

**No Fault Divorce under § 3301 (c) of the Divorce Code instructional checklist**  
**MUTUAL CONSENT**

**Section 1 - Complaint Preparation**

**Step 1 Form preparation**

- Complete the following forms in order and print the number of copies indicated on each form. All applicable lines on each form must be completed in full:
- Form 1 Chester County Civil Cover Sheet**
- Form 2 Notice to Defend and Claim Rights**
- Form 3 Complaint**

**Step 2 – Signature**

- Sign and date all printed copies of the completed forms from Step 1 that require your signature

**Step 3- Complaint assembly**

DO NOT add or attach any other documents, photos, photocopies, etc. to any of the form packets. Doing so may cause your Divorce to be denied.

- Assemble into four (4) Complaint packets
- One packet for the Office of the Prothonotary containing the following completed forms:
  - Form 1** Chester County Civil Cover Sheets
  - Form 2** Notice to Defend and Claim Rights
  - Form 3** Complaint containing ORIGINAL signed Verification
- One packet for your records containing the following completed forms:
  - Form 1** Chester County Civil Cover Sheet
  - Form 2** Notice to Defend and Claim Rights
  - Form 3** Copy of Complaint
- Two packets to be served on the defendant containing the following completed forms:
  - Form 1** Chester County Civil Cover Sheet
  - Form 2** Notice to Defend and Claim Rights
  - Form 3** Copy of Complaint

## **Section 2-Filing the Complaint**

### **Step 1 - File**

Take the following items to the Prothonotary's Office, Chester County Justice Center, Suite 1425, 201 West Market Street, West Chester, Pennsylvania:

- All four (4) completed Complaint packets from Section 1-Form Preparation Step 3.
- Cash, credit/debit cards, money order or personal check to cover divorce filing fees.
  
- The original will be kept by the Clerk; three time-stamped copies will be returned to you; keep one for your own records and give two to the Sheriff's Office (if using that office for service (see next section)).

### **IMPORTANT INFORMATION:**

**You have 30 days from the date that the Complaint was filed to serve the Defendant within the Commonwealth of Pennsylvania OR 90 days from the date the Complaint was filed to serve the Defendant outside of the Commonwealth of Pennsylvania.**

**Date Complaint was filed \_\_\_\_\_**

## **Section 3-Serving the Defendant**

There are three options for serving the Defendant: by Personal Service with the assistance of the Sheriff's Office of Chester County, Certified Mail or Acceptance of Service by the Defendant. As stated above, the Deadline for service is 30 days from the date that the Complaint Packet was filed with the Prothonotary if you are serving the Defendant within the Commonwealth of Pennsylvania and 90 days from the date the Complaint Packet was filed with the Prothonotary if you are serving the Defendant outside the Commonwealth of Pennsylvania.

### **Option 1 – Personal Service**

Bring to the Sheriff's Office, Chester County Justice Center, Suite 1201, 201 W. Market Street, West Chester, Pennsylvania a self-addressed, stamped envelope and a time-stamped copy of the Complaint packet containing:

**Form 1** Chester County Civil Cover Sheet

**Form 2** Notice to Defend and Claim Rights

**Form 3** Complaint

- Pay the escrow fee of \$200 in cash, money order, certified check, and complete the form in duplicate available at the Sheriff's office. You should provide the Sheriff's office with information about the Defendant's home and work addresses and hours when he or she may be found there.
- The Sheriff's Office will try on up to three occasions to serve the Defendant and, when service is complete, will file the Return of Service form with the Prothonotary and send you a copy of that form in the self-addressed, stamped envelope. The Sheriff's office will also send you a refund, if any, of the escrow payment after deducting the cost of service.

- If service is not made after three attempts, the Sheriff's Office will send you the return of service form confirming that service was not made, along with a refund, if any, of the balance remaining from the escrow payment after deducting the cost of service.

**\*IMPORTANT INFORMATION NEEDED** to complete Praecipe to Transmit Record and Verification of Service

**Service of the Complaint and Notice to Defend:**

**Date of Service** \_\_\_\_\_ This is the date the Sheriff delivered the Complaint to the Defendant.

**Calculate 90 days from date of Service** \_\_\_\_\_

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

**Option 2 – Certified Mail**

To serve the Defendant by certified mail, the manner of service must be **Certified mail, return receipt requested, restricted delivery.**

- Address an envelope to the Defendant.
- Put the following in the envelope addressed to the defendant one-time stamped copy of the Complaint packet containing:

**Form 1** Chester County Civil Cover Sheet

**Form 2** Notice to Defend and Claim Rights

**Form 3** Complaint

- Go the Post Office with the addressed envelope containing Complaint packet and money for postage.

At the post office obtain Domestic Return Receipt (green post card Form 3811) and complete the reverse side of that Domestic Return Receipt (green post card Form 3811) so it will be returned to you as proof of service.

- Section 1 Article Addressed to: Write defendant's Name and Address

- Section 2 Article Number: Write Certified Mail Receipt Number

- Section 3 Service Type: Check "Certified Mail" check box

- Section 4 Restricted Delivery? Check "Yes"

- Pay postage and Mail

- Wait for Domestic Return Receipt (green post card Form 3811) to be returned to you.

Once you receive back Form 3811 signed by the Defendant, and then prepare **Form 5**

**Verification of Service of Complaint.**

- Attach the ORIGINAL Domestic Return Receipt (green post card Form 3811) signature side UP on the form as Exhibit "A".

- Make two photocopies of the Verification of Service and any attachments: one for your records and one to send to the Defendant. (You must send to the Defendant by regular mail a copy of any document you file with the Prothonotary).

- File the Original Verification of Service along with any attachments at the Prothonotary's office and obtain two-time-stamped copies. The Prothonotary will retain

the original and you should keep one time-stamped copy. Mail a time-stamped copy of the Verification to the Defendant.

- Wait 90 days from the date on which you served the Defendant before you proceed to the next Section.

**\*IMPORTANT INFORMATION NEEDED** to complete Praecipe to Transmit Record and Verification of Service

**Service of the Complaint and Notice to Defend:**

**Date of Service** \_\_\_\_\_ This is the date the defendant signed the green post card.

**Calculate 90 days from date of Service** \_\_\_\_\_

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

**Option 3 – Acceptance of Service**

If the Defendant is willing to accept service and sign an acknowledgement of same:

- Address an envelope to the Defendant.
- Put the following in the envelope addressed to the defendant one-time stamped copy of the Complaint packet containing:

**Form 1** Chester County Civil Cover Sheet

**Form 2** Notice to Defend and Claim Rights

**Form 3** Complaint

- Include in the envelope **Form 4 Acceptance of Service** and a self-addressed stamped return envelope.
- Mail the addressed envelope containing Complaint packet, the Acceptance of Service form and self-addressed stamped envelope and wait for the original, signed Acceptance of Service to be returned to you.
- The Acceptance of Service must be signed and dated within 30 days of the filing of the Complaint if the Defendant resides within the Commonwealth and within 90 days of the filing of the Complaint if the Defendant resides outside of the Commonwealth.
- If the Defendant fails to accept service within thirty days if the Defendant resides in the Commonwealth (or 90 days if the Defendant resides outside of the Commonwealth), you must reinstate the Complaint and serve by another method. Form 15 is the Praecipe to Reinstate the Complaint, which must be filed in the Prothonotary's office.
- Go to the Prothonotary's Office with the original and two copies of the Acceptance of Service. File the original and obtain two-time stamped copies: you should retain one copy for your record and mail a copy to the Defendant for his/her records.

**\*IMPORTANT INFORMATION NEEDED** to complete Praecipe to Transmit Record and Verification of Service

**Service of the Complaint and Notice to Defend:**

**Date of Service** \_\_\_\_\_ This is the date the defendant signed and dated the Acceptance of Service form.

**Calculate 90 days from date of Service** \_\_\_\_\_

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



If you are unsuccessful or unable to serve the Defendant by personal service, certified mail or he/she will not accept service, then STOP and consult an attorney.

## **Section 4 – Waiver of Notice and Affidavit of Consent**

### **Step 1 Form preparation**

Prepare two copies of the following forms after the 90 day waiting period has passed:

- Form 6 Waiver of Notice Under 3301(c)**
- Form 7 Affidavit of Consent**

### **Step 2 Mail**

Mail one set of these following unsigned forms to the defendant after the 90 day waiting period has passed:

- Form 6 Waiver of Notice Under 3301(c)**
- Form 7 Affidavit of Consent**
- One (1) self-addressed stamped envelope

Include instructions for the Defendant to sign, date and return the forms to you. Retain the other set of forms.

### **Step 3 Sign and File**

- After the Defendant returns the Waiver of Notice Under 3301(c) and the Affidavit of Consent to you, make one two photocopies of each form signed by defendant. Sign and date your copies of the Waiver of Notice Under 3301(c) and the Affidavit of Consent and make two photocopies of your signed forms.
- File the original Waiver of Notice Under 3301(c) and the Affidavit of Consent signed by you and the Defendant, respectively, in the Prothonotary's office and obtain two time-stamped copies of each document. Retain a time-stamped copy for your records and mail

a time-stamped copy to the Defendant.

**\*IMPORTANT INFORMATION NEEDED** to complete Praecipe to Transmit Record:

**The Affidavit of Consent must be dated not less than 90 days after the date of service of the Complaint and must be filed not more than 30 days after it was signed and dated.**

**Date Defendant signed Affidavit of Consent** \_\_\_\_\_

**Date you (Plaintiff) signed Affidavit of Consent** \_\_\_\_\_

**Date Defendant signed the Waiver of Notice** \_\_\_\_\_

**Date you (Plaintiff) signed the Waiver of Notice** \_\_\_\_\_



If you are unsuccessful in obtaining the Defendant's Waiver of Notice Under § 3301(c) or Defendant's Affidavit of Consent, then STOP and consult an attorney.

## **Section 5 - Finalization**

### **Step 1 Form Preparation**

Complete **Form 8 Praecipe to Transmit Record** using the information recorded in this checklist. If you fail to complete the Praecipe with all required information, it will be rejected. You do not need to submit a proposed Divorce Decree. The Court will prepare the decree. You do not need to file extra copies of documents you have already filed with the Prothonotary along with the Praecipe to Transmit.

### **Step 2 Signature**

Sign and date the original of the Praecipe to Transmit Record and make two copies, one for you and one for the Defendant.

### **Step 3 File the Praecipe**

File the original Praecipe to Transmit the Record in the Prothonotary and obtain two time-stamped copies.

Mail one time-stamped copy to the Defendant and retain one for your records.

If all the required forms are filled out correctly, filed in correct time line and the filing is done in accordance with the Rules of Court, the Decree will be entered and the Prothonotary will send you and the Defendant a copy once it has been filed of record.

**Divorce Granted on \_\_\_\_\_ (You should retain a copy of the Divorce Decree with your other important records)**