Save changes”
- Enter Defendant Name and Address – “Save changes”

Filings

- Filing Code select “**Praecipe for Appearance for Family Court**” from drop down list.
 - Under Lead Document upload your completed **Praecipe for self-representation form**.
 - “Save Changes”
 - Click on “Add Another Filing”

- Filing Code Select “**Complaint for Divorce**” from drop down list.
 - Under Lead Document upload your completed **Complaint Packet** (Form 3 and 4)
 - “Save Changes”

Fees

- Confirm your payment information.
 - “Save Changes”
 - Click on “Summary”. An Attention Filer pop up box will appear. Click “I understand”.
 - Click “Submit” the filing to the review queue. (You will receive an email notification for each submitted document.)
- An email notification will be sent upon acceptance or rejection of the filing. The acceptance notification will contain the case number assigned and the time-stamped document(s).
 - For Section 3-Serving the Defendant:
 - **Print two (2) time-stamped copies of the Complaint Packet**

 IMPORTANT TIMING

You only have **30 days** from the day your **Complaint Packet** was accepted and time-stamped through E-filing to **complete** the next section.

RECORD THE DATE: Time-stamped date on accepted E-filed Complaint Packet _____

 SECTION 3 - SERVING THE DEFENDANT **Time Deadline of Service**

The Plaintiff must serve the Defendant with the Complaint Packet within 30 days of the date that the Complaint packet was E-filed or within 90 days if the Defendant does not live in the state of Pennsylvania.

 Manner of Service

There are multiple options for the manner of service of original process in Domestic Relations Matters in Pennsylvania. You are responsible for choosing the method of service that you decide is best for you. You will also have to choose the correct Affidavit of Service Form for your chosen method of service in Section 4.

[See Rule 1930.4. Service of Original Process in Domestic Relations Matters for the rules for all options](#)

 Instructions for Service by Certified and First-Class Mail

Note: If you choose to use another option, no instructions are provided. If you fail to serve the defendant correctly, your divorce will not be granted.

- **Step 1 - Preparing Complaint Packet for Service**
 - Address two (2) envelopes to the Defendant. Write a return address on the envelopes.
 - Put one (1) copy of the **E-filed time-stamped Complaint Packet** in each envelope.
- **Step 2 - Before Going to the Post Office**
 - Take this Checklist with you.
 - Take the two (2) addressed envelopes containing the E-filed time-stamped **Complaint Packets**.
 - Take money/payment method for postage.

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Step 3 - At the Post Office: How to do Certified Mail

- At the Post Office, obtain one (1) Domestic Return Receipt (green post card Form 3811) and



- one (1) Certified Mail Receipt (green and white form 3800).

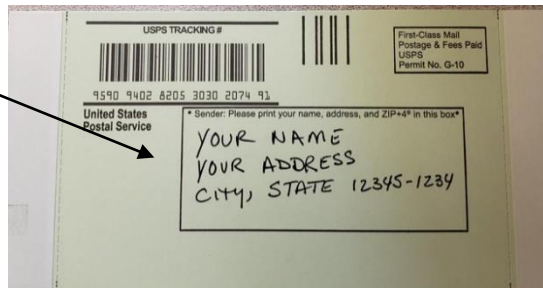


- Complete Section 1 of Domestic Return Receipt Form 3811 Article Addressed to: Write Defendant's Name and Address.



The Date of Delivery is Important! It will become the Date of Service. Write it down on this checklist in the box below labeled IMPORTANT INFORMATION NEEDED.

- Complete Section 2 Article Number: Write or Affix Certified Mail Receipt Number.
- Complete Section 3 Service Type: Check Certified Mail Restricted Delivery check boxes.
- Complete Reverse side of the Domestic Return Receipt (green post card Form 3811) with your address so it **can** be returned to you as proof of service.



- Ask for Assistance from the Post Office employee so you are sure you are correctly affixing the certified mail forms to one envelope.
- Ask to mail the second envelope first-class regular mail. The second envelope only needs postage.
- Ask for a receipt for both transactions. Keep all receipts.**
- Wait for the Domestic Return Receipt green post card Form 3811 to be returned to you in the mail.

***IMPORTANT INFORMATION NEEDED**

The following information is needed to complete paragraphs 2 of Form 8 Praeipce to Transmit Record and Form Affidavit of Service-Certified Mail

Service of the Complaint Packet:

- **The Date of Service** was _____. This is the date of delivery, the date the defendant signed the Domestic Return Receipt green post card Form 3811.
- **Manner of Service:** If you followed Section 3 instructions, the Manner of Service is “Certified Mail, Return Receipt Requested, Deliver to Addressee Only, and by first-class regular mail to Defendant’s last known address.”

 SECTION 4 - PROOF OF SERVICE

If you do not receive the Domestic Return Receipt or are unable to serve the Defendant, then STOP and consult an attorney about your options for service.

If you receive the Domestic Return Receipt (green post card Form 3811) that was signed by the defendant, immediately do the following:

- **Step 1 Form preparation**
 - If you followed Section 3 instructions, Complete the following forms:
 - **Affidavit of Service - Certified Mail** (Complete paragraph A)
 - **Exhibit A** (print one (1) copy)
- **Step 2 Attach Domestic Return Receipt Form 3811**
 - Attach the Domestic Return Receipt (green post card Form 3811) signature side up to Form Exhibit A.

Optional Forms for Other Methods of Service of Original Process:

If you used another method of service, you may be able to use one of these Affidavit of Service Forms available on www.lccpa.org.

- Affidavit of Service - Commercial Carrier
- Affidavit of Service -Personal Service

SECTION 5 - E-FILING PROOF OF SERVICE

NOTE: If you plan on E-filing from your personal computer, Exhibit A with attached Domestic Return Receipt must be scanned or photographed and converted to pdf. If you do not have the proper equipment, you may E-file at the Clerk of Judicial Records as described in Option 1.

Option 1 - E-filing at the Lehigh County Courthouse.

- Take the following to the Lehigh County Courthouse, Clerk of Judicial Records room 122.
 - Completed, signed and printed **Affidavit of Service - Certified Mail** (Pursuant to Pa. R.C.P. 1930.4)
 - **Exhibit A with attached Domestic Return Receipt** (green post card Form 3811) signature side up.
 - Cash or Credit/Debit Card to cover fees. No personal checks will be accepted.

Note: When using a Credit/Debit Card a service fee will be added.

- Choose to E-file at the Kiosk or by the Clerk.
 - Proceed to Kiosk to E-file original documents at no cost.

OR

- Give Completed, signed and printed forms to the Civil Clerk at the window.
- Pay conversion fee of \$1.00 per page. The Civil Clerk will E-file your documents for you.
- You will receive one (1) time-stamped complimentary copy for your records.
- Keep **Original** Domestic Return Receipt (green post card Form 3811) for records.

Option 2 – E-filing from your personal computer.

- Scan/Photograph **Exhibit A** with attached Domestic Return Receipt and convert to pdf.
- Log into your OFS account <https://pennsylvania.tylertech.cloud/ofswweb>.

Filer Dashboard

- Choose “File into Existing Case”
- Search for your assigned Case Number
- Click on your assigned Case Number
- Click on “Actions” to the right of the selected Case Number
- Select “File into Case”

Filings

- Filing Code select “**Affidavit of Service**” from drop down list.
 - Under Lead Document Upload **Affidavit of Service** (Form 5C/D(1))
 - “Save Changes”
 - Click on “Add Another Filing”
- Filing Code Select “**Exhibit**” from drop down list.
 - Under Lead Document Upload the pdf of **Exhibit A** (Domestic Return Receipt)
 - “Save Changes”

Fees

- Confirm your payment information.
- Click on “Summary”.
- Click “Submit” the filing to the review queue.
- Keep **Original** Domestic Return Receipt (green post card Form 3811) for records.

SECTION 6 – 90 DAY WAITING PERIOD

- If you were able to complete Section 4-Proof of Service and Section 5-E-Filing Proof of Service, you now have proof on your docket that you served the Complaint Packet containing Complaint (Form 4) and Notice to Defend and Notice of Availability of Counseling (Form 3) on the defendant.
- You must wait 90 days (3 full months) from the date of service before proceeding to the next section. Date of service is the date the defendant signed the Domestic Return Receipt green post card form 3811.

IMPORTANT TIMING

Calculate 90 days from Date of Service. Waiting period ends on _____.

DO NOT continue to next section until after the 90-day waiting period ends.

SECTION 7 – WAIVER OF NOTICE AND AFFIDAVIT OF CONSENT

Defendant's Waiver of Notice and Affidavit of Consent

- **Step 1 Form preparation**
 - Complete the following:
 - Form 6D Waiver of Notice
 - Form 7D Affidavit of Consent
- **Step 2 Mail or hand deliver**
 - Mail or hand deliver the **unsigned** forms to the defendant.
 - One (1) unsigned copy of Form 6D Waiver of Notice
 - One (1) unsigned copy of Form 7D Affidavit of Consent.
 - One (1) self-addressed stamped envelope.
 - Include instructions to sign, date and immediately return the forms 6D and 7D back to you for E-filing.

Plaintiff's Waiver of Notice and Affidavit of Consent

As soon as the defendant returns the signed forms 6D and 7D back to you:

- **Step 1 Form preparation**
 - Complete the following:
 - Form 6P Waiver of Notice
 - Form 7P Affidavit of Consent.

***IMPORTANT INFORMATION NEEDED** to complete paragraph 3(a) of Form 8 Praecepto to Transmit Record

Execution of required affidavits:

Date Defendant signed Form 7D _____

Date you (Plaintiff) signed Form 7P _____



Section 8 must be completed within 30 days from the date the Defendant signed forms 6D and 7D

SECTION 8 – E-FILING WAIVER OF NOTICE & AFFIDAVIT OF CONSENT

NOTE: Form 6D **Waiver of Notice** and Form 7D **Affidavit of Consent** must be scanned/photographed to pdf. If you do not have the proper equipment, you may E-file at the Clerk of Judicial Records as described in Option 1.

Option 1 - E-filing at the Lehigh County Courthouse.

- Take the following to the Lehigh County Courthouse, Clerk of Judicial Records room 122.
 - Completed, signed and printed Form 6D **Waiver of Notice**
 - Completed, signed and printed Form 7D **Affidavit of Consent**.
 - Completed, signed and printed Form 6P **Waiver of Notice**
 - Completed, signed and printed Form 7P **Affidavit of Consent**.
 - Cash or Credit/Debit Card to cover fees. No personal checks will be accepted.
Note: When using a Credit/Debit Card a service fee will be added.
- Choose to E-file at the Kiosk or by the Clerk.
 - Proceed to Kiosk to E-file original documents at no cost.

OR

- Give Completed, signed and printed Forms to the Clerk at the Civil Window.
- Pay conversion fee of \$1.00 per page. The Clerk will E-file your documents for you.
- You will receive one (1) time-stamped complimentary copy for your records.

Option 2 – E-filing from your personal computer.

- Scan/photograph defendants signed **Waiver of Notice (Form 6D)** to pdf.
- Scan/photograph defendants signed **Affidavit of Consent (Form 7D)** to pdf.
- Log into your OFS account <https://pennsylvania.tylertech.cloud/ofswweb>.

Filer Dashboard

- Choose “File into Existing Case”
- Search for your assigned Case Number
- Click on your assigned Case Number
- Click on “Actions” to the right of the selected Case Number
- Select “File into Case”

Filings

- Filing Code select “**Waiver of Notice of Intention to Request Entry of Div Decree**” from drop down list.
 - Under Lead Document Upload **Waiver of Notice (Form 6D)**.
 - “Save Changes”
 - Click on “Add Another Filing”
- Filing Code select “**Afdt of Consent**” from drop down list.
 - Under Lead Document Upload **Affidavit of Consent (Form 7D)**.
 - “Save Changes”
 - Click on “Add Another Filing”
- Filing Code select “**Waiver of Notice of Intention to Request Entry of Div Decree**” from drop down list.
 - Under Lead Document Upload **Waiver of Notice (Form 6P)**.
 - “Save Changes”
 - Click on “Add Another Filing”
- Filing Code select “**Afdt of Consent**” from drop down list.
 - Under Lead Document Upload **Affidavit of Consent (Form 7P)**.
 - “Save Changes”

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Fees

- Confirm your payment information.
- Click on “Summary”.
- Click “Submit” the filing to the review queue.

***IMPORTANT INFORMATION NEEDED** to complete paragraph 5(a) of Form 8 Praecipe to Transmit Record

Waiver of Notice/Notice of Intention

Date you filed Waiver and Consent Packets (forms 6 & 7) _____

SECTION 9 – PRAECIPE TO TRANSMIT RECORD

- Complete the following:
 - Form 8 **Praecipe to Transmit Record**.
See Important Information needed boxes on this checklist for dates needed to complete form 8.
 - Form 9 **Decree**.

SECTION 10 – E-FILING PRAECIPE TO TRANSMIT RECORD **Option 1 - E-filing at the Lehigh County Courthouse.**

- Take the following to the Lehigh County Courthouse, Clerk of Judicial Records room 122.
 - Completed, signed and printed Form 8 **Praecipe to Transmit Record**.
 - Completed Form 9 **Decree**.
 - Cash or Credit/Debit Card to cover filing fees. No personal checks will be accepted.

Note: When using a Credit/Debit Card a service fee will be added.

- Give completed forms to the Civil Clerk at the window.
- Pay all filing fees.

NOTE: For an additional \$1.00 per page conversion fee, the Civil Clerk will E-file your documents for you at the window when you pay, then you may skip the Kiosk.

- Proceed to Kiosk to E-file original documents.
- You will receive one (1) time-stamped complimentary copy for your records.

 Option 2 – E-filing from your personal computer.

- Log into your OFS account <https://pennsylvania.tylertech.cloud/ofswb>.

Filer Dashboard

- Choose “File into Existing Case”
- Search for your assigned Case Number
- Click on your assigned Case Number
- Click on “Actions” to the right of the selected Case Number
- Select “File into Case”

Filings

- Filing Code select “**Praeipce to Transmit Record**” from drop down list.
 - Under Lead Document Upload **Praeipce to Transmit Record** (Final) (Form 8)
 - “Save Changes”
 - Click on “Add Another Filing”
- Filing Code Select “**Proposed Divorce Decree**” from drop down list.
 - Under Lead Document Upload **Decree** (Proposed) (Form 9)
 - “Save Changes”

Fees

- Confirm your payment information.
- Click on “Summary”.
- Click “Submit” the filing to the review queue.

If all the required forms are completed correctly, filed at correct time and the filing is done in accordance with the Rules of Court, the Decree is entered and mailed to the parties.

- **Divorce Granted on** _____