

SNYDER COUNTY
PRO-SE DIVORCE PACKET
INSTRUCTIONS & FORMS

DISCLAIMER

THE STAFF IN ANY COURT OFFICE CANNOT GIVE YOU LEGAL ADVICE. THE INFORMATION IN THE PACKET 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 PENNSYLVANIA BAR ASSOCIATION at 1-800-932-0311 or PA LAWYER REFERRAL SERVICE AT 1-(800)692-7375 or www.PaLawHelp.org.

IT IS STRONGLY RECOMMENDED THAT YOU CONTACT AN ATTORNEY.

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GENERAL INFORMATION REGARDING DIVORCE

In 1980, the Pennsylvania divorce law changed to allow married couples 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.

This packet of forms, information and instructions was developed so that you will not need a lawyer to file for a No-Fault Consensual Divorce (both agree to the divorce), No-Fault Presumed Consent Divorce, or a No-Fault Non-Consensual Divorce (and applicable time of separation - you have lived separate and apart for one year and the date of separation was on or after December 5, 2016 OR you have lived separate and apart for two years and the date of separation was before December 5, 2016).

WHILE YOU ARE PERMITTED TO FILE LEGAL PAPERS AND REPRESENT YOURSELF IN COURT (PRO SE), IT IS STRONGLY RECOMMENDED THAT YOU SEEK THE ADVICE OF AN ATTORNEY.

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

DEFINITIONS OF TERMS USED IN DIVORCE

PLAINTIFF – the person who starts a lawsuit.

DEFENDANT – the person who is being sued.

PARTY – a person named in a Complaint (the Plaintiff or Defendant).

NO-FAULT DIVORCE – a divorce in which one spouse does not have to prove that the other spouse did something wrong.

IRRETRIEVABLY BROKEN – the term that means that the marriage has 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 and all economic issues related to the divorce have been resolved.

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.

COUNSELING – a court can order sessions with a marriage counselor if either party requests it.

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 Complaint and other necessary forms to the Prothonotary's Office to be date-stamped. The Prothonotary's Office will keep the original and one copy of all forms and return the extra copies to you.

EXPLANATION OF FORMS USED IN DIVORCE ACTIONS

PETITION FOR WAIVER OF COSTS – There is a cost to “file” the Notice to Defend and Claim Rights and Divorce Complaint. If you cannot afford to pay these fees to the Court, you can complete the Petition for Waiver of Costs.

NOTICE TO DEFEND AND CLAIM RIGHTS – a cover page that is attached to the front of the Divorce Complaint which tells 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 counseling.

DIVORCE COMPLAINT – a legal document that sets out specific information about the Plaintiff, the Defendant, and the marriage. It also asks the court to grant a 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 which relates to the divorce.

SELF-REPRESENTED PARTY ENTRY OF APPEARANCE – a form indicating to the Court you are proceeding with filing the Divorce Complaint without an attorney. It provides the Court with your mailing address and telephone number.

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 CONSENT – a document that must be signed and filed with the Prothonotary’s Office no earlier than 90 days after a Complaint is SERVED. The affidavit states that the marriage is irretrievably broken and the party signing the affidavit wants a divorce. **BOTH PARTIES MUST SIGN AND FILE AN AFFIDAVIT OF CONSENT.**

WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT – a document that must be signed and filed in the Prothonotary’s Office no earlier than ninety (90) days after the Complaint is SERVED. **BOTH PARTIES** must file this form waiving notice of a request for entry of the divorce decree and if neither party wishes to claim alimony, division of property, attorney’s fees or costs and expenses.

AFFIDAVIT OF NON-MILITARY SERVICE – You cannot obtain a non-consensual (3301(d)) divorce against an unrepresented Defendant if he/she is in the military. Therefore, you only need this

form if your spouse is NOT represented by counsel, and you are seeking a divorce under Section 3301(d) of the Divorce Code (No-Fault and applicable time of separation).

AFFIDAVIT (OF SEPARATION) UNDER 3301(d) OF THE DIVORCE CODE - A form that you sign indicating that you have been separated from your spouse for more than a year.

COUNTER-AFFIDAVIT- A form that your spouse fills out if they do not agree with the amount of time separated or if they want to make economic claims.

NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD - This form must be given to your spouse 20 days before you file the Praecipe to Transmit the Record.

CERTIFICATE OF SERVICE – This a form that that must be filed with the Prothonotary’s Office indicating that the Plaintiff has delivered forms to the other party. It needs to be filed once forms such as the “Affidavit of Separation”, the “Affidavit of Non-Military Service”, if applicable, and the “Notice of Intention to Request Entry of Divorce Decree and Counter-Affidavit” are given to the other party.

PRAECIPE TO TRANSMIT RECORD – a form that asks the Prothonotary’s Office to send the file to a judge for review and entry of a Divorce Decree.

DECREE – an Order from the Court granting the divorce.

NOTICE OF INTENT TO RETAKE PRIOR NAME – 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 SNYDER County Prothonotary’s Office and file a statement indicating that you intend to resume your maiden name. The cost is subject to change see Prothonotary’s office or county website, which has to be paid in cash, certified check, or money order made payable to the SNYDER County Prothonotary.

PRAECIPE TO REINSTATE THE COMPLAINT – a form requesting the Prothonotary to re-start the clock for service if proper service has been unsuccessful.

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.

THE TYPES OF DIVORCES IN PENNSYLVANIA ARE AS FOLLOWS:

1. **No-Fault Consent Divorce 3301(c)(1)** – A divorce that requires the consent of both spouses.
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 3301(d)** – You can get a divorce without your spouse consenting if you 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.
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 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 is expected to remain in the institution for at least 18 months after you file for divorce.

GENERAL INSTRUCTIONS

STEP ONE: The Notice to Defend and Divorce Complaint. A divorce case is started with the filing of a “Complaint.” The “Notice to Defend and Claim Rights” must be attached on top. The Complaint is filed in the office where legal pleadings are filed (the Prothonotary’s Office). You must pay a filing fee (unless you have been granted the right to proceed In Forma Pauperis, and this request would be filed with your Complaint).

INSTRUCTIONS FOR COMPLETING A PETITION FOR WAIVER OF COSTS, A NOTICE TO DEFEND AND CLAIM RIGHTS, DIVORCE COMPLAINT AND ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY

A. Completing the Caption

The caption is the top part of page one (1) of the 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. This caption must be identical on all documents filed in your case, no matter who is filing a document.

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 the 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 IN EVERY CAPTION.

B. The following instructions correspond to each line on the Petition for Waiver of Costs.

If you cannot afford to pay the filing fees to the court, you can complete the Petition for Waiver of Costs. You will be asked for your income and expense statements. Once completed, take the Petition for Waiver of Costs to the Prothonotary’s Office in your county courthouse.

1. Fill in the Caption.
2. Fill in all the information below. Do not include any blank lines.
3. Write the date on which you are completing the form.
4. Sign your name on the form after carefully reading the statements.

C. The following instructions correspond to each line on the Notice to Defend and Claim Rights.

1. Print the address of the courthouse of the county in which you are filing. For SNYDER County, please use 9 W. Market Street, Middleburg, PA 17842.
2. Print the name of the county in which you are filing.
3. Print your name under Plaintiff.
4. Print your spouse’s name under Defendant.
5. The Prothonotary/Clerk’s Office will assign a docket number and write it in the caption. You will use that number in this case from now on.

EACH COUNTY HAS DESIGNATED AN AGENCY FOR INFORMATION ABOUT LEGAL SERVICES. CHECK COUNTY RULES OR CONTACT THE COURT ADMINISTRATOR’S OFFICE.

D. The following instructions correspond to each numbered paragraph in the Complaint for Divorce.

1. Fill in your full, legal name including the middle initial, your full mailing address

(street, number, route, box number, town, county, state, and zip code), and the month and year you began living at this address.

2. Fill in the Defendant's full, legal name including middle initial, the Defendant's full mailing address (street, number, route, box number, town, county, state, and zip code), and the month and year your spouse began living at this address.
3. Check the appropriate box stating whether you and or the defendant have resided in Pennsylvania for at least six 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, county, and state in which you were married.
5. If there has never been another divorce filed during this marriage, write the word "none." If there was an action filed in the past, write the docket number, the county in which the Divorce Complaint was filed, who filed the action, and what happened with the action (withdrawn, dismissed, etc.).
6. There is nothing to complete in this paragraph. It is a statement claiming the marriage is irretrievably broken, defined on page 2.
7. There is nothing to complete in this paragraph. It simply states that counseling is available.
8. There is nothing to complete in this paragraph. It simply requests a decree of divorce.
9. Sign the Complaint using your full, legal name and enter the date.
10. Complete and sign the Verification and Certification.

E. The following instructions correspond to each line on the Entry of Appearance of Self-Represented Party.

1. Print the name of plaintiff exactly as it appears on the Complaint.
2. Print the docket number that the office where legal pleadings are filed wrote on the Complaint at the time of filing.
3. Print the name of the defendant exactly as it appears on the Complaint.
4. Print your name and check whether you are the plaintiff or the defendant.

5. If you were represented by an attorney in this case, and no longer want his or her representation, check here. The attorney may also complete this section.
6. Complete this section with an address and telephone number so that you receive court papers, either from the court or from another party. The address does not need to be your home address.
7. This form must be filed, and a copy sent to all parties and attorneys, including an attorney removed from the case.

INSTRUCTIONS FOR FILING THE COMPLAINT

You will need to file the Divorce Complaint with the Notice to Defend and Claim Rights attached to the front of the Divorce Complaint with the SNYDER County Prothonotary's Office. You can file your divorce in SNYDER County if one of the following applies:

1. you live in SNYDER County;
2. your spouse lives in SNYDER County; or
3. you and your spouse agree in writing to file for Divorce in SNYDER 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 SNYDER 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 SNYDER, you will not be able to use these forms.

Once you complete the Notice to Defend and Claim Rights and the Complaint, you will have to make two (2) copies of the completed Notice to Defend and Claim Rights and two (2) copies of the Complaint. You must attach a Notice to Defend and Claim Rights to the front of each Complaint you have just completed. Be sure the caption on all copies of each form is completed.

You will then be ready to file your papers. Take all copies of the Complaint and the Notice to Defend and Claim Rights (a total of three (3)) to the SNYDER County Prothonotary's Office, which is located on the first floor of the SNYDER County Courthouse, 103 S. Second Street, Lewisburg, PA. The Prothonotary's Office will put a docket number on each notice to Defend and Claim Rights and Complaint and will keep the original for filing. The Prothonotary's Office will date-stamp the documents and will return two (2) copies of the Complaint and Notice to Defend and Claim Rights to you. Be sure the docket number is on each copy of the Notice to Defend and Claim Rights and the Complaint.

You must serve one (1) copy of the Notice to Defend and Claim Rights and the Complaint on the Defendant (see Instructions for Serving the Notice to Defend and Claim Rights and Divorce Complaint). The other copy is for your records.

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

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

INSTRUCTIONS FOR SERVING THE DIVORCE COMPLAINT

“Service” means that the Defendant received the Notice to Defend and Claim Rights and the Divorce Complaint. Service must be made within thirty (30) days of the filing of the Complaint. Service can be made in a number of ways.

1. **Personal service** – this is accomplished by an adult, **other than you**, personally handing the Notice to Defend and Claim Rights and the Complaint to the Defendant. The person who handed the papers to the Defendant must sign an Affidavit of Personal Service, which is included in the forms. **A THIRD PARTY MUST PERSONALLY SERVE YOUR SPOUSE. YOU CANNOT PERSONALLY SERVE YOUR SPOUSE.**
2. **Service by Certified Mail** – this can be accomplished by sending a copy of the “Notice to Defend and Claim Rights” and the “Divorce Complaint” to the **Defendant by certified mail, return receipt requested, or restricted delivery.** **The Defendant is the only person who is permitted to sign for the delivery of the Notice to Defend and Claim Rights and the Divorce Complaint.**
 - a. Prepare an envelope with the other party’s name and address, using your own address as the return address.
 - b. Print the words “Restricted Delivery” on the lower left-hand corner of the envelope. It is best to do this with red ink.

- c. Someone at the post office can help you complete the cards properly, but here are the instructions for your information:
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
- d. 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.
- e. 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 postage. The number from this slip of paper will be filled in on the green card where indicated.
- f. **MAKE SURE YOU KEEP THE RECEIPT FROM THIS SLIP.** Check with the post office for the cost of certified mail, return receipt, restricted delivery.
- g. **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 THE PIECE OF PAPER TO THE COMPLETED "AFFIDAVIT OF SERVICE BY CERTIFIED MAIL" AND FILE IT WITH THE COURT (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 the sheriff.

- 3. **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" and the "Divorce Complaint" to your spouse and have him or her complete "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 you have him or her complete the "Acceptance of Service" form. If you obtain the completed "Acceptance of Service" form, file this with the Prothonotary's Office.
- 4. **Sheriff** – The safest way to ensure that service is accomplished is to use the SNYDER County Sheriff's Office. Confirm costs with the Sheriff's Department. The Sheriff's Office is located on the first floor of the SNYDER County Courthouse.

INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF PERSONAL SERVICE

After the Notice to Defend and Claim Rights and the Complaint have been personally served to the Defendant, the third party who made service must complete the Affidavit of Service.

- 1. First Blank** – The Person who handed the Notice to Defend and Claim Rights and the Complaint to your spouse must print their full name.
- 2. Complete A, B, or C** – Section A. is to be filled out if the documents were directly handed to the Defendant. Section B is to be filled out if the documents were served to someone other than the Defendant at their residence. Section C is to be filled out if there was a Special Order of Court. All three sections do not need to be filled out; choose what is applicable.
- 3. The individual who served the documents will need to sign and date the Affidavit.**
- 4. Take the Affidavit to the Prothonotary’s Office for filing.**

INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF SERVICE BY CERTIFIED MAIL RESTRICTED DELIVERY

If you served your spouse by certified mail, write your name on the first line. In paragraph 1 fill in the date you mailed the Complaint and Notice to Defend. In paragraph 2 fill in the date your spouse signed the green card. Then sign and date the Affidavit of Service by Certified Mail. Be sure to put the “docket number” on the caption and write the same year that is on the Complaint. Staple the green card and receipt to a plain piece of paper and attach it to the Affidavit of Service. Take the Affidavit with attached paper to the Prothonotary’s Office for filing.

Take the Affidavit to the Prothonotary’s Office for filing.

INSTRUCTIONS FOR COMPLETING THE ACCEPTANCE OF SERVICE

If your spouse was personally served, he or she must check the category of the filing, date and sign the Acceptance of Service.

Take the Acceptance of Service with the Prothonotary’s Office within 30 days after it has been signed and dated.

IF YOUR SPOUSE CONSENTS TO THE DIVORCE, FOLLOW THE STEPS FOR A 3301(c)(1) DIVORCE ON PAGES 14 - 19.

IF YOUR SPOUSE HAS BEEN CONVICTED OF COMMITTING A “PERSONAL INJURY CRIME” AGAINST YOU, YOU MAY PROCEED UNDER SECTION 3301(c)(2) OF THE DIVORCE CODE. SEE PAGES 20-22.

IF YOUR SPOUSE DOES NOT CONSENT TO THE DIVORCE, FOLLOW THE STEPS FOR A 3301(d) DIVORCE ON PAGES 23-26.

For Additional Information:

<https://www.pacourts.us/learn/representing-yourself/divorce-proceedings>

**DIVORCE UNDER SECTION 3301(c)(1) OF
THE DIVORCE CODE
(TO BE USED WHEN BOTH PARTIES CONSENT TO THE
DIVORCE AND THERE IS NO REQUEST FOR ALIMONY, DIVISION OF
PROPERTY, ATTORNEY'S FEES)**

THESE FORMS ARE PROVIDED ONLY FOR A NO-FAULT CONSENT DIVORCE WHEN THE FILING PARTY DOES NOT WISH TO REQUEST CUSTODY, ALIMONY PENDENTE LITE, ALIMONY, ATTORNEY FEES, COST AND EXPENSES, OR THE DISTRIBUTION OF MARITAL PROPERTY.

NOT INCLUDED WITH THESE FORMS ARE THE DOCUMENTS NECESSARY TO FILE FOR CUSTODY, ALIMONY PENDENTE LITE, ALIMONY AND/OR EQUITABLE DISTRIBUTION OF MARITAL PROPERTY.

THE INFORMATION AND FORMS ARE NOT FOR YOU 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, court costs and expenses.**
- 5. If your spouse is in the military service.**
- 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.)**
- 7. If you want to file for divorce where consent is presumed because your spouse was convicted of committing a personal injury crime against you.**

If you wish to file for custody, alimony pendente lite, alimony, and/or equitable distribution of marital property, you will be unable to do so using these forms. The following paragraphs discuss Alimony and Equitable Distribution.

A No-Fault Consensual Divorce allows a spouse to ask for alimony if the spouse cannot support himself 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. **YOU CAN NEVER COME BACK AGAIN AND ASK THE COURT TO ORDER ALIMONY.**

A No-Fault Consensual Divorce also allows either spouse to ask the court for equitable distribution of marital property (see Definition of Terms Page in these instructions). The court will consider the length of the marriage, the ages, health, needs and source 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, YOU CAN NEVER COME BACK 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 the 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, counseling is not free.

Either party in a divorce action has the right to request that a 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 Custody (see Pro Se Custody Forms).

INSTRUCTIONS

1. Follow the instructions on Pages 6-9 to complete the caption, Petition for Waiver of Costs, Notice to Defend and Claim Rights, Divorce Complaint and Entry of Appearance of a Self-Represented Party.
2. Follow the instructions on Page 9-10 to file the Complaint **(STEP ONE)**.
3. Follow the instructions on Pages 10-12 to serve the Divorce Complaint and complete the appropriate form regarding method of service **(STEP TWO)**.

STEP THREE: WAIT 90 DAYS after Serving the Divorce Complaint

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

STEP FOUR: Affidavit of Consent and EITHER Waiver of Notice or Notice of Intention to File Praecipe to Transmit Record.

4. Forms to be filed with the Prothonotary's Office together, **ninety (90) days** from date of service: **DO NOT SIGN, DATE OR FILE THE AFFIDAVITS OF CONSENT OR THE WAIVER OF NOTICE OR INTENTION TO REQUEST ENTRY OF DIVORCE DECREE BEFORE NINETY (90) DAYS HAVE ELAPSED FROM THE DATE OF SERVICE OF THE DIVORCE COMPLAINT.**

- a. Affidavit of Consent: each spouse must sign an Affidavit of Consent **no earlier than 90 days** after the Complaint is SERVED on the Defendant. Both Affidavits of Consent must be filed **within 30 days** after they are signed by the parties.
- b. Waivers of Notice of Intention to Request Divorce Decree: each spouse must sign a Waiver **no earlier than 90 days** after the Divorce Complaint is served. Both Waivers of Notice of Intention to Request Divorce Decree must be filed **within 30 days** after they are signed by the parties.
- c. Praecipe to Transmit Record.
- d. Decrees (Prepare three (3) proposed “Divorce Decrees”)

INSTRUCTIONS FOR COMPLETING THE AFFIDAVITS OF CONSENT

There are two (2) Affidavits of Consent included in this packet, one for you and one for your spouse.

THE AFFIDAVITS OF CONSENT CANNOT BE SIGNED AND FILED UNTIL NINETY (90) DAYS HAVE PASSED FROM THE DAY YOU SERVED THE COMPLAINT.

- a. Make sure you complete the caption of each Affidavit of Consent.
- b. Paragraph 1 – print the date on which the Complaint was filed on both Affidavits (the date the Prothonotary’s Office stamped on your copy of the Complaint) and the date when the defendant was served.
- c. Date and sign the form for the Plaintiff with your full, legal name, including middle initial.
- d. The second Affidavit of Consent must be dated and signed by your spouse. Mail your spouse a copy of the Affidavit of Consent or contact him or her personally.
- e. YOU AND YOUR SPOUSE MUST FILE YOUR AFFIDAVITS OF CONSENT WITHIN THIRTY (30) DAYS AFTER THEY HAVE BEEN SIGNED. For example, you cannot sign your Affidavit of Consent one day and file it 45 days later.

File both Affidavits of Consent with the Prothonotary’s Office within 30 days after they are signed and dated. Remember, when you file both Affidavits of Consent, you should also file both Waivers of Notice of Intention to Request Entry of a Divorce Decree, the Praecipe to Transmit Record, and the Decrees.

INSTRUCTIONS FOR CERTIFICATE OF SERVICE

1. Fill in caption.

2. Check the box(es) of the documents you have served on your spouse.
3. Provide the information of your spouse's name and address where you served the documents.
4. Print and sign your name and fill in the date.
5. Fill out the caption and sign the Certification of Compliance on page 2.
6. File the Certificate within 10 days of Service.

THIS DOCUMENT MUST BE FILED AFTER SERVICE OF EACH DOCUMENT.

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

When you file your Affidavit of Consent forms, you must also file both copies of the "Waiver of 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. Check the box you are requesting.
- c. Date and sign the form for the Plaintiff with your full, legal name, including middle initial.
- d. 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 you file the Affidavits of Consent, the Praecipe to Transmit Record, and the Decrees.

**INSTRUCTIONS FOR COMPLETING THE NOTICE OF INTENTION TO
FILE THE PRAECIPE TO TRANSMIT RECORD AND COUNTER-AFFIDAVIT**

If your spouse does not sign the Waiver of the Notice of Intention to File the Praecipe to Transmit Record under Section 3301(c)(1) of the Divorce Code, you must complete the Notice of Intention to File the Praecipe to Transmit Record and the Counter-Affidavit under Section 3301(c)(1) of the Divorce Code and serve both forms on the other party by either certified mail, restricted delivery, return receipt requested, personal service other than by the party, commercial carrier, or by the sheriff. See service instructions found on Pages 10-12.

- a. Complete the caption.
- b. Enter name of applicable party.
- c. Enter the date twenty (20) days after the date of filing with the Prothonotary.
- d. Attach the counter-affidavit to the notice.
- e. File both the Notice and the Counter-Affidavit with the Prothonotary and the Prothonotary will give you date-stamped copies. Serve a date-stamped copy on the

applicable party.

DO NOT FILE THE NOTICE OF INTENTION TO FILE PRAECIPE TO TRANSMIT RECORD AND THE COUNTER-AFFIDAVIT IF THE OTHER PARTY SIGNED THE WAIVER OF NOTICE OF INTENTION TO FILE PRAECIPE TO TRANSMIT RECORD.

STEP FIVE: Final Praecipe to Transmit Record and Divorce Decree.

INSTRUCTIONS FOR COMPLETING THE PRAECIPE TO TRANSMIT RECORD

- a. Again, make sure you complete the caption.
- b. Check the appropriate box. If neither party filed any claims for economic relief, you should check the divorce decree box.
- c. 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.

- d. Paragraph 2 – If the complaint was served by certified mail or commercial carrier, 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.

- e. Paragraph 3 –
 - (i.) 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.
 - (ii.) 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.

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

- g. Paragraph 5 – Complete either (a) or (b).
 - i. If you filed the Notice of Intention to File the Praecipe to Transmit Record, enter the date served in paragraph 1 and the manner of service in paragraph 2.

 - ii. If both parties signed the Waiver of Notice of Intention to File the Praecipe to Transmit Record, enter the date that you filed the parties’ Waiver of Notice of Intention to File the Praecipe 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.

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

After you complete the Praecipe to Transmit Record, file it in the Prothonotary’s Office along with both Affidavits of Consent, both Waivers of Notice of Intention to File the Praecipe to Transmit Record, the Dauphin County Divorce Information Sheet and the Decrees.

After you complete the Praecipe to Transmit Record, file it in the Prothonotary’s Office along with both the Affidavits of Consent, both Waivers of Notice of Intention to Request Entry of Divorce Decree, and the Decrees.

INSTRUCTIONS FOR COMPLETING DIVORCE DECREE

1. Complete the caption on all forms, including the docket number and year. Do not fill in any dates in the first line.
2. 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.
3. Take the Divorce Decree to the Prothonotary’s Office along with the Praecipe to Transmit Record, both Affidavits of Consent, and both Waivers of Notice of Intention to Request Divorce Decree.

The Prothonotary’s Office will forward the file to a judge for review and signature.

If all documents have been filed and served correctly, you may receive your signed divorce decree in as soon as 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.

NO-FAULT DIVORCE 3301(c)(2)
TO BE USED WHEN CONSENT IS PRESUMED
BECAUSE YOUR SPOUSE HAS BEEN CONVICTED OF
COMMITTING A PERSONAL INJURY CRIME AGAINST YOU

The purpose of this packet is to provide you with the information and documents you may need to obtain a divorce in Pennsylvania where your spouse has been convicted of committing a “personal injury crime” against you. Some examples of personal injury crimes are simple assault, terroristic threats, rape, aggravated assault, and strangulation. This packet is not meant for any divorce case involving property, support, or custody.

If your spouse has been convicted of committing a “personal injury crime” against you, you may use the forms listed below for 3301(c)(2). Please see Affidavit to Establish Presumption of Consent Under Section 3301(c)(2) of the Divorce Code for a list of “personal injury crimes.” You must print each form and take it to the Prothonotary’s Office in your county courthouse. You are required to “serve” or deliver a copy of each form you prepare to the opposing side.

INSTRUCTIONS

1. Follow the instructions on pages 6-9 to complete the caption, Petition for Waiver of Costs (optional), Notice to Defend and Claim Rights, Divorce Complaint and Entry of Appearance of a Self- Represented party.
2. Follow the instructions on pages 9 to file the Complaint. **(STEP ONE)**
3. Follow the instructions on pages 10-12 to serve the Divorce Complaint and complete the appropriate form regarding method of service. **(STEP TWO)**

COMPLETE THE FOLLOWING ADDITIONAL FORMS:

1. Affidavits of Consent (Instructions can be found on Page 16)
2. Affidavit to Establish Presumption of Consent
3. Counter-Affidavit (complete caption only)
4. Waivers of Notice of Intention to File Praeceptum to Transmit Record (Instructions can be found on Page 17) **OR** Notice of Intention to File the Praeceptum to Transmit Record Under Section 3301(c)(2) or Section 3301(d) of The Divorce Code (Instructions on Pages 25-26)
5. Praeceptum to Transmit Record (Instructions can be found on Pages 18-19)
6. Divorce Decree (Instructions can be found on Page 19)

STEP THREE: Wait 90 Days from the Date the Notice to Defend and Divorce Complaint were Served. The Pennsylvania Rules of Civil Procedure require you to wait ninety (90) days from the service of the Complaint before filing the consent form.

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

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

STEP FOUR: Affidavit of Consent, Affidavit to Establish Presumption of Consent Under Section 3301(c)(2) of the Divorce Code Affidavit of Consent: After ninety (90) days have passed from the date the Complaint was served upon your spouse, you may file an Affidavit of Consent, declaring that you consent to the divorce. The Affidavit of Consent must be filed within thirty (30) days after it is signed and dated. If you do not file the Affidavit of Consent within thirty days of the date it was signed, the Affidavit must be re-signed and re-filed.

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

**INSTRUCTIONS FOR AFFIDAVIT TO ESTABLISH PRESUMPTION OF CONSENT
UNDER SECTION 3301(c)(2)**

1. Fill in the caption.
2. Fill in the blanks on item number 2:
 - a. Write the date your spouse was convicted of a personal injury crime against you in the first blank.
 - b. Write the county where they were convicted in the second blank.
 - c. Write the docket number(s) of the case(s).
3. Check all boxes that apply.
4. Sign and date the verification and Certification of Compliance.

**INSTRUCTIONS FOR COUNTER-AFFIDAVIT UNDER SECTION 3301(c)(2) OF THE
DIVORCE CODE**

1. Fill in the caption of the Counter-Affidavit. There is nothing else for you, the plaintiff, to complete.

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

After you file the Affidavit of Consent and Affidavit to Establish Presumption of Consent Under Section 3301(c)(2) of the Divorce Code, you must serve these documents, along with a blank Counter-Affidavit Under Section 3301(c)(2) of the Divorce Code on your spouse. **You must use one of the methods of service listed on pages 10-12 of these instructions.**

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

Section 3301(c)(2) of the Divorce Code.

Notice of Intention OR Waiver of Notice: Twenty days after serving the documents in Step 5, either party could mail the other party the Notice of Intention to File the Praeceptum to Transmit Record Under Section 3301(c)(2) or Section 3301(d) of the Divorce Code. If both parties sign and file Waivers of Notice, then either party may immediately file a Praeceptum to Transmit Record and have the file go to a Judge. However, if one party mailed the other party a Notice of Intention to File the Praeceptum to Transmit the Record Under Section 3301(c)(2) or Section 33301(d) of the Divorce Code, then twenty (20) days must pass before you may file the Praeceptum to Transmit Record.

STEP SEVEN: Praeceptum to Transmit Record, Divorce Decree and any other form required by your county. After filing Waivers of Notice or one party sending the other party the Notice of Intention to File the Praeceptum to Transmit Record, the divorce may be concluded by either party filing with the court a Praeceptum to Transmit Record. Check your records for the exact dates necessary to complete the form.

NO-FAULT NON-CONSENSUAL DIVORCE 3301(d)
DIVORCE IN WHICH BOTH PARTIES DO NOT
CONSENT TO THE DIVORCE, NO PROPERTY NEEDS
TO BE DIVIDED, AND THE PARTIES HAVE BEEN
SEPARATED OVER ONE YEAR*

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.)**

INSTRUCTIONS

- 1. Follow the instructions on pages 6-9 to complete the caption, Petition for Waiver of Costs, Notice to Defend and Claim Rights, Divorce Complaint and Entry of Appearance of a Self-Represented party.**
- 2. Follow the instructions on pages 9 to file the Complaint. (STEP ONE)**

Follow the instructions on pages 10-12 to serve the Divorce Complaint and complete the appropriate form regarding method of service. (STEP TWO)

COMPLETE THE FOLLOWING ADDITIONAL FORMS:

- 1. Affidavit of Separation under Section 3301(d) of the Divorce Code**
- 2. Counter-Affidavit (fill out the caption only)**
- 3. Affidavit of Non-Military Service**
- 4. Waivers of Notice of Intention to File Praecipe to Transmit Record (Instructions can be found on Page 17) **OR** Notice of Intention to Transmit the Record under Divorce Section 3301(c)(2) or 3301(d)**
- 5. Praecipe to Transmit Record (Instructions can be found on Page 18)**

6. Divorce Decree (Instructions can be found on Page 19)

STEP THREE: *Wait the applicable time period.

*APPLICABLE TIME OF SEPARATION: If the period of separation from your spouse began on or after December 5, 2016, you will need to be living separate and apart from your spouse for a period of ONE YEAR, before filing your complaint in divorce. If the period of separation from your spouse began before December 5, 2016, you are required to be living separate and apart from your spouse for a period of TWO YEARS, before filing your complaint in divorce.

The Pennsylvania Rules of Civil Procedure require the parties to be separated for the applicable time of separation before proceeding with a non-consent no-fault divorce. The previous requirement of the two-year separation was amended by the Pennsylvania General Assembly in 2016, reducing the separation time requirement to one year after the effective date (December 5, 2016) of the new law.

IF THE PARTIES WERE SEPARATED FOR A TIME PERIOD BEFORE THE FILING OF THE COMPLAINT, THAT TIME IS INCLUDED IN THE APPLICABLE TIME OF SEPARATION REQUIREMENT. THEREFORE, IF YOU HAVE ALREADY BEEN SEPARATED FOR THE APPLICABLE TIME PERIOD AS DEFINED ABOVE WHEN YOU INITIALLY FILED, YOU MAY PROCEED WITH A 3301(d) DIVORCE IMMEDIATELY AFTER FILING AND SERVING THE NOTICE TO DEFEND AND DIVORCE COMPLAINT.

STEP FOUR: Affidavit Under 3301(d) of the Divorce Code, Notice of Intention to File the Praecipe to Transmit Record Under Section 3301(c)(2) and Counter-Affidavit, Affidavit of Non-Military Service.

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

INSTRUCTIONS FOR AFFIDAVIT OF NON-MILITARY SERVICE

You cannot obtain a no-fault non-consensual 3301(d) divorce against an unrepresented Defendant if he/she is in the military. Therefore, you only need this form if your spouse is **NOT** represented by counsel, and you are seeking a divorce under Section 3301(d) of the Divorce Code.

1. Fill in the caption.
2. Print your full name on the line.
3. Print the date.
4. Sign your name.
5. Sign and date the Certification of Compliance.
6. File the form with the Prothonotary.

INSTRUCTIONS FOR AFFIDAVIT OF SEPARATION UNDER SECTION 3301(d) OF THE DIVORCE CODE

1. Fill in the caption for both the affidavit and counter affidavit.
2. Fill in the date you and your spouse separated in Paragraph #1.
3. Check either box (a) or (b).
4. Sign and date the “Affidavit under Section 3301(d) of the Divorce Code”.
5. Make 2 copies. File the original form and copies with the Prothonotary.
6. Serve your spouse with the Affidavit Under Section 3301(d) of the Divorce Code and a blank copy of the Counter-Affidavit Under Section 3301(d) of the Divorce Code. You must use one of the methods of service listed on pages 10-12 of these instructions.
7. Sign and date the Certification of Compliance.
8. File the **Certificate of Service** matching the manner of service with the Prothonotary.
9. Wait twenty (20) days.

INSTRUCTIONS FOR NOTICE OF INTENTION TO TRANSMIT THE RECORD UNDER SECTION 3301(c)(2) OR 3301(d) DIVORCE

You must file a copy of the “Notice of Intention to file the Praecipe 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.

3. Fill out caption on second page.
4. Sign and date the Certification of Compliance on the second page.

After twenty (20) days have elapsed, you can file the Praeceptum to Transmit the Record.

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

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

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

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

STEP SEVEN: Praeceptum to Transmit Record, Divorce Decree, and any other forms required by your county. Upon the proper service of the above-mentioned documents, the divorce may be concluded by either party filing with the court a Final Praeceptum to Transmit Record. Attach a copy of the Notice of Intention to File the Praeceptum to Transmit Record Under Section 3301(c)(2) or Section 3301(d) of the Divorce Code. Check your records for the exact dates necessary to complete the form. Reminder: The date of execution is the date the form was signed. The date of the time-stamp is the date the form was filed. Additional forms are also required by the Court, including a proposed Divorce Decree.

MISCELLANEOUS FORMS:

INSTRUCTIONS FOR NOTICE TO RESUME PRIOR SURNAME

This form should be completed should you want to change your name to a previous name.

IF YOUR COUNTY REQUIRES THIS FORM BE NOTARIZED, DO NOT SIGN THIS FORM UNTIL YOU ARE IN FRONT OF A NOTARY PUBLIC.

1. Complete the caption.
2. On the first line, print your current full name.
3. Write either “Plaintiff” or “Defendant” (If you filed the original Divorce Complaint, then you are the Plaintiff. If you did not file the original Divorce Complaint, then you are the Defendant.
4. Write either the date the Divorce Complaint was filed or the date a Divorce Decree was granted in the appropriate space provided.
5. Write the surname (last name) of the name you wish to resume.
6. Sign and date the Certification of Compliance.
7. Write the date you sign the document.
8. Sign your current name.
9. Sign the name you are resuming.
10. Complete the caption on page 2 of the form.
11. The Notary Public will complete the rest of this form.

**INSTRUCTIONS FOR COMPLETING PRAECIPE TO
REINSTATE THE COMPLAINT**

You only need to file this form if you are UNABLE to successfully serve the Divorce Complaint on the other party within 30 days (or within 90 days if the other party does not live in Pennsylvania).

The date you file this Praecipe re-starts the clock for service, and you will have another 30 days (or 90 days if the other party does not live in Pennsylvania) to serve the Divorce Complaint on the other party.

1. Fill out the caption.
2. Write the date on which you are signing.
3. Sign the form.
4. Sign and date the Certification of Compliance
5. File the form with the Prothonotary’s Office. There may be a fee to reinstate the Divorce Complaint.

SCHEDULE OF DIVORCE COSTS:
COSTS ARE SUBJECT TO CHANGE

Divorce- 3301(c) or (d) (No Fault) Fees include: Writ, tax, JCP, AOPC, CTF, PAF,	Subject to change, please contact county Prothonotary's Office for fees or visit snydercounty.org
Self Help Pro Se Divorce Packet Fee	\$11.00 (Subject to change)
Hearing Officer's Fee	\$750.00

NOTE: All fees are to be paid by money order, cashier's check, personal check or cash. A money order or check should be made payable to the SNYDER County Prothonotary.

*** *Filing a divorce fee – fee includes initial filing, PAF, and Final Costs*

Additional resources available online:

www.PaLawHelp.org

<https://www.pacourts.us/learn/representing-yourself/divorce-proceedings>

_____, Plaintiff	:	IN THE COURT OF COMMON PLEAS
vs.	:	OF THE 17TH JUDICIAL DISTRICT
	:	OF PENNSYLVANIA
_____, Defendant	:	SNYDER COUNTY BRANCH
	:	
	:	CIVIL ACTION – DIVORCE
	:	
	:	NO. _____

PETITION FOR WAIVER OF COSTS

1. I am the Plaintiff in the above matter and because of my financial condition, I am unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) NAME: _____

ADDRESS: _____

(b) EMPLOYMENT

If you are presently employed, state:

EMPLOYER: _____

ADDRESS: _____

SALARY OR WAGES PER MONTH: _____

TYPE OF WORK: _____

If you are presently unemployed state:

DATE OF LAST EMPLOYMENT: _____

SALARY OR WAGES PER MONTH: _____

TYPE OF WORK: _____

(c) OTHER INCOME WITHIN THE PAST 12 MONTHS

(Write the gross amount (before taxes) per month that you received and the months you received this income.)

BUSINESS OR PROFESSION: _____

OTHER SELF-EMPLOYMENT: _____

INTEREST: _____

DIVIDENDS: _____

PENSION OR ANNUITIES: _____

SOCIAL SECURITY BENEFITS: _____

SUPPORT PAYMENTS: _____

DISABILITY PAYMENTS: _____

UNEMPLOYMENT COMPENSATION AND

SUPPLEMENTAL BENEFITS: _____

WORKER'S COMPENSATION: _____

PUBLIC ASSISTANCE: _____

OTHER: _____

(d) OTHER CONTRIBUTORS TO HOUSEHOLD SUPPORT

(Write the gross amount (before taxes) per month that you received and the months you received this income.)

Name of person contributing: _____

Relationship to you: _____

If your spouse contributes and is employed, state:

EMPLOYER: _____

SALARY OR WAGES: _____

TYPE OF WORK: _____

CONTRIBUTIONS FROM CHILDREN: _____

CONTRIBUTIONS FROM PARENTS: _____

OTHER CONTRIBUTORS: _____

(e) PROPERTY OWNED

CASH: _____

CHECKING ACCOUNT: _____

SAVINGS ACCOUNT: _____

CERTIFICATES OF DEPOSIT: _____

REAL ESTATE (INCLUDING HOME): _____

MOTOR VEHICLE:

MAKE: _____ YEAR: _____

COST: _____ AMOUNT OWED: _____

STOCKS, BONDS: _____

OTHER: _____

(f) DEBTS AND OBLIGATIONS PER MONTH

MORTGAGE/RENT: _____

UTILITIES: ELECTRIC/WATER/SEWER: _____

OIL/GAS/HEAT: _____

PHONE: _____

CABLE: _____

LOANS: _____

CREDIT CARDS: _____

FOOD/NON-FOOD: _____

CHILD SUPPORT: _____

CHILD CARE: _____

TRANSPORTATION COSTS: _____

MEDICAL BILLS: _____

BACK TAXES: _____

MISCELLANEOUS HOUSEHOLD EXPENSES: _____

- (g) PERSONS DEPENDENT UPON YOU FOR SUPPORT
(CHILDREN, IF ANY, **DO NOT USE MINOR CHILDREN'S NAMES OR DATE OF BIRTH ON ANY PAPERWORK, ONLY ON CONFIDENTIAL FORM**)

DESIGNATION OF CHILD #1, 2, 3 etc. and CHILD #1	AGE:
_____	_____
_____	_____
_____	_____

OTHER PERSONS: _____

NAME: _____

RELATIONSHIP: _____

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.
5. 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: _____ 20 _____

(Signature of Plaintiff), pro se

CERTIFICATION OF COMPLIANCE

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		: IN THE COURT OF COMMON PLEAS
vs.		: OF THE 17TH JUDICIAL DISTRICT
		: OF PENNSYLVANIA
_____, Defendant		: SNYDER COUNTY BRANCH
		: CIVIL ACTION – DIVORCE
		: NO. _____

ORDER

AND NOW, this _____ day of _____, 20____, upon review of the Petition for Waiver of Costs, which establishes that the Plaintiff is without the financial resources to pay some or all of the costs of litigation, it is hereby ORDERED and DIRECTED that pursuant to Pa.R.C.P. 240, the Plaintiff is permitted to proceed In Forma Pauperis, without prepayment of filing costs.

Parties permitted to proceed In Forma Pauperis must inform the Court of improvement in their financial circumstances which will enable them to pay costs. In the event that the party filing the Complaint retains counsel, the costs waived by this Order shall be due and payable within thirty (30) days of the entry of appearance of counsel or the appearance of counsel at any proceeding, unless, prior to the said proceeding Pa.R.C.P. 240(d) and the subparagraphs thereof are complied with in full, including the filing of: a certification by the attorney that he or she is providing free legal services to the party and that he or she believes the party is unable to pay the cost; and the Praecipe required by Pa. R. Civ. P. 240(d)(1).

BY THE COURT:

 J.

_____		: IN THE COURT OF COMMON PLEAS
Plaintiff		: OF THE 17TH JUDICIAL DISTRICT
vs.		: OF PENNSYLVANIA
_____		: SNYDER COUNTY BRANCH
Defendant		: CIVIL ACTION – DIVORCE
		: NO. _____

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 or visitation 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 at 9 W. Market Street, Middleburg, PA 17842

(Address)

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, 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.

**OFFICE OF THE COURT ADMINISTRATOR
SNYDER COUNTY COURTHOUSE
9 W. MARKET STREET, MIDDLEBURG, PA 17842
(570) 837-4344**

_____,
Plaintiff
vs.
_____,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF THE 17TH JUDICIAL DISTRICT
: OF PENNSYLVANIA
: SNYDER COUNTY BRANCH
:
: CIVIL ACTION – DIVORCE
:
: NO. _____

COMPLAINT FOR DIVORCE
UNDER SECTION 3301(c) OR 3301(d) OF THE DIVORCE CODE

1. Plaintiff is _____ (Name), who currently resides at _____ (Street Address), _____ (City), _____ (County), _____ (State), since _____ (Date).
2. Defendant is _____ (Name), who currently resides at _____ (Street Address), _____ (City), _____ (County), _____ (State), since _____ (Date).
3. Plaintiff or/and Defendant has/have been a bona fide resident(s) in the Commonwealth for at least six months immediately previous to the filing of this Complaint.
4. The plaintiff and defendant were married on _____ (Date) at _____ (City) _____ (State/County).

5. There have been no prior actions of divorce or for annulment between the parties, except _____.
6. The marriage is irretrievably broken.
7. 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.
8. Plaintiff requests that the Court enter a decree of divorce.

I verify that the statements made 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.

Respectfully submitted,

Date: _____

Plaintiff's Signature

Plaintiff's Name

Street Address

City, State and Zip

Telephone

CERTIFICATION OF COMPLIANCE

I, _____, certify that this Complaint in Divorce 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	vs.	_____, Defendant	: IN THE COURT OF COMMON PLEAS : OF THE 17TH JUDICIAL DISTRICT : OF PENNSYLVANIA : SNYDER COUNTY BRANCH : : CIVIL ACTION – DIVORCE : : NO. _____
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ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY
PURSUANT TO Pa.R.C.P. No. 1930.8

I, _____, () Plaintiff or () Defendant, represent myself in the within action.

REMOVAL OR WITHDRAWAL OF COUNSEL OF RECORD (If Applicable)

___ Remove _____, Esq., as my attorney of record.

___ Withdraw my appearance for the filing party.

_____ Esq. (Print name) ID# _____

_____ Signature DATE: _____

I understand that I am under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

All pleadings and legal papers can be served on me at the address listed below:

Print Name

Signature

Address

City, State, Zip Code

Telephone Number

Fax

Date

THE PARTY FILING THIS ENTRY OF APPEARANCE MUST PROVIDE NOTICE BY SENDING A COPY TO ALL PARTIES AND ATTORNEYS, INCLUDING ATTORNEY REMOVED FROM THE CASE.

CERTIFICATION OF COMPLIANCE

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

_____		: IN THE COURT OF COMMON PLEAS
Plaintiff		: OF THE 17TH JUDICIAL DISTRICT
vs.		: OF PENNSYLVANIA
_____		: SNYDER COUNTY BRANCH
Defendant		: : :
		: CIVIL ACTION – DIVORCE
		: :
		: NO. _____

**DIVORCE COMPLAINT AND RELATED
DOCUMENTS – AFFIDAVIT OF
SERVICE BY PERSONAL SERVICE
Pursuant to Pa. R.C.P. 1930.4**

I, _____, hereby depose and say that **I am 18 years or older, and am**
(print full name)
not a party to the case, nor an employee or a relative of a party.

Complete A, B, or C:

A. On _____, at _____ .m. I personally served the Defendant at
(fill in date) (fill in time)

_____ by handing to him or her filed copies of the
(fill in address or location)

Divorce Complaint, Notice to Defend and Claim Rights, Notice of Availability of
Counseling, and, the 3301(d) Affidavit and Blank 3301(d) Counter-Affidavit, if
applicable (only required in 3301(d) Divorce Cases).

OR

B. On _____, at _____ .m. at the Defendant’s residence at,
(fill in date) (fill in time)

_____ I handed filed copies of the Divorce Complaint,
(fill in address)

Notice to Defend and Claim Rights, and the 3301(d) Affidavit and Blank 3301(d) Counter-Affidavit, if applicable (only required in 3301(d) Divorce Cases) to:

Check One:

___ i) an adult member of the family identified as Defendant's _____
(identify relation)
with whom the Defendant resides at the Defendant's residence.

___ ii) an adult identified as _____ in charge of the residence where
(fill in name)
the Defendant resides since no family member of the Defendant was available.

___ iii) the clerk or manager identified as _____ of the
(fill in name and title)
hotel, inn, apartment house, boarding house, or other place of lodging of the
Defendant.

___ iv) the Defendant or the person for the time being in charge of the Defendant's
office or usual place of business, identified as _____

(fill in name and title)

OR

C. On _____, service was completed pursuant to Special Order of Court (explain)

_____.

I verify that the statements in this document are true and correct to the best of my knowledge, information, and belief. 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: _____

CERTIFICATION OF COMPLIANCE

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	:	IN THE COURT OF COMMON PLEAS
vs.	:	OF THE 17TH JUDICIAL DISTRICT
	:	OF PENNSYLVANIA
_____, Defendant	:	SNYDER COUNTY BRANCH
	:	
	:	CIVIL ACTION – DIVORCE
	:	NO. _____

ACCEPTANCE OF SERVICE

I, _____, Defendant in the above-captioned action depose and say that on this date, I hereby accept service of the Complaint in Divorce and Notice to Defend and Claim Rights with Notice of Availability of Counseling.

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: _____

Defendant

CERTIFICATION OF COMPLIANCE

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

_____		: IN THE COURT OF COMMON PLEAS
Plaintiff		: OF THE 17TH JUDICIAL DISTRICT
vs.		: OF PENNSYLVANIA
_____		: SNYDER COUNTY BRANCH
Defendant		: : : CIVIL ACTION – DIVORCE
		: : NO. _____

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

RESTRICTED DELIVERY

I, _____, (Plaintiff), being duly affirmed according to law, depose and says that:

1. On _____ (date), a copy of the Complaint in Divorce was mailed to the Defendant by Certified Mail, Return Receipt, Restricted Delivery, at the Defendant’s last known address, as indicated on the attached mailing receipt.

2. That on _____ (date), the Defendant received the aforesaid Divorce Complaint. The mailing receipt and the return receipt card evidencing the same are attached hereto and made part hereof.

I verify that the statements in this document are true and correct to the best of my knowledge, information, and belief. 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: _____

Plaintiff

CERTIFICATION OF COMPLIANCE

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

vs.

_____,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF THE 17TH JUDICIAL DISTRICT
: OF PENNSYLVANIA
: SNYDER COUNTY BRANCH
:
: CIVIL ACTION – DIVORCE
:
: NO. _____

COUNTER-AFFIDAVIT UNDER SECTION 3301(c)(1) OF THE DIVORCE CODE

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 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.

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: _____
(PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

CERTIFICATION OF COMPLIANCE

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		: IN THE COURT OF COMMON PLEAS
vs.		: OF THE 17TH JUDICIAL DISTRICT
		: OF PENNSYLVANIA
_____, Defendant		: SNYDER COUNTY BRANCH
		: CIVIL ACTION – DIVORCE
		: NO. _____

**NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD
UNDER SECTION 3301(c)(1) OF THE DIVORCE CODE**

TO: _____ (PLAINTIFF/DEFENDANT)

You have signed an Affidavit of Consent under Section 3301(c) of the Divorce Code consenting to the entry of a divorce decree. Therefore, on or after _____, 20____, the 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.

Unless you have already filed with the court a written claim for economic relief, you must do so by the date in the paragraph above, or the court may grant the divorce or, if there are unresolved ancillary claims, 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.

**OFFICE OF THE COURT ADMINISTRATOR
SNYDER COUNTY COURTHOUSE
9 W. MARKET STREET, MIDDLEBURG, PA 17842
(570) 837-4344**

CERTIFICATION OF COMPLIANCE

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		: IN THE COURT OF COMMON PLEAS : OF THE 17TH JUDICIAL DISTRICT : OF PENNSYLVANIA : SNYDER COUNTY BRANCH : : CIVIL ACTION – DIVORCE : : NO. _____
vs.		
_____, Defendant		

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 TO ESTABLISH PRESUMPTION OF CONSENT
UNDER SECTION 3301(c)(2) OF THE DIVORCE CODE

1. I am the victim of a personal injury crime as defined in 23 Pa.C.S. § 3103.
2. My spouse was convicted of the crime averred in Paragraph 1 on _____ in the Court of Common Pleas of _____ County. The docket number(s) is/are _____.

The personal injury crime(s) for which my spouse was convicted: Check all that apply:

- 18 Pa.C.S. Ch. 25 (relating to criminal homicide)
- 18 Pa.C.S. Ch. 27 (relating to assault)
- 18 Pa.C.S. Ch. 29 (relating to kidnapping)
- 18 Pa.C.S. Ch. 30 (relating to human trafficking)

- 18 Pa.C.S. Ch. 31 (relating to sexual offenses)
- 18 Pa.C.S. § 3301 (relating to arson and related offenses)
- 18 Pa.C.S. Ch. 37 (relating to robbery)
- 18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation)
- 75 Pa.C.S. § 3732 (relating to homicide by vehicle)
- 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury)

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 (PLAINTIFF) (DEFENDANT)

CERTIFICATION OF COMPLIANCE

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
vs.
_____,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF THE 17TH JUDICIAL DISTRICT
: OF PENNSYLVANIA
: SNYDER COUNTY BRANCH
:
: CIVIL ACTION – DIVORCE
:
: NO. _____

COUNTER-AFFIDAVIT UNDER SECTION 3301(c)(2) 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), or both)
- (i) I have not been convicted of a personal injury crime as defined in 23 Pa.C.S. § 3103.
- (ii) My spouse was not the victim of a personal injury crime for which I have been convicted.

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: _____ (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 OF COMPLIANCE

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	:	IN THE COURT OF COMMON PLEAS
vs.	:	OF THE 17TH JUDICIAL DISTRICT
_____, Defendant	:	OF PENNSYLVANIA
	:	SNYDER COUNTY BRANCH
	:	
	:	CIVIL ACTION – DIVORCE
	:	
	:	NO. _____

NOTICE

If you wish to deny any of the statements outlined 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 _____.

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 falsification to authorities.

Date: _____
_____ (PLAINTIFF) (DEFENDANT)

CERTIFICATION OF COMPLIANCE

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
vs.
_____,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF THE 17TH JUDICIAL DISTRICT
: OF PENNSYLVANIA
: SNYDER COUNTY BRANCH
:
: CIVIL ACTION – DIVORCE
:
: NO. _____

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 that 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: _____
(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 OF COMPLIANCE

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	:	IN THE COURT OF COMMON PLEAS
vs.	:	OF THE 17TH JUDICIAL DISTRICT
	:	OF PENNSYLVANIA
_____, Defendant	:	SNYDER COUNTY BRANCH
	:	
	:	CIVIL ACTION – DIVORCE
	:	
	:	NO. _____

AFFIDAVIT OF NON-MILITARY SERVICE PURSUANT TO PA.R.C.P. 1920.46.

I, _____ (your full name), say that I am the Plaintiff in the above-captioned matter; that I personally know that the Defendant is over the age of eighteen years, and that 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 Servicemember's Civil Relief Act, formally the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, and the amendments thereto.

I verify that the statements in this document are true and correct to the best of my knowledge, information, and belief. 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: _____

 Plaintiff's Signature

CERTIFICATION OF COMPLIANCE

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

vs.

_____,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF THE 17TH JUDICIAL DISTRICT
: OF PENNSYLVANIA
: SNYDER COUNTY BRANCH
:
: CIVIL ACTION – DIVORCE
:
: NO. _____

**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 _____, 20____, the 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.

**OFFICE OF THE COURT ADMINISTRATOR
SNYDER COUNTY COURTHOUSE
9 W. MARKET STREET, MIDDLEBURG, PA 17842
(570) 837-4344**

CERTIFICATION OF COMPLIANCE

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		: IN THE COURT OF COMMON PLEAS : OF THE 17TH JUDICIAL DISTRICT : OF PENNSYLVANIA : SNYDER COUNTY BRANCH : : CIVIL ACTION – DIVORCE : : NO. _____
vs.		
_____, Defendant		

**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 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 immediately 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: _____

(PLAINTIFF)

CERTIFICATION OF COMPLIANCE

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	vs.	_____, Defendant	: IN THE COURT OF COMMON PLEAS : OF THE 17TH JUDICIAL DISTRICT : OF PENNSYLVANIA : SNYDER COUNTY BRANCH : : CIVIL ACTION – DIVORCE : : NO. _____
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**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 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 immediately 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: _____ (DEFENDANT)

CERTIFICATION OF COMPLIANCE

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

_____		: IN THE COURT OF COMMON PLEAS
Plaintiff		: OF THE 17TH JUDICIAL DISTRICT
vs.		: OF PENNSYLVANIA
_____		: SNYDER COUNTY BRANCH
Defendant		: CIVIL ACTION – DIVORCE
		: NO. _____

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a true and correct copy of the following have been served: (check any of the following that apply)

- Notice of Intention to File a Praecipe to Transmit the Record of Section 3301(d), OR Section 3301(c)(2)
- Affidavit of Non-Military Service
- Notice of Intention to Request Entry of Section 3301(c)(1) Divorce Decree, and Counter-Affidavit Under 3301(c)(1)
- (Other) _____

The undersigned hereby certifies that the above documents were served by first class mail to the following:

(spouse's name)

(spouse's address)

(spouse's telephone)

Date: _____

(Signature)

Print Name

CERTIFICATION OF COMPLIANCE

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

vs.

_____,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF THE 17TH JUDICIAL DISTRICT
: OF PENNSYLVANIA
: SNYDER COUNTY BRANCH
:
: CIVIL ACTION – DIVORCE
:
: NO. _____

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: _____; Defendant: _____.

- (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: _____.

(Attorney for) (PLAINTIFF) (DEFENDANT)

CERTIFICATION OF COMPLIANCE

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

vs.

_____,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF THE 17TH JUDICIAL DISTRICT
: OF PENNSYLVANIA
: SNYDER COUNTY BRANCH
:
: CIVIL ACTION – DIVORCE
:
: NO. _____

DECREE

AND NOW, _____, 20 _____, it is ordered and decreed that _____, Plaintiff, and _____, Defendant, 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 a 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 hereafter be deemed an order for alimony pendente lite if any economic claims remain pending.

BY THE COURT:

J. _____

_____, Plaintiff	:	IN THE COURT OF COMMON PLEAS
vs.	:	OF THE 17TH JUDICIAL DISTRICT
	:	OF PENNSYLVANIA
_____, Defendant	:	SNYDER COUNTY BRANCH
	:	
	:	CIVIL ACTION – DIVORCE
	:	
	:	NO. _____

PRAECIPE TO REINSTATE THE COMPLAINT

To the Prothonotary:

Please reinstate the Complaint for Divorce Under Section 3301(c) or
3301(d) of the Divorce Code filed in the above-captioned matter.

Respectfully submitted,

Date: _____

Plaintiff's Signature

CERTIFICATION OF COMPLIANCE

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

		: IN THE COURT OF COMMON PLEAS
Plaintiff		: OF THE 17TH JUDICIAL DISTRICT
vs.		: OF PENNSYLVANIA
		: SNYDER COUNTY BRANCH
Defendant		: CIVIL ACTION – DIVORCE
		: NO. _____

NOTICE OF INTENTION TO RESUME PRIOR SURNAME

Pursuant to Title 54 Pa.C.S. §704.

NOTICE is hereby given that I, _____,

the _____ (Plaintiff or Defendant) in the above-captioned case

in which a:

Complaint in Divorce was filed on: _____.

Decree in Divorce was filed on: _____.

hereby elect to resume the prior surname of _____

Date: _____

Signature using your current name

Signature using name being resumed

CERTIFICATION OF COMPLIANCE

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
vs.
_____,
Defendant

: IN THE COURT OF COMMON PLEAS
: OF THE 17TH JUDICIAL DISTRICT
: OF PENNSYLVANIA
: SNYDER COUNTY BRANCH
:
: CIVIL ACTION – DIVORCE
:
: NO. _____

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF _____

On this, the _____ day of _____, 20_____,
personally appeared before me, a Notary Public in and for said Commonwealth
and County, _____ (full married
name), known to me (or satisfactorily proven) to be the person who is the person whose
name is subscribed to the within document and acknowledged that she executed the same
for the purposes therein contained.

Notary Public:

My Commission Expires: