

DIVORCE PACKET INSTRUCTIONS

Section 3301(c)(1) – Mutual Consent Divorce
Fifty-Ninth Judicial District (Elk & Cameron Counties)

Important Information

- Elk County Filing Fee (2026): \$175.50
- You must file all forms at the same time as the Divorce Complaint.
- Carefully read all instructions before completing any forms.
- Court staff cannot provide legal advice.
- If you have questions about legal rights (property, custody, support), consult an attorney.

Step 1: Determine Eligibility

- You are the Plaintiff (filing party); your spouse is the Defendant.
- Either party must have lived in Pennsylvania for at least 6 months before filing.
- You must know the Defendant's address to proceed.

Step 2: Complete Initial Forms

- Notice to Defend and Claim Rights
- Divorce Complaint
- Affidavit of Non-Military Service
- Make 3 copies of the Notice and Complaint.
- Keep 1 copy of the Affidavit for your records.

Step 3: File the Complaint

- File in Elk County (Ridgway) or Cameron County (Emporium).
- Bring original documents, copies, and filing fee (cash/check/money order only).
- Once stamped, your case is officially filed.

Step 4: Serve the Defendant

- Service must be completed within 30 days.
- Send one copy by first-class mail.
- Send one copy by certified mail, restricted delivery, return receipt requested.
- Keep proof (green card or refused envelope).

Step 5: File Proof of Service

- Complete the Affidavit of Service.
- File within 10 days of service.
- Attach proof of delivery.

Step 6: Wait 90 Days

- You must wait 90 days from service.
- Then complete Affidavits of Consent and Waivers of Notice.

Step 7: Final Filing

- File Praecipe to Transmit Record, Affidavits, Waivers, and Decree.
- Must be filed within 30 days of signing.
- Provide stamped envelopes for both parties.

Step 8: Court Review

- The judge reviews the file.
- If correct, the Divorce Decree is signed.
- If not, corrections will be required.

Step 9: Final Decree

- You will receive two certified copies.
- Keep them for legal and personal records.

Optional: Maiden Name Restoration

- You may file an Affidavit to Retake Maiden Name.
- Filing Fee= \$10.50 (+\$3.50 if notarized by Prothonotary's office)