

County of Adams

DIVORCE PACKET

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Disclaimer

Court staff is not able to give you legal advice or help you fill out/complete these forms. The information in this packet is not a substitute for professional legal advice. The Court, the Adams County Bar Association and the Family Law Committee assume no responsibility and accept 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, please call the Pennsylvania Lawyer Referral Service at 1-800-692-7375.

Last Updated: 1/16/08

Introduction

A divorce is a way to legally end your marriage. Although a divorce is usually obtained through the assistance of an attorney, these forms can be used to obtain a simple no-fault divorce in Adams County. However, it is recommended that you speak to an attorney so you know your legal rights. If you choose to represent yourself (pro se), you will be held to the same standard required for attorneys, and must follow all local and state Rules and Procedures.

Please remember that court staff cannot give you legal advice and cannot fill out the forms for you. Please read all the directions carefully before proceeding.

Types of Divorce

No-Fault. There are two types of no-fault divorce in Pennsylvania:

1. No-Fault Consent Divorce under §3301(c) of the Divorce Code. A divorce under §3301(c) of the Divorce Code requires the consent of both parties. After filing and serving the Divorce Complaint, both parties must wait 90 days before completing the divorce.

2. Irretrievable Breakdown under §3301(d) of the Divorce Code. A divorce under §3301(d) of the Divorce Code does not require the consent of the other party. However, the parties must be separated for at least two (2) years before a divorce can be obtained. Being separated for 2 years means that the parties must have lived separate and apart for at least 2 years. There are limited exceptions to the general rule where the parties may continue to reside together, but are living “separate and apart.” For more information, consult an attorney.

Fault. A party may also obtain a divorce based on “fault”, proving that your spouse did something wrong. These forms cannot be used for a fault divorce and you must obtain the assistance of an attorney.

Who May File

If either party has been a resident of Pennsylvania for at least six (6) months prior to filing the Divorce Complaint, then you may file for a divorce in Pennsylvania. Venue in Adams County is proper if 1) at least one party resides in Adams County, or 2) both parties consent to venue in Adams County.

How Much Does It Cost

There is a filing fee associated with obtaining a divorce. Contact the Prothonotary’s Office for information about filing fees. If you cannot pay the filing fee, you may ask the Court to be excused from paying by filing a petition to proceed *In Forma Pauperis* (IFP). The IFP application form is available online or in the Adams County Courthouse Law Library.

Economic Issues

Equitable Distribution. Upon the dissolution of a marriage, all marital property must be divided between the spouses. This division of the property is called equitable distribution, and can be done either by an independent agreement between the parties, or by the assistance of the Court. **If you require the Court's intervention in dividing up marital property, then you may not use these forms to obtain a divorce, and you are strongly encouraged to seek legal assistance.**

Spousal Support and APL. The amount for spousal support and alimony pendente lite (APL) is set according to each spouse's respective ability to provide support under State guidelines. Spousal support is support received by one spouse during the marriage. APL is support paid by one spouse to the other during the divorce proceedings, and terminates when all claims in the divorce are finalized. The purpose of APL is to give the dependent spouse the opportunity to litigate a divorce on equal grounds with the other spouse. Spousal Support and APL cannot be awarded at the same time. **If you wish to seek APL, you must have a divorce action filed. The APL petition must be filed in the Court where the divorce action was filed. This packet includes a petition for APL. Please refer to the enclosed instructions.**

Alimony. Alimony is money paid by one ex-spouse to the other after the divorce decree is granted. **If you wish to seek Alimony, then you may not use these forms to obtain a divorce, and you are strongly encouraged to seek legal assistance.**

Rules for Reference

Rules pertaining to divorce can be found in the Pennsylvania Rules of Court beginning at Rule No. 1920.1 through 1920.75.

Rules pertaining to divorce can be found in the Adams County Local Rules, specifically Rules No. 1920(a) through (n).

A copy of the Pennsylvania and local Adams County Rules of Court can be found at the Adams County Law Library.

Procedure for filing a simple no-fault divorce under §3301(c) of the Divorce Code, if both parties consent to the divorce.

STEP ONE: The Complaint and Verification.

A divorce case is started with the filing of a “Complaint” in the Prothonotary’s Office where a case number will be assigned. Refer to Pa. R.C.P. 1920.12. You must pay the Prothonotary a filing fee; however, if you cannot afford to pay the filing fee see the packet “How to be Excused from Paying Court Costs” for information on how to proceed. **The Notice to Defend and Claim Rights must be attached to the front of the completed Complaint.** All filings require the original, plus two copies of the signed Complaint. The original stays with the Prothonotary and two copies are returned to you; one for yourself and one for service upon the Defendant. (See form #1) The Prothonotary will provide you with a docket number, and it must be included in every caption. **Fill out the Complaint in its entirety. If information is omitted or wrong, the Court cannot proceed with your divorce, and the Complaint and Verification will need to be re-executed and re-served.**

STEP TWO: Service of the Complaint.

How to Serve Complaint. Service of the Notice to Defend and the Complaint must be made either by Personal Service (see form #2a), by Acceptance of Service (see form #2b), or by Certified Mail, return receipt requested, restricted delivery (see form #2c).

Personal Service – an adult, other than you, personally hands the Notice to Defend and Claim Rights and the Complaint to the Defendant. The person who hands the papers to the Defendant must sign a completed Affidavit of Service (form #2a).

Acceptance of Service – the Defendant may fill out and sign a form (form #2b) stating that he/she personally accepts the Notice to Defend and Claim Rights and the Complaint.

Service by Certified Mail – a copy of the Notice to Defend and Claim Rights and the Complaint may be mailed to the Defendant by certified mail, return receipt requested, restricted delivery. Complete form #2c and attach the returned green card.

Timing. A copy of the Divorce Complaint must be served upon the other party within thirty (30) days of the filing if the Defendant resides in Pennsylvania and within ninety (90) days if the Defendant resides outside Pennsylvania. Refer to Pa. R.C.P. No. 1930.4(e). If service is not completed within 30 days of the date of filing, the Complaint must be reinstated and re-served in accordance with Pa. R.C.P. 1930.4(g).

STEP THREE: Wait 90 Days.

The Pennsylvania Rules of Civil Procedure require both parties to wait 90 days from the service of the Complaint before any more documents can be signed and filed.

STEP FOUR: Affidavit of Consent and Waiver of Notice of Intention to Request Entry of Divorce Decree.

The Forms. After ninety (90) days have passed from the date the Complaint was served upon the other spouse and both parties agree to the divorce, both parties must file an Affidavit of Consent (form #3) and Waiver of Notice of Intention to Request Entry of Divorce Decree (form #4). Complete the caption exactly as it appears on the Complaint with the docket number.

Timing. The Waiver of Notice of Intention to Request Entry of Divorce Decree and Affidavit of Consent must be filed within thirty (30) days after they were signed and dated. (Refer also to Pa. R.C.P. 1920.72(b)(c)) If they are not filed within 30 days of the date they were signed, they must be re-executed and re-filed.

STEP FIVE: Praecipe to Transmit Record, Divorce Information Sheet, Report of Social Security Numbers Form, Rule 236 Form.

Praecipe to Transmit Record. Upon the filing of both parties' Affidavits of Consent and Waivers of Notice of Intention to Request Entry of Divorce Decree with the Court, the divorce may be concluded by either party filing with the court a Praecipe to Transmit Record (form #6). Refer to Pa.R.C.P. 1920.46. Check your records for the exact dates necessary to complete the form.

1. Under Paragraph 1, **circle 3301(c)** to designate that it is a consent no-fault divorce.
2. Under Paragraph 2, include both the **date and manner of service** of the Complaint.
3. Under Paragraph 3(a), include the date both parties **signed** an Affidavit of Consent.
4. Under Paragraph 5(b), include the date both parties **filed** a Waiver of Notice.

Other Forms. The Court also requires that you complete and file a Divorce Information Sheet (form #5), Report of Social Security Numbers Form (form #7), and Rule 236 Form (form #8). Refer to Pa. R.C.P. 1920.46. Additionally, you must also provide the court with self-addressed and stamped envelopes for you and your spouse in order for the court to mail you a final divorce decree.

NOTE: The Social Security Numbers form is kept separately and is not public record.

STEP SIX: Divorce Decree.

The Divorce Decree will be mailed to both parties after filing the above forms, presuming there are no deficiencies. If corrections need to be made in the paperwork, a final divorce decree will not be entered until the court has the corrected paperwork. You will be notified by the Court of any corrections that need to be made.

NOTE: Name Change.

Upon the filing of a Complaint you may resume your maiden name by filing a Praecipe with the Prothonotary (form #15). This form can be filed either before, or after, the granting of a final Divorce Decree. There is a small additional fee associated with filing this form.

Checklist for Consent Divorce Under 3301(c)

(This checklist is for your convenience only, you do not need to file this document!)

NOTE: Keep copies of ALL FORMS FILED for your records!

- Complaint completed in its entirety, along with Verification, and filed with Prothonotary.

- Service of the Complaint and Notice to Defend upon other party completed within 30 days of date Complaint filed, or 90 days if other party does not reside in Pennsylvania.
Date Served: _____ Manner of Service: _____

- Proof of service filed with the Prothonotary.

- Wait 90 days from date of service.
Date Served: _____ 90 Days: _____

- Plaintiff signed Affidavit of Consent and Waiver of Notice of Intention to Request Entry of Divorce Decree and filed within 30 days of date of signature.
Date Signed: _____ Date Filed: _____

- Defendant signed Affidavit of Consent and Waiver of Notice of Intention to Request Entry of Divorce Decree and filed within 30 days of date of signature.
Date Signed: _____ Date Filed: _____

- Praecipe to Transmit Record completed in its entirety and filed with the Prothonotary (check your records for exact dates and manner of service).
NOTE: remember to circle 3301(c) in the first paragraph.

- Divorce Information Sheet, Report of Social Security Numbers form, Rule 236 form, and Self- addressed stamped envelopes provided to the Prothonotary. (Must be provided any time before, or simultaneously with, filing Praecipe to Transmit Record)

- Divorce Decree Received.
Date Received: _____

Notes:

Procedure for filing a simple no-fault divorce under §3301(d) of the Divorce Code, if one party does not consent.

STEP ONE: The Complaint and Verification.

A divorce case is started with the filing of a “Complaint” in the Prothonotary’s Office where a case number will be assigned. Refer to Pa. R.C.P. 1920.12. You must pay the Prothonotary a filing fee; however, if you cannot afford to pay the filing fee see the packet “How to be Excused from Paying Court Costs” for information on how to proceed in that fashion. **The Notice to Defend and Claim Rights must be attached to the front of the completed Complaint.** All filings require the original, plus two copies of the signed Complaint. The original stays with the Prothonotary and two copies are returned to you; one for yourself and one for service upon the Defendant. (See form #1) The Prothonotary will provide you with a docket number, and it must be included in every caption. **Fill out the Complaint in its entirety. If information is omitted or wrong, the Court cannot proceed with your divorce, and the Complaint and Verification will need to be re-executed and re-served.**

STEP TWO: Service of the Complaint.

How to Serve Complaint. Service of the Notice to Defend and Complaint must be made either by Personal Service (see Form #2a), by Acceptance of Service (see Form #2b), or by Certified Mail, return receipt requested, restricted delivery (see Form #2c).

Personal Service – an adult, other than you, personally hands the Notice to Defend and Claim Rights and the Complaint to the Defendant. The person who hands the papers to the Defendant must sign a completed Affidavit of Service (form #2a).

Acceptance of Service – the Defendant may fill out and sign a form (form #2b) stating that he/she personally accepts the Notice to Defend and Claim Rights and the Complaint.

Service by Certified Mail – a copy of the Notice to Defend and Claim Rights and the Complaint may be mailed to the Defendant by certified mail, return receipt requested, restricted delivery. Complete form #2c and attach the returned green card.

Timing. A copy of the Notice to Defendant and Divorce Complaint must be served upon the other party within thirty (30) days of the filing if the Defendant resides in Pennsylvania and within ninety (90) days if the Defendant resides outside Pennsylvania. Refer to Pa. R.C.P. No. 1930.4(e). If service is not completed within 30 days of the date of filing, the Complaint must be reinstated and re-served in accordance with Pa. R.C.P. 1930.4(g).

STEP THREE: Wait 2 years.

The Pennsylvania Rules of Civil Procedure require the parties to be separated for two years before proceeding with a non-consent no-fault divorce. This means that the parties must live separate and apart for two years. If the parties were separated for a time period before the filing of the Complaint, that time is included in the two year requirement.

STEP FOUR: Affidavit under 3301(d) of the Divorce Code, Notice of Intention to Request Entry of Divorce Decree and Counter-Affidavit

The Forms. Pursuant to Pa. R.C.P. 1920.42(a)(2), after two (2) years of separation of the parties have passed, either party may sign an Affidavit under §3301(d) of the Divorce Code (form #9). The party must file an original and two copies with the Prothonotary's Office, and serve a copy upon the other spouse.

Additionally, a Notice of Intention to Request Entry of Divorce Decree (form #12) must be completed, filed, and served on the other party along with a blank Counter-Affidavit (form #11). The date that goes on the second line of the Notice of Intention to Request Entry of Divorce Decree (form #12) is the date the Affidavit under 3301(d) was *served*, which is the date it was mailed.

Service. Service of the Affidavit, Notice of Intention, and Counter-Affidavit may be made by first class mail. If the other party has an attorney, a copy must be served on the other party's attorney as well. File the Certificate of Service Forms (form #10 and #13) with the Prothonotary.

STEP FIVE: Wait 20 days.

The Pennsylvania Rules of Civil Procedure require that 20 days elapse between serving the Notice of Intention to Request Entry of Divorce Decree and filing the actual Praecepto to Transmit Record.

STEP SIX: Praecepto to Transmit Record, Divorce Information Sheet, Report of Social Security Numbers Form, Rule 236 Form.

Praecepto to Transmit Record. Once 20 days has elapsed from the filing and service of the Notice of Intention to Request Entry of Divorce Decree, the divorce may be concluded by filing a Praecepto to Transmit Record (form #6). Refer to Pa.R.C.P. 1920.46. Check your records for the exact dates necessary to complete the form.

1. Under Paragraph 1, **circle 3301(d)** to designate that it is a non-consent no-fault divorce.
2. Under Paragraph 2, include both the **date and manner of service** of the Complaint.
3. Under Paragraph 3(b), include the date party **signed** the Affidavit under 3301(d), **and the date of service**.
4. Under Paragraph 5(a), include the date party **served** the Notice of Intention.

Other Forms. The Court also requires that you complete and file a Divorce Information Sheet (form #5), Report of Social Security Numbers Form (form #7), and Rule 236 Form (form #8). Refer to Pa. R.C.P. 1920.46. Additionally, you must also provide the court with self-addressed and stamped envelopes for you and your spouse in order for the court to mail you a final divorce decree.

NOTE: The Social Security Numbers form is kept separately and is not public record.

STEP SEVEN: Divorce Decree.

The Divorce Decree will be mailed to both parties after filing the above forms, presuming there are no deficiencies. If corrections need to be made in the paperwork, a final divorce decree will not be entered until the court has the corrected paperwork. You will be notified by the Court of any corrections that need to be made.

NOTE: Name Change.

Upon the filing of a Complaint you may resume your maiden name by filing a Praecipe with the Prothonotary (form #15). This form can be filed either before, or after, the granting of a final Divorce Decree. There is a small additional fee associated with filing this form.

Checklist for Non-Consent Divorce Under 3301(d)

(This checklist is for your convenience only, you do not need to file this document!)

NOTE: Keep copies of ALL FORMS FILED for your records!

- Complaint completed in its entirety, along with Verification, and filed with Prothonotary.

- Service of the Complaint and Notice to Defend upon other party completed within 30 days of date Complaint filed, or 90 days if other party does not reside in Pennsylvania.
Date Served: _____ Manner of Service: _____

- Proof of service filed with the Prothonotary.

- Parties separated for two (2) years.
Date Separated: _____ 2 Years: _____

- Plaintiff completed and filed an Affidavit under Section 3301(d) and Notice of Intention to Request Entry of Divorce Decree.
Date Filed: _____

- Plaintiff served a copy of the Affidavit under Section 3301(d), Notice of Intention to Request Entry of Divorce Decree and a blank Counter-Affidavit on Defendant.

- Plaintiff filed Certificate of Service with the Prothonotary.

- Wait 20 days from date of service of Affidavit Under Section 3301(d) and Notice of Intention to Request Entry of Divorce Decree.
Date Served/Date Mailed: _____ 20 Days: _____

- After 20 days, Praeceptum to Transmit Record completed in its entirety and filed with the Prothonotary. (Check your records for exact dates and manner of service)
NOTE: remember to circle 3301(d) in the first paragraph.

- Divorce Information Sheet, Report of Social Security Numbers form, Rule 236 form, and Self-addressed stamped envelopes provided to the Prothonotary. (Must be provided any time before, or simultaneously with, filing Praeceptum to Transmit Record)

- Divorce Decree Received.

Date Received: _____

Procedure for filing for Alimony Pendente Lite

STEP ONE: The Divorce Complaint.

Alimony Pendente Lite (APL) is support paid by one spouse to the other during the divorce proceedings, and terminates when the divorce decree is granted. Therefore, a party may not request APL until a Divorce proceeding has been commenced. A Divorce proceeding is initiated by the filing and service of the Complaint. After a Divorce Complaint has been filed and served, a party may request APL in the county in which the Divorce Complaint was filed.

STEP TWO: Petition for Alimony Pendente Lite.

The Forms. Fill out the Petition for Alimony Pendente Lite in its entirety (form 14). A blank proposed Order must be attached to the front of the Petition.

Filing. File the completed Peittion for Alimony Pendente Lite and the blank proposed Order with the Prothonotary.

Domestic Relations. After filing with the Prothonotary, nothing else needs to be done by the litigant. The proposed Order will be referred to Domestic Relations by the Prothonotary's Office for processing.

STEP THREE: Service.

Service of the Notice Petition for Alimony Pendente Lite may be made by first class mail. If the other party has an attorney, a copy must be served on the other party's attorney as well. File the Certificate of Service Form (form #14) with the Domestic Relations Office.

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Name	Plaintiff	:	
		:	Case No. _____
		:	
	vs.	:	
		:	
		:	
Name	Defendant	:	

NOTICE TO DEFEND AND CLAIM RIGHTS

To: _____

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, Room 104, Adams County Courthouse, Gettysburg, Pennsylvania 17325.

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.

COURT ADMINISTRATOR
Adams County Courthouse
Gettysburg, PA 17325
717- 337-9846

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

_____,
Name **Plaintiff** : **Case No.** _____
: :
: :
: :
: :
: :
_____,
Name **Defendant** :

vs.

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

1. Plaintiff is _____ who currently resides at _____
Your Name Your Address (Street, City, County, State, Zip)

2. Defendant is _____ who currently resides at _____
Spouse's Name Spouse's Address (Street, City, County, State, Zip)

3. Plaintiff and Defendant have been bona fide residents in the Commonwealth for at least six months immediately previous to the filing of this Complaint.

4. The Plaintiff and Defendant were married on _____ in _____
Date of Marriage City, County and State of Marriage

5. There have been no prior actions of divorce or for annulment between the parties.

6. The marriage is irretrievably broken.

7. The parties have lived separate and apart since _____
Date of separation

8. 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.

9. Plaintiff requests the Court to enter a decree of divorce.

WHEREFORE, Plaintiff respectfully requests that the Court enter a decree of divorce.

Date: _____

Signature: _____
Plaintiff

VERIFICATION

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

Date: _____

Signature: _____
Plaintiff

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Name		Plaintiff	:	
	vs.		:	Case No. _____
			:	
			:	
			:	
			:	
Name		Defendant	:	

AFFIDAVIT OF SERVICE

I, _____, hereby depose and say that on this date, I personally
Name
served the above-captioned Defendant with a Complaint in Divorce and Notice to Defend and
Claim Rights with Notice of Availability of Counseling, by personally handing the same to
him/her.

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.

Dated: _____

Signature: _____

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Name		Plaintiff	:	
			:	Case No. _____
			:	
		vs.	:	
			:	
			:	
			:	
Name		Defendant	:	

ACCEPTANCE OF SERVICE

I, _____, Defendant in the above-captioned action depose and say
Name
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.

Dated: _____

Signature: _____

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Name	Plaintiff	:	
		:	Case No. _____
		:	
	vs.	:	
		:	
		:	
Name	Defendant	:	

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

I, _____, Plaintiff in the above-captioned action depose and say the
Name
Following:

1. On _____, a copy of the Complaint in Divorce in the above-captioned
Date of mailing
matter was mailed to the Defendant by Certified Mail, Return Receipt Requested, Deliver to Addressee Only, at the Defendant's last known address, as indicated on the attached mailing receipt.

2. On _____, the Defendant received the aforesaid Divorce Complaint
Date of receipt
and the mailing receipt and return receipt card evidencing the same are attached hereto and made a part hereof.

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.

Dated: _____

Signature: _____

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Name	,	Plaintiff	:	:	Case No.	_____
				:		
		vs.		:		
				:		
				:		
				:		
Name	,	Defendant	:			

AFFIDAVIT OF CONSENT

1. A Complaint in Divorce under Section 3301(c) of the Divorce Code was filed on _____

_____.
Date Complaint was filed

2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety (90) days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce, and have signed a Waiver of Notice of Intention to Request Entry of Decree.

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

Date: _____

Signature: _____
Defendant

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

_____,
Name **Plaintiff** : **Case No.** _____
:
:
vs. :
:
_____,
Name **Defendant** :

**WAIVER OF NOTICE OF INTENTION TO REQUEST
ENTRY OF A DIVORCE DECREE UNDER
§3301(c) OF THE DIVORCE CODE**

1. I consent to the entry of a final decree of divorce without notice.

2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses 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 with the Prothonotary.

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

Date: _____

Signature: _____
Plaintiff

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

_____,
Name **Plaintiff** : **Case No.** _____
:
:
vs. :
:
_____,
Name **Defendant** :

**WAIVER OF NOTICE OF INTENTION TO REQUEST
ENTRY OF A DIVORCE DECREE UNDER
§3301(c) OF THE DIVORCE CODE**

1. I consent to the entry of a final decree of divorce without notice.

2. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses 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 with the Prothonotary.

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

Date: _____

Signature: _____
Defendant

Adams County Court of Common Pleas – Civil

Office of the Prothonotary
Adams County Courthouse
111-117 Baltimore Street
Gettysburg, PA 17325

Divorce Information Sheet

Please fill in the appropriate information and file with the Prothonotary:

1. Docket Number:
2. Plaintiff's Name and Current Address:
3. Defendant's Name and Current Address:
4. Date and Place of Marriage:

-----Do Not Write Below This Line-----

For Official Use

Date of Divorce Decree:

Length of Marriage:

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Name	Plaintiff	:	:	Case No. _____
			:	
	vs.		:	
			:	
			:	
			:	
Name	Defendant	:		

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the Court for entry of a divorce decree:

1. Ground for divorce: Irretrievable breakdown under Section 3301(c) or 3301(d) of the Divorce Code.
2. Date and manner of service of the Complaint: _____
Date of Service on Defendant and Manner of Service
3. Complete either paragraph (a) or (b).
 - (a) Date of execution of the Affidavit of Consent required by Section 3301(c) of the Divorce Code: by Plaintiff _____; by Defendant _____.
 - (b) Date of execution of Plaintiff's Affidavit required by Section 3301(d) of the Divorce Code: _____; Date of service of the Plaintiff's Affidavit upon the Defendant: _____.
4. Related claims pending: (None)

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

(a) Date and manner of service of the Notice of Intention to file Praeipie, a copy of which is attached: _____.

(b) Date Plaintiff's Waiver of Notice was filed with the Prothonotary: _____
_____. Date Defendant's Waiver of Notice was filed with the Prothonotary:
_____.

Dated: _____

 Plaintiff
 Defendant

Office of the
PROTHONOTARY
of Adams County
Patricia A. Funt

(717) 334-9834



Adams County Courthouse
111-117 Baltimore Street, Room 104
Gettysburg, Pennsylvania 17325

Date _____

_____, Plaintiff/Creditor

VS.

_____, Defendant/Debtor

_____ No. _____

NOTICE

TO: _____
Defendant's Name

Defendant's Address

Pursuant to requirements of Pennsylvania Rules of Civil Procedure, Rule 236, notice is hereby given that on _____, 20__ a (judgment) (decree) (order) was entered against you in this office in the proceeding as indicated above.

Prothonotary

Date mailed: _____

Deputy Prothonotary

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Name	Plaintiff	:	
		:	Case No. _____
	vs.	:	
		:	
		:	
		:	
Name	Defendant	:	

NOTICE

If you wish to deny any of the statements set forth in this Affidavit, you must file a Counter-Affidavit within twenty (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 _____, and have
Date of Separation continued to live separate and apart for a period of at least two years.
2. The marriage is irretrievably broken.
3. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses 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

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Name	Plaintiff	:	
		:	Case No. _____
		:	
vs.		:	
		:	
		:	
Name	Defendant	:	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing Affidavit under Section 3301(d) of the Divorce Code was served by first class mail to the following:

Name of Defendant

Address of Defendant

Date: _____

By: _____
Signature of Plaintiff

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Name	Plaintiff	:	
		:	Case No. _____
		:	
	vs.	:	
		:	
		:	
Name	Defendant	:	

**DEFENDANT’S COUNTER-AFFIDAVIT UNDER §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) or both):
 - _____ (i) The parties to this action have not lived separate and apart for a period of at least two years.
 - _____ (ii) The marriage is not irretrievably broken.

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

- _____ (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 or expenses 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 or expenses or other important rights.

I understand that in addition to checking (b) above, I must also file all of my economic claims with the Prothonotary 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 Request Divorce Decree, the divorce decree may be entered without further delay.

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. Section 4904 relating to unsworn falsification to authorities.

Date: _____
_____ Defendant

NOTICE: If you do not wish to oppose the entry of a divorce decree and you do not wish to make any claim for economic relief, you need not file this Counter-Affidavit.

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

_____,
Name **Plaintiff** : **Case No.** _____
vs. :
: :
: :
_____,
Name **Defendant** :

**NOTICE OF INTENTION TO REQUEST ENTRY OF
SECTION 3301(d) DIVORCE DECREE**

TO: _____
Name of Defendant

Address of Defendant

You have been sued in an action for divorce. You have failed to answer the Complaint or file a Counter-Affidavit to the § 3301(d) Affidavit. Therefore, on or after _____
Date: 20 days after service
_____, the other party can request the court to enter a final decree in divorce.
of forms 9 and 10

If you do not file with the Prothonotary of the court an answer with your signature notarized or verified or a counter-affidavit by the above date, the court can enter a final decree in divorce. A counter-affidavit which you may file with the Prothonotary of the court is attached to this notice.

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 and you will 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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

**COURT ADMINISTRATOR
Adams County Courthouse
111-117 Baltimore St.
Gettysburg, PA 17325
717- 337-9846**

Respectfully submitted,

Sign your name

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

Name		:			
	Plaintiff	:		Case No.	
		:			
	vs.	:			
		:			
		:			
		:			
		:			
		:			
		:			
		:			
		:			
		:			
Name		:			
	Defendant	:			

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing Notice of Intention to Request Entry of Divorce Decree and Counter-Affidavit was served by first class mail to the following:

Name of Defendant

Address of Defendant

Date: _____

By: _____
Signature of Plaintiff

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION - LAW**

Name		Plaintiff	:	
	vs.		:	Case No. _____
			:	
			:	
			:	
			:	
			:	
Name		Defendant	:	

ORDER OF COURT

AND NOW, this _____ day of _____, 20____, upon consideration of the within Petition for Alimony Pendente Lite, this Court orders the matter referred to the Domestic Relations office for conference.

BY THE COURT:

J.

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

_____,
Name **Plaintiff** : **Case No.** _____
: :
: :
vs. : :
: :
_____,
Name **Defendant** :

PETITION FOR ALIMONY PENDENTE LITE

AND NOW, this ____ day of _____, 20____, _____,
Day Month Year Name
Plaintiff/Defendant, Petitioner, files this Petition for Alimony Pendente Lite, and respectfully
Circle One of the Above
represents as follows;

1. A divorce proceeding between the Petitioner, _____, and the
Your Name
Plaintiff/Defendant, Respondent, _____, was initiated on _____
Your Spouse's Name Date Divorce Complaint was Filed
2. The Petitioner is unable to sustain herself/himself during the course of this litigation.
3. The Petitioner lacks sufficient property to provide for her/his reasonable needs and is unable to sustain her/himself through appropriate employment.
4. Petitioner requests that this Court refer this matter to the Domestic Relations office for a conference regarding alimony pendente lite.

WHEREFORE, Petitioner respectfully requests the Court to enter an award on alimony pendente lite until final hearing, and thereupon to enter an award of alimony in her/his favor pursuant to Sections 3701(a) and 3702 of the Pennsylvania Divorce Code.

Respectfully submitted,

 Plaintiff
 Defendant

VERIFICATION

I verify that the statements made in the foregoing Petition for Alimony Pendente Lite 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.

Plaintiff
 Defendant

Date: _____

**IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

_____,
Name **Plaintiff** : **Case No.** _____
: :
: :
: :
: :
_____,
Name **Defendant** :

vs.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing Petition for Alimony Pendente Lite was served by first class mail on the other party as follows:

Name of Other Party

Address of Other Party

Date: _____

By: _____
Signature of ()Plaintiff
()Defendant

