

# **INSTRUCTIONS**

## **DIVORCE UNDER SECTION 3301(d) OF THE DIVORCE CODE**

**DATE OF SEPARATION WAS PRIOR TO DECEMBER 5, 2016 AND PARTIES HAVE  
CONTINUED TO LIVE SEPARATE AND APART FOR A PERIOD OF AT LEAST TWO  
YEARS**

**OR**

**DATE OF SEPARATION WAS ON OR AFTER DECEMBER 5, 2016 AND THE  
PARTIES HAVE CONTINUED TO LIVE SEPARATE AND APART FOR A PERIOD OF  
AT LEAST ONE YEAR**

***IT IS STRONGLY RECOMMENDED THAT YOU CONSULT AN  
ATTORNEY***

**IF BOTH PARTIES ARE AGREEABLE TO CONSENTING TO THE ENTRY OF A DIVORCE DECREE,  
PLEASE USE THE DIVORCE INSTRUCTIONS AND FORMS FOR A DIVORCE UNDER SECTION  
3301(c)(1) OF THE DIVORCE CODE.**

## **DISCLAIMER**

**THE SELF-HELP CENTER STAFF AND THE STAFF IN ANY COURT OFFICE ARE  
NOT PERMITTED TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THE  
PACKETS IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE  
COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR  
ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON  
THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY  
BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE DAUPHIN  
COUNTY LAWYER REFERRAL SERVICE AT (717) 232-7536.**

**DIVORCE UNDER SECTION 3301(d) OF THE DIVORCE CODE – WHERE DATE OF SEPARATION WAS PRIOR TO DECEMBER 5, 2016 AND PARTIES HAVE CONTINUED TO LIVE SEPARATE AND APART FOR A PERIOD OF AT LEAST TWO YEARS OR DATE OF SEPARATION WAS ON OR AFTER DECEMBER 5, 2016 AND THE PARTIES HAVE CONTINUED TO LIVE SEPARATE AND APART FOR A PERIOD OF AT LEAST ONE YEAR AND NO PROPERTY NEEDS TO BE DIVIDED.**

**It is strongly recommended that you seek the advice of an attorney. The divorce process is very complex.**

**ANYONE CONSIDERING USING THESE FORMS IS ADVISED TO READ ALL INFORMATION SHEETS, DEFINITION SHEETS, AND INSTRUCTION SHEETS COMPLETELY AND CAREFULLY.**

**THIS INFORMATION IS PROVIDED ONLY FOR A NO-FAULT DIVORCE WHEN NEITHER PARTY WISHES TO REQUEST CUSTODY, ALIMONY PENDENTE LITE, ALIMONY, OR THE EQUITABLE DISTRIBUTION OF MARITAL PROPERTY. YOU MAY NOT USE THESE FORMS IF ANY OF THE FOLLOWING PERTAIN TO YOU:**

1. If you have **not** been a resident of Pennsylvania for at least six (6) months.
2. If you want to request any kind of alimony.
3. If you have marital property that needs to be divided because you and your spouse cannot agree on how to split it up.
4. If you wish to request attorney's fees or costs and expenses.
5. If your spouse is in the military service or any branch of the armed forces of the United States or its allies.
6. If you wish to pursue custody as part of the divorce. (However, a separate action for custody can be filed before or after a divorce case is filed.)

**You may file for your divorce in Dauphin County if one of the following applies:**

1. You live in Dauphin County;
2. Your spouse lives in Dauphin County; or
3. You and your spouse agree in writing to file for divorce in Dauphin County. (You need to attach a statement to the complaint which reads: "The Plaintiff, your name, and the Defendant, your spouse's name, agree that this divorce action should be filed in Dauphin County." Both you and your spouse must sign and date the statement.)

**NOTE: If the county in which you are filing for divorce is not Dauphin County, you will not be able to use these forms.**

## **DEFINITIONS OF TERMS USED IN DIVORCE:**

**PLAINTIFF** -- the person who commences a lawsuit.

**DEFENDANT** -- the person who is being sued.

**PARTY** -- a person named in a Complaint (Plaintiff or Defendant).

**NO-FAULT DIVORCE** -- a type of divorce whereby one spouse does not have to prove that the other spouse did something wrong.

**IRRETRIEVABLY BROKEN** -- this term means that the parties have little or no chance of reconciliation.

**SPOUSAL SUPPORT** -- support received by a spouse prior to the filing of a divorce.

**ALIMONY PENDENTE LITE** -- support that either party can ask the court to order after the divorce is filed but before it is granted. Alimony Pendente Lite ends when the divorce decree is entered.

**ALIMONY** -- support that either party can ask the court to order which is paid after a divorce decree is entered. The court may order alimony if the party seeking alimony cannot support himself or herself, or if that party does not have enough money or property to provide for his or her reasonable needs.

**MARITAL PROPERTY** -- generally, all property that is acquired during the marriage no matter whose name it is in, but not gifts by someone other than the spouse, and inheritances.

**COUNSELING** -- a court may order sessions with a marriage counselor if either party makes a request.

**ATTORNEY'S FEES** -- charges by an attorney for handling a case.

**DOCKET NUMBER** -- the number assigned to the "Divorce Complaint" by the Prothonotary's Office. This number must be used on any subsequent document either party files with the court which relates to the divorce.

**FILE** -- presenting your "Divorce Complaint" and other necessary forms to the Prothonotary's Office to be date-stamped. The Prothonotary's Office will keep the original of all forms and return the extra copies to you.

## **EXPLANATION OF FORMS USED IN DIVORCE ACTIONS**

**DIVORCE COMPLAINT** -- a legal document that sets out specific information about the Plaintiff, the Defendant, and the marriage. The Plaintiff in this document asks the court to enter a decree in divorce. Your Complaint will be assigned a docket number by the Prothonotary's Office. This number must be used on any document either party files with the Court that relates to the divorce.

**NOTICE TO DEFEND AND CLAIM RIGHTS** -- a cover page that is attached to the front of the Divorce Complaint informing the Defendant that he or she is being sued for divorce and may lose rights if he or she does not respond to the Complaint. It also advises the Defendant of the right to request marriage counseling.

**CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM** -- if you are an abuse victim and your spouse was the abuser, you are not required to list your contact information on these forms. Instead, you would list your contact information on the Confidential Information Form Abuse Victim Addendum and in the space on the form, you should write "See Confidential Information Form Abuse Victim Addendum." The Confidential Information Form Abuse Victim Addendum will not be available to

anyone other than the Court and Court staff. **YOU SHOULD NOT SERVE THE CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM ON THE DEFENDANT.** If you print out the packet from the Self-Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.

**AFFIDAVIT OF SERVICE** -- a form that must be filed with the Prothonotary's Office within ten (10) days from the date of service indicating that the Plaintiff has delivered the "Complaint" and "Notice to Defend and Claim Rights" to the Defendant in a proper manner.

**ACCEPTANCE OF SERVICE** – a form that your spouse can sign indicating that he or she accepted service of the "Complaint" and "Notice to Defend and Claim Rights". This is then filed with the Prothonotary's Office within ten (10) days from the date of service and becomes part of the official file.

**AFFIDAVIT OF NO SERVICE** – a form that indicates you were unable to serve the "Complaint" and "Notice to Defend and Claim Rights." This is then filed with the Prothonotary's Office within ten (10) days from the date of expiration of the time for service and becomes part of the official file.

**AFFIDAVIT UNDER SECTION 3301(D) OF THE DIVORCE CODE** -- a document that must be signed by the Plaintiff and filed with the Prothonotary's Office stating that the parties have been separated for at least two (2) years if date of separation was before December 5, 2016, or at least one (1) year if date of separation was on or after December 5, 2016 and that the marriage is irretrievably broken.

**COUNTER AFFIDAVIT UNDER SECTION 3301(D) OF THE DIVORCE CODE** – a document that must be sent twice by the Plaintiff to the Defendant along with the Affidavit under Section 3301(d) of the Divorce Code and the Notice of Intention to File the Praeceptum to Transmit Record. This form notifies the Defendant that he or she may oppose entry of the divorce decree for various reasons including that the parties have not been separated for at least two years if separated before December 5, 2016 or for at least one year if separated on or after December 5, 2016 or that the defendant intends to claim economic relief.

**NOTICE OF INTENTION TO FILE THE PRAECEPTUM TO TRANSMIT RECORD** – a document sent to the defendant indicating the date the plaintiff intends to ask the court to enter a divorce decree. A "Counter-Affidavit" is sent along with this notice and gives the defendant one last chance to file a "Counter-Affidavit".

**AFFIDAVIT OF NON-MILITARY SERVICE PURSUANT TO PA.R.C.P. 1920.46** – you are unable to obtain a 3301(d) divorce against an unrepresented Defendant if s/he is in the military. You will need to file this form verifying that the Defendant is not in the military.

**WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECEPTUM TO TRANSMIT RECORD** – if both you and your spouse sign and file these waivers, there is no need to serve the Notice of Intention to File the Praeceptum to Transmit Record and the second "Counter-Affidavit".

**DAUPHIN COUNTY DIVORCE INFORMATION SHEET** -- a document required by Dauphin County that lists both parties' social security numbers and indicates the length of the marriage.

**PRAECEPTUM TO TRANSMIT RECORD** -- a form that asks the Prothonotary's Office to send the file to the Court Administrator's Office for assignment to a judge for review and approve either the entry of a Divorce Decree or grounds for divorce.

**DECREE** -- an Order from the court granting the divorce.

**SELF-REPRESENTED PARTY ENTRY OF APPEARANCE** – this form identifies that you are self-represented.

**NOTE:** If you OR your spouse, OR both you and your spouse are under the age of 18, there are forms other than those included in this packet which must be used.

### **GENERAL INFORMATION REGARDING DIVORCE**

In 1980, the Pennsylvania divorce law changed to allow a married couple to get a divorce with little trouble or expense. The law also allows for alimony and a fair division of marital property.

The law provides for No-Fault Divorces. Couples can now get a divorce without having to prove that their spouse did something wrong. You need only show that the marriage is "irretrievably broken" -- which means that there are problems in the marriage and it is not likely that the couple will get back together. In some cases, both parties must sign a written consent to the divorce.

#### **THE TYPES OF DIVORCES IN PENNSYLVANIA ARE AS FOLLOWS:**

1. **No-Fault Consent Divorce** -- A divorce that requires the consent of both husband and wife.
2. **Consent is Presumed – 3301(c)(2)** -- where consent is presumed because a spouse has been convicted of committing a personal injury crime against the other spouse.
3. **Irretrievable breakdown** -- You can get a divorce without your spouse consenting if you have lived separate and apart for two (2) years or more if date of separation was before December 5, 2016 or you have lived separate and apart for one (1) year or more if date of separation was on or after December 5, 2016.
4. **Fault** -- With this type of divorce, you need to prove that your spouse did something wrong. Grounds for a fault divorce are: desertion for a year or more; bigamy; adultery; imprisonment for two (2) years or more upon conviction of any crime; indignities (continuing conduct by the Defendant that makes Plaintiff's life unbearable); and, endangering the life or health of the Plaintiff.
5. **Institutionalization** – The court may grant a divorce on grounds of insanity or a serious mental disorder if the defendant has been confined to a mental institution for at least 18 months before you filed for this type of divorce and the defendant is expected to remain in the institution for at least 18 months after you file for divorce.

**NOT INCLUDED WITH THESE FORMS ARE THE DOCUMENTS NECESSARY TO FILE FOR A FAULT DIVORCE, CUSTODY, ALIMONY PENDENTE LITE, ALIMONY, AND/OR EQUITABLE DISTRIBUTION OF MARITAL PROPERTY AND/OR ATTORNEY FEES, COSTS AND EXPENSES.** If you wish to file for a fault divorce, custody, alimony *pendente lite*, alimony, and/or equitable distribution of marital property, and/or attorney fees, costs and expenses, you will be unable to do so using these forms. The following paragraphs discuss alimony and equitable distribution of marital property. In addition, this packet does not include the forms necessary to obtain a divorce where the other party's consent is presumed.

A No-Fault Divorce allows a spouse to ask for alimony if the spouse cannot support him or herself or does not have enough money or property to provide for his or her reasonable needs. Alimony is usually ordered for a limited time -- long enough for the person asking for alimony to get a suitable job or develop a suitable job skill. Alimony can be ordered for a longer period of time if a person cannot work or develop a skill because of age, disability, or the need to care for children. A person asking for alimony

must request it as part of a divorce action before the court grants the divorce. **IF YOU DO NOT DO SO, YOU CAN NEVER COME BACK AGAIN AND ASK THE COURT TO ORDER ALIMONY.**

A No-Fault Divorce also allows either spouse to ask the Court for an equitable distribution of marital property (see the Definition of Terms page in these instructions). The Court will consider the length of the marriage, the ages, health, needs and sources of income of each party, and several other factors when deciding how to distribute marital property. A person asking for the marital property to be distributed must request it as part of a divorce action before the Court grants the divorce. **IF YOU DO NOT DO SO, YOU CAN NEVER COME BACK AGAIN AND ASK THE COURT TO ORDER AN EQUITABLE DISTRIBUTION OF MARITAL PROPERTY.** If neither party asks the Court to distribute marital property, both parties will be able to use or dispose of their separate property, even if it was obtained during the marriage, once a divorce decree is entered.

Either party in a divorce has a right to request marriage counseling. The Prothonotary's Office will provide a list of marriage counselors upon request. Counseling will not generally delay or prevent the divorce. Also, marriage counseling is not free.

Either party in a divorce action has the right to request that a child custody order be entered concerning children born to the parties. **These forms will not help you file for custody. If you want to file for custody or the modification of an existing custody order, you may file a Custody Complaint or a Petition to Modify an Existing Custody Order (see Self Help Center Custody forms).**

**THIS INFORMATION IS PROVIDED ONLY FOR A NO-FAULT DIVORCE WHEN NEITHER PARTY WISHES TO REQUEST CUSTODY, ALIMONY PENDENTE LITE, ALIMONY, OR THE EQUITABLE DISTRIBUTION OF MARITAL PROPERTY. YOU MAY NOT USE THESE FORMS IF ANY OF THE FOLLOWING PERTAIN TO YOU:**

1. If you have not been a resident of Pennsylvania for at least six (6) months.
2. If you want to request any kind of alimony.
3. If you have marital property that needs to be divided because you and your spouse cannot agree on how to split it up.
4. If you wish to request attorney's fees or costs and expenses.
5. If your spouse is in the military service or any branch of the armed forces of the United States or its allies.
6. If you wish to pursue custody as part of the divorce. (However, a separate action for custody can be filed before or after a divorce case is filed.)

#### **TIMETABLE AND LIST OF FORMS**

1. Take the "Divorce Complaint" with the attached "Notice to Defend and Claim Rights", the Affidavit under Section 3301(d) of the Divorce Code with the Counter-Affidavit, the Affidavit of Non-Military Service, the Self-Represented Entry of Appearance Form and if applicable, the Confidential Information Form Abuse Victim Addendum to the Prothonotary's Office for filing (this will start the divorce action).

The Prothonotary's Office is located on the first floor of the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA. The Prothonotary's Office is open from 8:00 a.m. – 4:30 p.m. Monday-Friday. The Prothonotary's Office charges a filing fee which must be paid at the time of filing of the Complaint by cash, certified check, or money order (made payable to Dauphin County

Prothonotary). See Prothonotary's Fee Schedule. If you think that you cannot afford to pay the filing fee, you may file a Petition to Proceed *In Forma Pauperis* – Civil, Family, and Orphans' Court Cases (IFP) (see Self Help Center *In Forma Pauperis* – Civil, Family, and Orphans' Court Cases forms and instructions).

2. "Affidavit under Section 3301(d) of the Divorce Code" with an attached "Counter-Affidavit" -- this must be filed to move forward with this type of "Divorce Complaint". This may be filed at the same time that the "Divorce Complaint" is filed.
3. A certified copy of the "Divorce Complaint" which includes the "Notice to Defend and Claim Rights" and the "Affidavit under Section 3301(d) of the Divorce Code" along with a "Counter-Affidavit" form must be served on Defendant within thirty (30) days from the date that the "Divorce Complaint" and "Affidavit under Section 3301(d) of the Divorce Code" with an attached "Counter-Affidavit" were filed with the Prothonotary. If you have an amicable relationship with your spouse, you may serve the "Acceptance and Acknowledgement of Service" form on the Defendant.
4. The "Affidavit of Service" or the "Acceptance of Service" is to be filed with the Prothonotary's Office after service of the "Divorce Complaint" which includes the "Notice to Defend and Claim Rights" and "Affidavit under Section 3301(d) of the Divorce Code" with the attached "Counter-Affidavit" has been made on the Defendant. This must be filed in the Prothonotary's Office within ten (10) days from date of service.
5. **NO EARLIER THAN** twenty (20) days after service of the "Divorce Complaint" and the "Affidavit under Section 3301(d) of the Divorce Code" with an attached "Counter-Affidavit", serve:
  - a. "Notice of Intention to File the Praecepte to Transmit Record"  
and
  - b. A second "Counter-Affidavit under §3301(d) of the Divorce Code".
6. After serving the "Notice of Intention to File the Praecepte to Transmit Record" and "Counter-Affidavit Under § 3301(d) of the Divorce Code" on Defendant, file the "Affidavit of Service" with the Prothonotary's Office. If the Defendant returns the "Acceptance and Acknowledgment of Service form", file this with the Prothonotary's Office also.
7. Wait at least twenty (20) days after service of the "Notice of Intention to File the Praecepte to Transmit Record" and "Counter-Affidavit under § 3301(d) of the Divorce Code".
  - a. If the defendant does not return the "Counter-Affidavit" by the date indicated on the "Notice of Intention to File Praecepte to Transmit Record", file the "Praecepte to Transmit Record", the "Divorce Information Sheet" and three proposed "Divorce Decrees" with the Prothonotary.
  - b. If the Defendant returns the "Counter-Affidavit" with the indication that the defendant does not oppose the entry of the "Divorce Decree" and that he or she does not wish to make any economic claims, the "Praecepte to Transmit Record", the "Divorce Information Sheet" and three proposed "Divorce Decrees" may be filed with the Prothonotary prior to the expiration of the twenty (20) day period.
  - c. If the Defendant returns the "Counter-Affidavit" with the indication that he or she opposes the entry of a divorce decree AND/OR that he or she wishes to file economic claims, the divorce cannot move forward until everything is resolved.

- d. If you and your spouse sign and file the “Waiver of Notice of Intention to File the Praeceptum to Transmit Record” forms with the Prothonotary, you do not have to wait the second twenty days before you file the “Praeceptum to Transmit Record”.
8. Prepare three (3) proposed “Divorce Decrees”.
9. Prepare the “Praeceptum to Transmit Record”. In Paragraph 6, state the date and manner of service of the “Notice of Intention to File the Praeceptum to Transmit Record” and “Counter-Affidavit” Under § 3301(d) of the Divorce Code”.
10. Complete the “Divorce Information Sheet”.
11. File three (3) proposed “Divorce Decrees”, the “Praeceptum to Transmit Record”, the “Divorce Information Sheet” and a copy of the “Notice of Intention to File the Praeceptum to Transmit Record” and “Counter-Affidavit Under § 3301(d) of the Divorce Code” or both “Waiver of Notice of Intention to File the Praeceptum to Transmit Record” forms with the Prothonotary’s Office. Also file the “Affidavit of Service of Notice of Intention to File the Praeceptum to Transmit Record”.

**INSTRUCTIONS FOR COMPLETING A “DIVORCE COMPLAINT” AND A “NOTICE TO DEFEND AND CLAIM RIGHTS”**

**A. Completing the Caption**

The caption is the top part of page one (1) of the “Notice to Defend and Claim Rights” and “Divorce Complaint” and on each legal document you will need to file in the divorce. The names of the parties, the docket number, the type of “Complaint”, and the court’s name are found here.

The Plaintiff is you since you are filing this action. Print your full, legal name, including middle initial, above the word “Plaintiff” in the caption of the “Complaint” and the “Notice to Defend and Claim Rights”.

The Defendant is your spouse. Fill in the Defendant’s full, legal name, including middle initial, above the word “Defendant” in the “Complaint” and “Notice to Defend and Claim Rights”.

YOU MUST COMPLETE THE CAPTION ON EVERY FORM YOU FILE. THE DOCKET NUMBER WILL BE PROVIDED TO YOU BY THE PROTHONOTARY’S OFFICE WHEN YOU FILE THE COMPLAINT AND MUST BE INCLUDED ON EVERY CAPTION.

**B. The following instructions correspond to each numbered paragraph in the Divorce Complaint.**

1. Fill in your full, legal name including the middle initial, your full mailing address (street, number, route, box number, city, county, state and zip code), and the month and year you began living at this address. **If you are an abuse victim, do not list your address but write “See CIF Abuse Victim Addendum” and complete the Confidential Information Form Abuse Victim Addendum and file at the same time you file the Divorce Complaint.**
2. Fill in the Defendant’s full, legal name including the middle initial, the Defendant’s full mailing address (street, number, route, box number, city, county, state and zip code), and the month and year your spouse began living at this address.
3. There is nothing to complete in this paragraph. It is a statement claiming that you have resided in Pennsylvania for at least six (6) months before filing the “Divorce Complaint”.



This statement, like all others on these forms, **MUST BE TRUE.**

4. Fill in the complete date of your marriage (month, date, and year) and the city and state in which you were married.
5. Check the correct box. If there was an action filed in the past, write the docket number and the county/state in which the "Divorce Complaint" was filed.
6. Indicate if defendant is or is not in military service.
7. There is nothing to complete in this paragraph.
8. Complete the date that you and your spouse separated. Check either box (a) or (b).
9. There is nothing to complete in this paragraph. It simply states that marriage counseling is available.
10. There is nothing to complete in this paragraph. It simply requests a decree of divorce.
11. Sign the "Divorce Complaint" using your full, legal name and enter the date.
12. Complete the Verification and Certification.

**INSTRUCTIONS FOR COMPLETING THE "AFFIDAVIT UNDER SECTION 3301(D) OF THE DIVORCE CODE"**

1. Complete the caption (see above).
2. Fill in the date you and your spouse separated in Paragraph #1. Check either box (a) or (b).
3. Sign and date the "Affidavit under Section 3301(d) of the Divorce Code".
4. Attach a copy of the "Counter-Affidavit" to the "Affidavit under Section 3301(d) of the Divorce Code".

**INSTRUCTIONS FOR FILING THE COMPLAINT AND AFFIDAVIT UNDER SECTION 3301(D) OF THE DIVORCE CODE**

You will need to file the "Divorce Complaint" with the "Notice to Defend and Claim Rights" attached to the front of the "Divorce Complaint", the Affidavit of Non-Military Service, the Self-Represented Party Entry of Appearance, and the Confidential Information Form Abuse Victim Addendum, if applicable, with the Dauphin County Prothonotary's Office. You can file for your divorce in Dauphin County if one of the following applies:

1. You live in Dauphin County;
2. Your spouse lives in Dauphin County; or
3. You and your spouse agree in writing to file for divorce in Dauphin County. (You need to attach a statement to the complaint which reads: "The Plaintiff, your name, and the Defendant, your spouse's name, agree that this divorce action

should be filed in Dauphin County." Both you and your spouse must sign and date the statement.)

**NOTE: If the county in which you are filing for divorce is not Dauphin County, you will not be able to use these forms.**

Once you complete the "Divorce Complaint" with the "Notice to Defend and Claim Rights" and the "Affidavit under Section 3301(d) of the Divorce Code", you will have to make two (2) copies of the completed "Notice to Defend and Claim Rights", two (2) copies of the "Complaint" and two (2) copies of the "Affidavit under Section 3301(d) of the Divorce Code" with the "Counter-Affidavit" attachment. You must attach a "Notice to Defend and Claim Rights" to the **front** of each "Divorce Complaint" you have just completed. Be sure the caption on **all** copies of each form is completed. Attach the "Affidavit under Section 3301(d) of the Divorce Code" with an attached "Counter-Affidavit" to the **back** of each "Divorce Complaint". You also must complete the "Self-Represented Entry of Appearance", and, **if applicable**, the "Confidential Information Form Abuse Victim Addendum" and file with the Prothonotary. **If you print out the packet from the Self-Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.**

You are ready to file your papers. Take the original and both copies (a total of three (3)) of the "Divorce Complaint" and "Notice to Defend and Claim Rights" and "Affidavit under Section 3301(d) of the Divorce Code" with the "Counter-Affidavit" attached to the Dauphin County Prothonotary's Office which is located on the first floor of the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA 17101. The Prothonotary's Office will put a docket number on each "Notice to Defend and Claim Rights" and "Divorce Complaint" and "Affidavit under Section 3301(d) of the Divorce Code" with an attached "Counter-Affidavit" and will keep the original for filing. The Prothonotary's Office will date-stamp all documents and will return two (2) copies of the "Divorce Complaint" and "Notice to Defend and Claim Rights" and "Affidavit under Section 3301(d) of the Divorce Code" with an attached "Counter-Affidavit" to you. Be sure the docket number is on each copy of the "Notice to Defend and Claim Rights" and the "Divorce Complaint" and the "Affidavit under Section 3301(d) of the Divorce Code" with the "Counter-Affidavit".

You must complete the "Affidavit of Non-Military Service" to indicate that the Defendant is not in the military service. This affidavit must be filed with the Prothonotary's Office.

**You must serve one (1) copy of the "Notice to Defend and Claim Rights" and the "Divorce Complaint" and the "Affidavit under Section 3301(d) of the Divorce Code" with the "Counter-Affidavit" on the Defendant (see Instructions for serving the "Divorce Complaint"). The other copy is for your records.**

### **INSTRUCTIONS FOR SERVING THE "DIVORCE COMPLAINT"**

"Service" means that the Defendant received the "Notice to Defend and Claim Rights" and the "Divorce Complaint" and the "Affidavit under Section 3301(d) of the Divorce Code with "Counter-Affidavit". Service must be made **within thirty (30) days** of the filing of the "Divorce Complaint" if the Defendant resides in Pennsylvania or **ninety (90) days** if the Defendant resides outside of Pennsylvania. Service can be made in several ways. We recommend either of the following methods:

- a. **Personal service** -- This is accomplished by an adult, **other than you**, by personally handing the "Notice to Defend and Claim Rights" and the "Divorce Complaint" and the "Affidavit under Section 3301(d) of the Divorce Code" with an attached "Counter-Affidavit" to the other party. The person who handed the papers to the other party must sign an "Affidavit of Service" that is included in the forms packet.
- b. **Service by Certified Mail** -- This can be accomplished by sending a copy of the "Notice to

Defend and Claim Rights” and the “Divorce Complaint” and the “Affidavit under Section 3301(d) of the Divorce Code” with an attached “Counter-Affidavit” to the other party by **certified mail, return receipt requested, restricted delivery.**

1. Prepare an envelope with the other party’s name and address, using your own address as the return address.
2. Print the words "Restricted Delivery" on the lower left-hand corner of the envelope. It is best to do this with red ink.
3. Take the envelope to the Post Office and tell the postal worker that you want to send it "**certified mail, return receipt requested, restricted delivery.**"
4. Someone at the post office can help you complete the cards properly, but here are the instructions for your information:
  - a. Fill in the other party’s name and address on the backside of the green card. There are boxes on this side for you to check the type of delivery you want.
  - b. Check the box that indicates you want a return receipt and the box that indicates the item should be delivered **only** to the person named on the envelope.
  - c. Fill in your name and address on the reverse side so the green card will be returned to you after the other party has signed for the envelope.
  - d. There will also be a green and white paper slip that is numbered which you need to complete. Fill in the other party’s name and address.
5. There is a list of blanks indicating fees for the mailing. Someone at the post office will help you complete this part if you are not sure which costs apply.
6. The reverse side of the green part of this slip will have adhesive on it. Wet it and attach it to the top of the envelope allowing room for the postage. The number from this slip of paper will be filled in on the green card where indicated.
7. **MAKE SURE YOU KEEP THE RECEIPT FROM THIS SLIP.** The cost of certified mail, return receipt, restricted delivery is approximately \$10.80.
8. **WHEN YOUR GREEN CARD IS RETURNED TO YOU, YOU MUST ATTACH BOTH THE GREEN CARD AND THE WHITE SLIP TO A PIECE OF PAPER. THEN ATTACH THIS PIECE OF PAPER TO THE COMPLETED “AFFIDAVIT OF SERVICE” AND FILE IT WITH THE PROTHONOTARY’S OFFICE WITHIN TEN (10) DAYS FROM THE DATE OF SERVICE. (See the instructions on completing the “Affidavit of Service”.)**

**If the green card is not returned to you within one month, contact the post office where you mailed the envelope. If the other party does not sign for the envelope you should proceed with personal service or service by sheriff.**

- c. **Service by Commercial Carrier such as UPS or Fed Ex – a party may serve the complaint and other filings by commercial carrier and USPS first class regular mail to the defendant’s last known address.**

1. The party serving the complaint by commercial carrier shall

- (a) restrict delivery of the package to the defendant's address only and
  - (b) request that the commercial carrier provide a return receipt, which may be an electronic return receipt, detailing the date of delivery, the delivery address, and to whom the package was delivered.
2. The service of the complaint is complete when
- (a) the return receipt bears the defendant's signature indicating receipt of the commercial carrier's package.
  - (b) the return receipt acknowledges delivery to the defendant's address and the first-class regular mail is not returned within 15 days;
  - (c) the commercial carrier returns the package indicating the defendant refused delivery, but the first-class regular mail was not returned within 15 days of mailing.

**ATTACH THE RETURN RECEIPT TO THE COMPLETED 'AFFIDAVIT OF SERVICE' AND FILE IT WITH THE PROTHONOTARY WITHIN TEN (10) DAYS FROM THE DATE OF SERVICE. (See the instructions on completing the 'Affidavit of Service'.)**

- d. **Acceptance of Service** – If you are on cordial terms with your spouse, an easy way to accomplish service is to mail or hand-deliver the “Notice to Defend and Claim Rights”, the “Divorce Complaint” and the “Affidavit under Section 3301(d) of the Divorce Code” with an attached “Counter-Affidavit” to your spouse and have them complete the “Acceptance of Service” form. If you are sending this by mail, send a self-addressed stamped envelope along with the packet. The only time you are permitted to hand-deliver the packet to your spouse is if they complete the “Acceptance of Service” form. If you obtain the completed “Acceptance of Service” form, file this with the Prothonotary's Office within ten (10) days from the date of service.
- e. **Sheriff** – The safest way to ensure that service is accomplished is to use the Dauphin County Sheriff's Office. The Sheriff's Office is located on the first floor of the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA 17101. You need to bring the copy of the “Notice to Defend and Claim Rights” and the “Divorce Complaint” and the “Affidavit under Section 3301(d) of the Divorce Code” with an attached “Counter-Affidavit” to the Sheriff's Office. This will cost between \$50.00 and \$100.00. Acceptable forms of payment are cash, certified check, or money order.

**IF YOU WERE UNABLE TO SERVE THE DEFENDANT YOU MUST COMPLETE THE AFFIDAVIT OF NO SERVICE AND FILE IT WITH THE PROTHONOTARY'S OFFICE WITHIN TEN (10) DAYS OF THE EXPIRATION OF TIME ALLOWED FOR SERVICE.**

#### **INSTRUCTIONS FOR COMPLETING THE “AFFIDAVIT OF SERVICE”**

After serving the “Notice to Defend and Claim Rights” and the “Complaint” and the “Affidavit under Section 3301(d) of the Divorce Code” with an attached “Counter-Affidavit” according to the instructions, you will need to complete and file the “Affidavit of Service”.

- 1. **First Blank** -- If your spouse was served by certified mail, print your name. If your spouse was served personally, print the name of the person who handed the “Notice to Defend and Claim

Rights” and the “Divorce Complaint” and the “Affidavit under Section 3301(d) of the Divorce Code” with an attached “Counter-Affidavit” to your spouse. **A THIRD PARTY MUST PERSONALLY SERVE YOUR SPOUSE. YOU CAN NOT PERSONALLY SERVE YOUR SPOUSE.**

2. **Second Blank** -- Fill in the date on which service was made (either the date your spouse signed the green card or was handed the “Notice to Defend and Claim Rights” and the “Divorce Complaint” and the “Affidavit under Section 3301(d) of the Divorce Code” with an attached “Counter-Affidavit”).

If you served your spouse by certified mail, check the first paragraph and fill in the date your spouse signed the green card. Then sign and date the “Affidavit of Service”. Be sure to put the docket number on the caption. Staple the green card and receipt to a piece of plain paper and attach it to the “Affidavit of Service”. Take the “Affidavit of Service” with attached paper to the Prothonotary’s Office for filing within ten (10) days from the date of service.

If your spouse was personally served, check the second paragraph and fill in the location where your spouse was served, and the date and time of service. The person who made personal service must sign and date the “Affidavit of Service”. Take the “Affidavit of Service” to the Prothonotary’s Office for filing within ten (10) days from the date of service.

#### **INSTRUCTIONS FOR COMPLETING THE “AFFIDAVIT OF NO SERVICE”**

If the defendant cannot be served with the Divorce Complaint and Affidavit under Section 3301(d) of the Divorce Code within the time permitted for service, the person attempting service shall promptly complete an “Affidavit of No Service.”

1. **First Blank** – If you attempted to serve your spouse by certified mail, print your name. If you attempted to serve your spouse by personal service, print the name of the person who attempted service to your spouse. **A THIRD PARTY MUST PERSONALLY SERVE YOUR SPOUSE. YOU CAN NOT PERSONALLY SERVE YOUR SPOUSE.**
2. **Second Blank** -- Fill in the date on which service was attempted.

If you attempted to serve your spouse by certified mail, check the first paragraph and fill in the date you sent the certified mail. Then sign and date the Affidavit of No Service.

If someone else attempted to serve your spouse by personal service, check the second paragraph and fill in the location where service was attempted, and the date and time of service. The person who attempted personal service must sign and date the Affidavit of No Service.

The “Affidavit of No Service” must be filed with the Prothonotary within ten (10) days after the expiration of time permitted for service. Time permitted for service is thirty (30) days within the Commonwealth and ninety (90) days outside of the Commonwealth.

If you are unable to serve the defendant by personal service, certified mail or by the sheriff, you should consult an attorney. The process for service by publication is very complex and this packet does not contain any forms or instructions on how to accomplish service by this method.

#### **INSTRUCTIONS FOR COMPLETING THE “NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD”**

You must file a copy of the “Notice of Intention to file the Praeipce to Transmit Record” with the Prothonotary at least twenty (20) days after service of the “Affidavit under Section 3301(d) of the Divorce

Code” with the “Counter-Affidavit” attachment unless both you and your spouse agree to sign a “Waiver of Notice” form.

1. Make sure you complete the caption on the “Notice”.
2. In the first blank, put a date that is at least twenty (20) days after the date the “Notice” will be delivered or mailed.

#### **INSTRUCTIONS FOR COMPLETING THE “COUNTER AFFIDAVIT”**

1. Complete the caption. This is the only part for you as Plaintiff to complete.

#### **INSTRUCTIONS FOR COMPLETING THE “ACCEPTANCE OF SERVICE OF NOTICE OF INTENTION TO REQUEST ENTRY OF §3301 (d) DIVORCE AND COUNTER-AFFIDAVIT”**

1. Complete the caption.
2. Insert your spouse’s name in the first blank.

#### **INSTRUCTIONS FOR COMPLETING THE “WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD”**

Both parties may waive the “Notice of Intention to File the Praecipe to Transmit Record”. One must be signed by you, and the other must be signed by your spouse.

- a. Make sure you complete the caption on each “Waiver.”
- b. Date and sign the form for Plaintiff with your full, legal name, including middle initial.
- c. The second “Waiver” must be dated and signed by your spouse. Mail your spouse a copy of the “Waiver” or contact him or her personally.

You should file both copies of the “Waiver of Notice of Intention to File the Praecipe to Transmit Record” at the same time that you file the “Dauphin County Divorce Information Sheet”, the “Praecipe to Transmit Record”, and the “Decrees”.

#### **INSTRUCTIONS FOR DAUPHIN COUNTY “DIVORCE INFORMATION SHEET”**

23 Pa. C. S. § 4304.1(a)(3) requires that parties to a divorce provide social security numbers to the Prothonotary’s Office before the divorce decree is entered. **This information is sealed by the Prothonotary and kept in a confidential file.**

1. Write in the docket number.
2. Write in the Plaintiff’s (your) name.
3. Write in the Plaintiff’s (your) social security number.
4. Write in the Defendant’s (spouse’s) name.
5. Write in the Defendant’s (spouse’s) social security number.
6. Check the box next to the correct years for length of marriage.

You should file the Dauphin County “Divorce Information Sheet” at the same time as you file a copy of the “Notice of Intention to File the Praeceptum to Transmit Record”, the “Counter-Affidavit”, the “Praeceptum to Transmit Record”, and three (3) proposed “Divorce Decrees”.

### **INSTRUCTIONS FOR COMPLETING THE PRAECEPTUM TO TRANSMIT RECORD**

Again, make sure you complete the caption.

Check the appropriate box. If neither party filed any claims for economic relief, you should check the divorce decree box.

**Paragraph 1** – Check the applicable section of the Divorce Code.

Section 3301(c)(1) – both parties consent to the divorce.

Section 3301(c)(2) – consent of the defendant is presumed because this spouse was convicted of a personal injury crime defined in 23 Pa.C.S. Section 3103 and the plaintiff was the victim.

Section 3301(d) – the parties have lived separate and apart for two (2) years or more if the date of separation was before December 5, 2016 or you have lived separate and apart for one (1) year or more if the date of separation was on or after December 5, 2016.

**Paragraph 2** – If the complaint was served by certified mail, print “Service by Certified Mail, Restricted Delivery, Return Receipt Requested” then, insert the date your spouse signed the green card (this date will also be on the Affidavit of Service).

If the Complaint was served personally, fill in the date, the location of service, and the name of the person who served the Complaint.

**Paragraph 3** – (a) Print the date you signed the Affidavit of Consent in the first blank and the date your spouse signed the Affidavit of Consent in the second blank. If you are filing under section 3301(c)(2), answer questions 1 and 2.

(b) If you are filing under section 3301(d), answer parts 1 and 2. Part 1 – write the date the Affidavit under Section 3301(d) was signed. Part 2 – List the date of filing and manner of service of the Affidavit under Section 3301(d) and the blank Counter-Affidavit were served on the other party.

**Paragraph 4** – Are there any economic claims pending? If there are none, print the word “None.”

**Paragraph 5** – Complete **either** (a) or (b).

(a) If you filed the Notice on Intention to File the Praeceptum to Transmit Record, enter the date served in paragraph 1 and the manner of service in paragraph 2.

(b) If both parties signed the Waiver of Notice of Intention to File the Praeceptum to Transmit Record, enter the date that you filed the parties’ Waiver of Notice of Intention to File the Praeceptum to Transmit Record. Paragraph 1 is the date the Plaintiff’s waiver was filed and paragraph 2 is the date the defendant’s waiver was filed with the Prothonotary.

Date and sign your full legal name and complete the certification.

After you complete the Praeceptum to Transmit Record, file it in the Prothonotary’s Office along with

the Dauphin County Divorce Information Sheet and the Decrees.

### **INSTRUCTIONS FOR COMPLETING THE “DIVORCE DECREES”**

1. Complete the caption as on all forms, including the docket number.
2. Do not fill in any dates in the first line.
3. Print or type your full, legal name in the blank on the second line and the full, legal name of your spouse in the blank on the third line. Names must appear as they appear in the caption.
4. Do not enter the name of the judge.
5. Take three (3) proposed “Divorce Decrees” to the Prothonotary’s Office along with the “Praecipe to Transmit Record”, a copy of the “Notice of Intention to File the Praecipe to Transmit Record” and the “Counter-Affidavit”, and the Dauphin County “Divorce Information Sheet”.

The Prothonotary’s Office will forward the file to the Court Administrator’s Office for review and presentation to a Family Court Judge for review and signature.

If all documents have been filed and served correctly, you may receive your signed divorce decree as soon as within one (1) week. If everything was not prepared properly, you may receive an order from the court detailing the deficiencies and what needs to be done to correct any errors.

At any time after the divorce complaint is filed, you may choose to resume your maiden name. To do this you must go to the Dauphin County Prothonotary’s Office and file a statement indicating that you intend to resume your maiden name. The Prothonotary’s Office will provide you with the form and there is a fee.

### **SELF-REPRESENTED PARTY ENTRY OF APPEARANCE**

***This form must be filed with the Prothonotary every time you change your address.***

1. Complete the caption as you did for the divorce complaint. Check whether you are the plaintiff or the defendant. Check the box marked “divorce”.
2. There are three options in this section. **MARK ONLY ONE BOX.**
  - If this is a new action, mark the first box and that this is a new case. Move on to question 3.
  - If this is not a new action and you have always been self-represented, mark the first box and the box indicating that this is not a new case and move on to question 3.
  - If this is not a new case and you had an attorney represent you in your most recent action, mark the second box of question two and print the name of your attorney. Write the address that you have used to mail this form to your prior attorney.
  - If this is not a new case and you had an attorney represent you in your most recent action and you now want to be self-represented, you can enter your appearance as a self-represented party and sign your name and your attorney can simultaneously withdraw his/her appearance by signing his/her name. Check the third box found in question two.



3. Check the appropriate box.

If you checked that you are the victim of abuse and the other party was the abuser, complete **the CIF Abuse Victim Addendum**.

If you checked that you are not the victim of abuse, complete the address where you would like notices and scheduling orders to be sent.

4. Check the appropriate box.

If you checked that you are the victim of abuse and the other party was the abuser, complete **the CIF Abuse Victim Addendum**.

If you checked that you are not the victim of abuse, list your telephone number and email address.

5. I understand that I must file a new form and confidential information for abuse victim addendum (if applicable) every time my address or telephone number changes.

6. Check the appropriate box.

If you provided a copy of the Self-Represented Entry of Appearance form to attorneys or self-represented parties list the name and address.

If you are a victim of abuse, you acknowledge your understanding that the Confidential Information Form Abuse Victim Addendum **should not** be sent to any attorney or self-represented party but that the Self-Represented Entry of Appearance Form should be sent to any attorney or self-represented party.

SIGN AND DATE the form and file this at the same time you file your divorce complaint.

### **CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM**

- Check the divorce, annulment, dissolution of marriage box.
- List the full name of the abuse victim.
- List the address of the abuse victim.
- List the telephone number and email address of the abuse victim under AV other contact information.

**If you print out the packet from the Self-Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.**

SIGN AND DATE the form and file this at the same time you file your divorce complaint. **DO NOT SEND THIS FORM TO THE OTHER PARTY.**

**REVIEW OF PROCESS TO OBTAIN A DIVORCE WHERE PARTIES HAVE LIVED SEPARATE AND APART FOR AT LEAST TWO YEARS IF DATE OF SEPARATION WAS BEFORE DECEMBER 5, 2016 OR AT LEAST ONE YEAR IF DATE OF SEPARATION WAS ON OR AFTER DECEMBER 5, 2016.**

1. FILE THE DIVORCE COMPLAINT WITH THE NOTICE TO DEFEND, THE AFFIDAVIT UNDER SECTION 3301(D) WITH COUNTER-AFFIDAVIT, AFFIDAVIT OF NON- MILITARY SERVICE, THE SELF-REPRESENTED ENTRY OF APPEARANCE FORM AND IF APPLICABLE, THE CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM WITH THE PROTHONOTARY.
2. SERVE THE DEFENDANT WITH THE DIVORCE COMPLAINT WITH THE NOTICE TO DEFEND, THE AFFIDAVIT UNDER SECTION 3301(D) OF THE DIVORCE CODE WITH COUNTER-AFFIDAVIT, AFFIDAVIT OF NON-MILITARY SERVICE, AND THE SELF-REPRESENTED ENTRY OF APPEARANCE FORM.  
IF YOU FILED A CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM WITH THE PROTHONOTARY, **DO NOT** SEND THIS FORM TO THE DEFENDANT.
3. FILE THE AFFIDAVIT OF SERVICE WITH THE PROTHONOTARY WITHIN TEN (10) DAYS FROM THE DATE OF PERSONAL SERVICE OR WITHIN TEN (10) DAYS FROM THE DATE YOUR SPOUSE SIGNED THE GREEN CARD.
4. WAIT TWENTY DAYS FROM THE DATE OF SERVICE AND FILE THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD WITH A SECOND "COUNTER-AFFIDAVIT".
5. SERVE A COPY OF THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD ALONG WITH A SECOND COUNTER-AFFIDAVIT ON THE DEFENDANT.
6. FILE THE AFFIDAVIT OF SERVICE OF THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD AND COUNTER-AFFIDAVIT WITH THE PROTHONOTARY.
7. WAIT ANOTHER TWENTY DAYS AND IF THE DEFENDANT HAS NOT FILED A COUNTER-AFFIDAVIT, FILE THE PRAECIPE TO TRANSMIT RECORD. THE DIVORCE INFORMATION SHEET AND THE THREE DIVORCE DECREES.
8. IF BOTH YOU AND YOUR SPOUSE SIGN WAIVERS OF NOTICE OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD, YOU FILE THESE FORMS WITH THE PROTHONOTARY AND YOU MAY SKIP STEPS 4-7 ABOVE AND JUST FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE INFORMATION SHEET AND THE THREE DIVORCE DECREES.

**YOU ARE STRONGLY ENCOURAGED**  
**TO SEEK THE ADVICE OF AN**  
**ATTORNEY. THE DIVORCE PROCESS**  
**IS VERY COMPLEX.**

## FORMS

### **DIVORCE UNDER SECTION 3301(d) OF THE DIVORCE CODE**

DATE OF SEPARATION WAS PRIOR TO DECEMBER 5, 2016 AND PARTIES HAVE  
CONTINUED TO LIVE SEPARATE AND APART FOR A PERIOD OF AT LEAST TWO  
YEARS

OR

DATE OF SEPARATION WAS ON OR AFTER DECEMBER 5, 2016 AND THE  
PARTIES HAVE CONTINUED TO LIVE SEPARATE AND APART FOR A PERIOD OF  
AT LEAST ONE YEAR

***IT IS STRONGLY RECOMMENDED THAT YOU  
CONSULT AN ATTORNEY***

### **DISCLAIMER**

THE SELF HELP CENTER STAFF AND THE STAFF OF ANY COURT OFFICE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THE PACKETS IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE DAUPHIN COUNTY LAWYER REFERRAL SERVICE AT (717) 232-7536.

		:	IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)		:	DAUPHIN COUNTY, PENNSYLVANIA
		:	
v.		:	NO. _____ CV _____ DV
		:	
		:	IN DIVORCE
Defendant (Your Spouse's Complete Name)		:	

**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 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 on the first floor of the Dauphin County Courthouse, 101 Market Street, Harrisburg, Dauphin County, PA 17101.

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

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.

DAUPHIN COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE  
 213 N. Front St.  
 Harrisburg, PA 17101  
 (717) 232-7536

The Court of Common Pleas of Dauphin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator at (717) 780-6630. All arrangements must be made at least 72 hours prior to any hearing or business before the Court.



Docket Number: \_\_\_\_\_ County/State \_\_\_\_\_.

6. Defendant **is/is not** a member of the Armed Forces of the United States of  
(Circle one)  
America or any of its Allies.

7. This marriage is irretrievably broken.

8. The parties to this action separated on \_\_\_\_\_.  
Date of Separation

Check (a) or (b):

(a) The date of separation was prior to December 5, 2016, and the parties have continued to live separate and apart for a period of at least two years.

(b) The date of separation was on or after December 5, 2016, and the parties have continued to live separate and apart for a period of at least one year.

9. 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.

10. Plaintiff requests the court enter a decree of divorce.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
Print Name

**VERIFICATION**

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
Print Name of Plaintiff

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
Print Name of Plaintiff



**BEFORE YOU FILE THIS DIVORCE COMPLAINT, MAKE SURE YOU HAVE COMPLETED THE FOLLOWING FORMS:**

- Self-Represented Party Entry of Appearance.
- Confidential Information Form Abuse Victim Addendum if you are an abuse victim and do not want to disclose your address or other contact information.

\_\_\_\_\_  
Plaintiff (Your Complete Name)

v.

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA  
:  
:  
: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV  
:  
: IN DIVORCE  
:

**NOTICE**

If you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within 20 days after this affidavit has been served on you or the statements will be admitted.

**AFFIDAVIT UNDER SECTION 3301(d) OF THE DIVORCE CODE**

1. The parties to this action separated on \_\_\_\_\_.  
Date of Separation
2. Check (a) or (b):  
 (a) The date of separation was prior to December 5, 2016, and the parties have continued to live separate and apart for a period of at least two years.  
 (b) The date of separation was on or after December 5, 2016, and the parties have continued to live separate and apart for a period of at least one year.
3. The marriage is irretrievably broken.
4. I understand that I may lose rights concerning alimony, division of property, lawyer's fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.

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. §4904 relating to unsworn falsifications to authorities.

Date: \_\_\_\_\_ Signature of Plaintiff/Defendant: \_\_\_\_\_

Print Name: \_\_\_\_\_



**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN DIVORCE  
:

**COUNTER-AFFIDAVIT UNDER SECTION 3301(d) OF THE DIVORCE CODE.**

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because:  
(check (i), (ii), (iii) or all):

(i) The parties to this action have not lived separate and apart for the required separation period: two years for parties separated prior to December 5, 2016, and one year for parties that separated on or after December 5, 2016.

(ii) The marriage is not irretrievably broken.

(iii) There are economic claims pending.

2. Check (a), (b) or (c):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees, costs and expenses, or other important rights if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief, which may include alimony, division of property, lawyer's fees, costs and expenses, or other important rights.

**I UNDERSTAND THAT IN ADDITION TO CHECKING (2)(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.**

(c) Economic claims have been raised and are not resolved.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Signature of Plaintiff/Defendant

**NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.**

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Plaintiff (Your Complete Name)

v.

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA  
:  
:  
: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV  
:  
: IN DIVORCE  
:

**AFFIDAVIT OF NON-MILITARY SERVICE**

I, \_\_\_\_\_ say that I am  
Your Full Name

the Plaintiff in the above-captioned matter and that I personally know that the above-captioned Defendant is over the age of eighteen years, and that the Defendant is not in the military service or in any branch of the armed forces of the United States or its allies or otherwise within the provisions of the Servicemembers's Civil Relief Act, formally the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, and amendments thereto.

I verify that the statements made in this Affidavit of Non-Military Service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Signature of Plaintiff

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

:  
:  
: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

:  
: IN DIVORCE  
:

**AFFIDAVIT OF SERVICE**

I, \_\_\_\_\_, verify that  
Your Name or Name of Person who Served Divorce Complaint and Affidavit under Section 3301(d)

on \_\_\_\_\_, 20\_\_\_\_, the Defendant was served with a true and correct copy  
of the Divorce Complaint and Affidavit Under Section 3301(d) of the Divorce Code and Counter-  
Affidavit by the following method:

**(CHECK ONE)**

Service was made by **United States Postal Service**, first class mail, postage prepaid, certified, **restricted delivery**, return receipt requested to the above-captioned Defendant, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The return receipt (postal green card) signed by the above-captioned **Defendant**, \_\_\_\_\_ is attached hereto.  
Name of Defendant

The above-captioned Defendant, \_\_\_\_\_ was  
Name of Defendant  
personally served with a true and correct copy of the above pleading by hand-delivering the same to the above-captioned Defendant by **someone other than the above-captioned Plaintiff**. Personal service was made at the following location and time:  
\_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, at  
\_\_\_\_\_ M.

**(PERSONAL SERVICE CANNOT BE MADE BY THE ABOVE-CAPTIONED PLAINTIFF.)**

**THIS FORM MUST BE FILED WITH THE PROTHONOTARY WITHIN TEN (10) DAYS OF THE DATE OF SERVICE.**

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

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of the Person Who Made Service  
(Plaintiff if Defendant was served by United States Postal Service OR  
Person other than Plaintiff who accomplished personal service upon  
Defendant.)

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
Print Name of Plaintiff

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

:  
:  
: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV  
:  
:

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN DIVORCE  
:

**AFFIDAVIT OF NO SERVICE**

I, \_\_\_\_\_, verify that on the  
(Your Name or Name of Person who Attempted Service of the Divorce Complaint and Affidavit under Section 3301(d))

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I attempted to serve the Defendant with a true and correct copy of the Divorce Complaint, Affidavit under Section 3301(d) of the Divorce Code and Counter-Affidavit by the following method:

**(CHECK ONE)**

Service was attempted by **United States Postal Service**, first class mail, postage prepaid, certified, **restricted delivery**, return receipt requested to the above-captioned Defendant, \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The certified mail was returned unclaimed/not returned by the United States Postal Service.  
Name of Defendant

Service was attempted upon the above-captioned Defendant, \_\_\_\_\_, by **someone other than the above-captioned Plaintiff**. Personal service was attempted at the following location: \_\_\_\_\_ on this date: \_\_\_\_\_, 20\_\_\_\_, at this time: \_\_\_\_\_ M.  
(Name of Defendant)

**(AN ATTEMPT AT PERSONAL SERVICE CANNOT BE MADE BY THE ABOVE-CAPTIONED PLAINTIFF.)**

**THIS FORM MUST BE FILED WITH THE PROTHONOTARY WITHIN TEN (10) DAYS OF THE EXPIRATION OF TIME ALLOWED FOR SERVICE.**



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. §4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of the Person who Attempted Service (Plaintiff if service was attempted by United States Postal Service, OR Person other than Plaintiff who attempted personal service upon Defendant)

\_\_\_\_\_  
Print Name

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
Print Name of Plaintiff

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

:  
:  
: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN DIVORCE  
:

**ACCEPTANCE OF SERVICE OF DIVORCE COMPLAINT WITH THE NOTICE TO DEFEND AND CLAIM RIGHTS, THE AFFIDAVIT UNDER SECTION 3301(d) OF THE DIVORCE CODE AND THE COUNTER-AFFIDAVIT**

***If you are an abuse victim, you are not required to list your address but you must complete a Confidential Information Form and file at the same time as you file the Acceptance of Service. Write "See Confidential Information Form" on the applicable line.***

I accept service of the Divorce Complaint with the Notice to Defend and Claim Rights, the Affidavit under Section 3301(d) of the Divorce Code and the Counter-Affidavit.

\_\_\_\_\_  
Date of Receipt

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Mailing Address of Defendant

\_\_\_\_\_  
City, State and Zip Code

**THIS FORM MUST BE FILED WITH THE PROTHONOTARY WITHIN TEN (10) DAYS OF THE DATE OF SERVICE.**

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE OF PLAINTIFF

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

:  
:  
: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV  
:  
:

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN DIVORCE  
:

**NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD UNDER SECTION 3301(C)(2) OR SECTION 3301(D) OF THE DIVORCE CODE**

TO: \_\_\_\_\_ (Plaintiff/Defendant)

You have been sued in an action for divorce. You have failed to answer the Complaint or file a Counter-Affidavit to the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code or the Affidavit under Section 3301(d) of the Divorce Code. Therefore, on or after \_\_\_\_\_ the  
Date Which Is At Least Twenty Days From Date of Service of this Notice  
other party can request the court to enter a final Decree in Divorce, or if there are unresolved ancillary claims, an order approving grounds for divorce as indicated on the proposed Praecipe to Transmit Record, which is attached.

If you do not file an answer with your signature notarized or verified by the above date, the court can enter a final decree in divorce or, if there are unresolved ancillary claims, an order approving grounds for divorce.

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date, or the court may grant the divorce or an order approving grounds for divorce and you may lose forever the right to ask for economic relief. The filing of the form Counter-Affidavit alone does not protect your economic claims.

**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. 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.**

**DAUPHIN COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE  
213 N. FRONT STREET  
HARRISBURG, PA 17101  
(717) 232-7536**

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN DIVORCE  
:

**COUNTER-AFFIDAVIT UNDER SECTION 3301(d) OF THE DIVORCE CODE.**

1. Check either (a) or (b):

- (a) I do not oppose the entry of a divorce decree.
- (b) I oppose the entry of a divorce decree because:  
(check (i) or (ii), (iii) or all):
- (i) The parties to this action have not lived separate and apart for the required separation period: two years for parties separated prior to December 5, 2016, and one year for parties that separated on or after December 5, 2016.
- (ii) The marriage is not irretrievably broken.
- (iii) There are economic claims pending.

2. Check (a), (b) or (c):

- (a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees, costs and expenses, or other important rights.
- (b) I wish to claim economic relief, which may include alimony, division of property, lawyer's fees, costs and expenses, or other important rights.

**I UNDERSTAND THAT IN ADDITION TO CHECKING (2)(b), I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.**

- (c) Economic Claims have been raised and are not resolved.

I verify that the statements made in this counter-affidavit are true and correct. I

understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Signature of Plaintiff/Defendant

**NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.**

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

:  
:  
: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN DIVORCE  
:

**ACCEPTANCE OF SERVICE OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD and COUNTER-AFFIDAVIT**

***If you are an abuse victim, you need not list your address but you must complete a Confidential Information Form and file at the same time as you file the Acceptance of Service. Write "See Confidential Information Form" on the applicable line.***

I, \_\_\_\_\_, Defendant in

the above-captioned proceeding accept service of the Notice of Intention to File the Praecipe to Transmit Record and Counter-Affidavit.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State and Zip Code

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

:  
:  
: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN DIVORCE  
:

**AFFIDAVIT OF SERVICE OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD**

I, \_\_\_\_\_,  
Your Name or Name of Person who Served Notice of Intention to File the Praecipe to Transmit Record

verify that on \_\_\_\_\_, 20\_\_\_\_, the above-captioned Defendant was served with a true and correct copy of the Notice of Intention to File the Praecipe to Transmit Record and Counter-Affidavit.

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. §4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of the Person Who Made Service

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name



\_\_\_\_\_  
Plaintiff (Your Complete Name)

v.

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA  
:  
:  
: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV  
:  
: IN DIVORCE  
:

**WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD**

1. Without further notice, I consent to the entry of:  
 a final decree of divorce; or  
 an order approving grounds for divorce.
2. I understand that I may lose rights concerning alimony, equitable division of marital property, lawyer's fees, costs and expenses, or other important rights 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 after it is filed.

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. §4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

:  
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:  
:

: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN DIVORCE

**WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD**

1. Without further notice, I consent to the entry of:  
 a final decree of divorce; or  
 an order approving grounds for divorce.
2. I understand that I may lose rights concerning alimony, equitable division of marital property, lawyer's fees, costs and expenses, or other important rights 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 after it is filed.

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. §4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

: NO. \_\_\_\_ CV \_\_\_\_ DV

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN DIVORCE  
:  
:

**TO THE PROTHONOTARY, FILE AND SEAL THE FOLLOWING:**

**DIVORCE INFORMATION SHEET**

Please complete the appropriate information and file with the Prothonotary.

<b>DOCKET NUMBER</b>							
<b>PLAINTIFF'S NAME</b>							
<b>PLAINTIFF'S SOCIAL SECURITY NUMBER</b>							
<b>DEFENDANT'S NAME</b>							
<b>DEFENDANT'S SOCIAL SECURITY NUMBER</b>							
<b>YEARS MARRIED</b>	<5	5-9	10-14	15-19	20-24	25-29	>30
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Plaintiff (Your Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

v.

:  
:  
:  
: NO. \_\_\_\_ CV \_\_\_\_ DV

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN DIVORCE  
:

**PRAECIPE TO TRANSMIT RECORD**

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of

(check one of the following):

- a divorce decree;
- a divorce decree with marital settlement agreement attached;
- a bifurcated divorce decree with the Court retaining jurisdiction over unresolved ancillary claims; or
- an order approving grounds for divorce with the Court retaining jurisdiction over unresolved ancillary claims.

1. Check the applicable section of the Divorce Code.

Grounds for divorce: irretrievable breakdown under:

- Section 3301(c)(1)
- Section 3301(c)(2)
- Section 3301(d)

2. Service of the Complaint:

(a) Date served: \_\_\_\_\_

(b) Manner of service: \_\_\_\_\_

3. Complete either paragraph (a) or (b).

(a) **Section 3301(c)(1) or (2) of the Divorce Code** – Insert the date each party signed the Affidavit of Consent, and **if the ground for divorce is under Section 3301(c)(2) of the Divorce Code**, insert the date the spouse was convicted of the personal injury crime identified in 23 Pa.C.S. §3103 next to the appropriate party and complete (1) and (2).

Plaintiff \_\_\_\_\_  
Date Affidavit of Consent was signed.

Defendant \_\_\_\_\_  
Date Affidavit of Consent was signed.

(1) The date the party signed the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code:

\_\_\_\_\_

(2) The date of filing and manner of service of the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code and a blank Counter-Affidavit under Section 3301(c)(2) upon the other party:

\_\_\_\_\_.

(b) **Section 3301(d) of the Divorce Code:**

(1) The date the Affidavit under Section 3301(d) of the Divorce Code was signed: \_\_\_\_\_;

(2) Date of filing and manner of service of the Affidavit under Section 3301(d) of the Divorce Code and blank Counter-Affidavit under Section 3301(d) of the Divorce Code upon the other party:

\_\_\_\_\_

4. Related ancillary claims pending: \_\_\_\_\_

5. Complete **either** (a) or (b).

(a) Notice of Intention to File the Praeceptum to Transmit Record:

(1) Date served: \_\_\_\_\_.

(2) Manner of service: \_\_\_\_\_.

(b) The date of filing of the party's Waiver of Notice of Intention to File the Praeceptum to Transmit Record:

(1) Plaintiff's Waiver: \_\_\_\_\_.

(2) Defendant's Waiver: \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature (Plaintiff) (Defendant)

**CERTIFICATION**

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
Print Name



\_\_\_\_\_  
Plaintiff (Your Complete Name)

v.

\_\_\_\_\_  
Defendant (Your Spouse's Complete Name)

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA  
:  
:  
: NO. \_\_\_\_\_ CV \_\_\_\_\_ DV  
:  
: IN DIVORCE  
:

**DIVORCE DECREE**

AND NOW, this \_\_\_\_\_, 20\_\_\_\_, it is ordered and  
decreed that \_\_\_\_\_, Plaintiff,  
(Your Complete Name)  
and \_\_\_\_\_, Defendant,  
Your Spouse's Complete Name  
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 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 be deemed an order for alimony *pendente lite* if any economic claims remain pending.

BY THE COURT:

\_\_\_\_\_  
JUDGE

IN THE COURT OF COMMON PLEAS  
DAUPHIN COUNTY, PENNSYLVANIA

\_\_\_\_\_  
PLAINTIFF

vs.

NO. \_\_\_\_\_

\_\_\_\_\_  
DEFENDANT

**SELF-REPRESENTED PARTY ENTRY OF APPEARANCE**

1. I am the  Plaintiff  Defendant in the above-captioned **(MARK ONE)**  custody,  divorce,  support,  protection from abuse,  paternity case.
2.  This **(MARK ONE)**  is  is not a new case and I am representing myself in this case and have decided not to hire an attorney to represent me.

**OR (check only one box)**

- This is **NOT** a new case and \_\_\_\_\_ previously  
(Name of Attorney)  
represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case.

I have provided a copy of this form to that attorney listed above at the following address:

\_\_\_\_\_

- I am entering my appearance as a self-represented party (sign) \_\_\_\_\_  
My attorney acknowledges his/her withdrawal as my attorney in this case.  
(Attorney signature) \_\_\_\_\_, Esq.

**3. Check one box.**

- I am a victim of abuse and the other party to this action was the abuser. My address is listed on the Confidential Information Form Abuse Victim Addendum filed along with this Self-Represented Party Entry of Appearance.
- I am not an abuse victim and my address for the purpose of receiving all future pleadings and other legal notices is: \_\_\_\_\_. I understand that this address will be the only address to which notices and pleadings in this case will be sent, and that I am responsible to regularly check my mail at this address to ensure that I do not miss important deadlines or proceedings.

**4. Check one box.**

- I am a victim of abuse and the other party to this action was the abuser. My telephone number and email address are listed on the Confidential Information Form Abuse Victim Addendum filed along with this Self-Represented Party Entry of Appearance.
- I am not the victim of abuse and my telephone number where I can be reached during normal business hours (8:00 a.m. – 4:30 p.m. Monday – Friday) is \_\_\_\_\_. My email address is \_\_\_\_\_.

5. I UNDERSTAND I MUST FILE A NEW FORM AND CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM (IF APPLICABLE) EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

6. Check one box.

I have provided a copy of this form to all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name \_\_\_\_\_ Address \_\_\_\_\_

Name \_\_\_\_\_ Address \_\_\_\_\_

I am a victim of abuse and the other party to this action was the abuser. I understand that I should only provide a copy of this form to all other attorneys or self-represented parties **BUT THAT I SHOULD NOT PROVIDE A COPY OF THE CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM TO ANYONE EXCEPT TO THE COURT BY FILING THAT FORM WITH THE APPROPRIATE FILING OFFICE (PROTHONOTARY OR DOMESTIC RELATIONS).**

7. I fully understand that by deciding to represent myself, the Court will hold me to the same standards of knowledge regarding the statutory law, evidence law, Local and State Rules of Procedure and applicable case law as a Pennsylvania licensed attorney, and that I must be fully prepared to meet those responsibilities.

I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities which could result in a fine and/or prison term.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Your Signature)

### CERTIFICATION

I, \_\_\_\_\_, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature