

# **INSTRUCTIONS**

## **DIVORCE WHERE PARTIES HAVE LIVED SEPARATE AND APART FOR AT LEAST TWO YEARS AND NO PROPERTY NEEDS TO BE DIVIDED**

*IT IS STRONGLY RECOMMENDED THAT  
YOU CONSULT AN ATTORNEY*

## **DISCLAIMER**

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

# DAUPHIN COUNTY

## **DIVORCE – WHERE PARTIES HAVE LIVED SEPARATE AND APART FOR TWO YEARS AND NO PROPERTY NEEDS TO BE DIVIDED.**

This packet of forms, information and instructions was developed so that you will not need a lawyer to file for a divorce where the parties have lived separate and apart for at least two (2) years and no property needs to be divided. You are permitted to file legal papers and represent yourself in court (pro se). **However, it is strongly recommended that you seek the advice of an attorney.**

**ANYONE CONSIDERING 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.

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

### **EXPLANATION OF FORMS USED IN 3301(d) DIVORCE ACTIONS**

**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.

**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/she is being sued for divorce and may lose rights if he/she does not respond to the Complaint. It also advises the Defendant of the right to request marriage counseling.

**AFFIDAVIT OF SERVICE** -- a form that must be filed with the Prothonotary's Office 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 and becomes part of the official file.

**AFFIDAVIT OF SEPARATION** -- a document that must be signed by the Plaintiff and filed with the Prothonotary's Office stating that the parties have been separated for at least two (2) years and that the marriage is irretrievably broken.

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

**PRAECIPE TO TRANSMIT RECORD** -- a form that asks the Prothonotary's Office to send the file to the Court Administrator's Office for review and presentation to the Motion Judge.

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

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

### **GENERAL INFORMATION REGARDING DIVORCE**

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

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

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

1. **No-Fault Consent Divorce** -- A divorce that requires the consent of both husband and wife.
2. **Irretrievable breakdown** -- You can get a divorce without your spouse consenting if you have lived separate and apart for two (2) years or more.
3. **Fault** -- With this type of divorce, you need to prove that your spouse did something wrong. Grounds for a fault divorce are: desertion for a year or more; bigamy; adultery; imprisonment for two (2) years or more upon conviction of any crime; indignities (continuing conduct by the Defendant that makes Plaintiff's life unbearable); and, endangering the life or health of the Plaintiff.
4. **Institutionalization** -- You can get this type of divorce if your spouse is insane or has a serious mental disorder and 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.

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

**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 of marital property.**

A No-Fault 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. **IF YOU DO NOT DO SO, YOU CAN NEVER COME BACK AGAIN AND ASK THE COURT TO ORDER ALIMONY.**

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

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

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

**AGAIN, 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. 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 or court costs.
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 or visitation can be filed before or after a divorce case is filed.)

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

1. The 'Divorce Complaint' with the attached 'Notice to Defend and Claim Rights' should be taken to the Prothonotary's Office for filing (this will start the divorce action). The Prothonotary's Office is located on the first floor of the Dauphin County Courthouse. The Prothonotary's Office charges a filing fee in the amount of \$227.00 which must be paid at the time of filing of the complaint by cash, certified check, or money order. If you think that you cannot afford to pay the filing fee, you may file a 'Petition to Proceed In Forma Pauperis' (IFP) (see Self Help Center In Forma Pauperis forms and instructions).
2. 'Affidavit of Separation' -- this must be filed to move forward with this type of 'Divorce Complaint'. This may be filed at the same time that the 'Divorce Complaint' is filed.
3. A certified copy of the 'Divorce Complaint' and the 'Affidavit of Separation' must be served on defendant within thirty (30) days from the date that the 'Divorce Complaint' and 'Affidavit of Separation' were filed with the Prothonotary.
4. The 'Affidavit of Service' or the "Acceptance of Service" is to be filed with the Prothonotary's Office after service of the 'Divorce Complaint' and 'Affidavit of Separation' has been made on the Defendant.
5. At least twenty (20) days after service of the 'Divorce Complaint' and the 'Affidavit of Separation', serve:
  - a. 'Notice of Intention to Request Entry of §3301(d) Divorce Decree'

and

- b. 'Counter-Affidavit under §3301(d) of the Divorce Code'.
6. After serving the 'Notice of Intention to Request Entry of § 3301(d) Divorce Decree' and 'Counter-Affidavit Under § 3301(d) of the Divorce Code' on Defendant, file the 'Affidavit of Service' with the Prothonotary's Office. If the Defendant returns the 'Acceptance and Acknowledgment of Service form', file this with the Prothonotary's Office also.
  7. Wait at least twenty (20) days after service of the 'Notice of Intention to Request Entry of § 3301(d) Divorce Decree' and 'Counter-Affidavit under § 3301(d) of the Divorce Code'.
    - a. If the defendant does not return the 'Counter-Affidavit' by the date indicated on the 'Notice of Intention to Request Entry of § 3301(d) Divorce Decree', file the 'Praecipe to Transmit Record', the 'Divorce Information Sheet' and three proposed 'Divorce Decrees' with the Prothonotary.
    - b. If the Defendant returns the 'Counter-Affidavit' with the indication that the defendant does not oppose the entry of the 'Divorce Decree' and that he/she does not wish to make any economic claims, the 'Praecipe to Transmit Record', the 'Divorce Information Sheet' and three proposed 'Divorce Decrees' may be filed with the Prothonotary prior to the expiration of the twenty (20) day period.
    - c. If the Defendant returns the 'Counter-Affidavit' with the indication that he/she opposes the entry of a divorce decree AND/OR that he/she wishes to file economic claims, the divorce cannot move forward until everything is resolved.
  8. Prepare three (3) proposed 'Divorce Decrees'.
  9. Prepare the 'Praecipe to Transmit Record'. In Paragraph 6, state the date and manner of service of the 'Notice of Intention to Request Entry of § 3301(d) Divorce Decree' and 'Counter-Affidavit Under § 3301(d) of the Divorce Code'.
  10. Complete the 'Divorce Information Sheet'.
  11. File three (3) proposed 'Divorce Decrees', the 'Praecipe to Transmit Record', the 'Divorce Information Sheet' and a copy of the 'Notice of Intention to Request Entry of § 3301(d) Divorce Decree' and 'Counter-Affidavit Under § 3301(d) of the Divorce Code' with the Prothonotary's Office.

12. Wait for a telephone call from the Deputy Court Administrator's Office to notify you that a judge has signed the 'Divorce Decree' and that a copy may be obtained from the Prothonotary's Office.

## **INSTRUCTIONS FOR COMPLETING A 'DIVORCE COMPLAINT' AND A 'NOTICE TO DEFEND AND CLAIM RIGHTS'**

### **A. Completing the Caption**

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

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

The Defendant is your spouse (husband or wife). Fill in the Defendant's full, legal name, including middle initial, above the word "Defendant" in the 'Complaint' and 'Notice to Defend and Claim Rights'.

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

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

1. Fill in your full, legal name including the middle initial, your full mailing address (street, number, route, box number, 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 the 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. There is nothing to complete in this paragraph. It is a statement claiming that you have resided in Pennsylvania for at least six (6)

months before filing the 'Divorce Complaint'. This statement, like all others on these forms, **MUST BE TRUE**.

4. Fill in the complete date of your marriage (month, date, and year) and the city, 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. Indicate if defendant is or is not in military service.
7. There is nothing to complete in this paragraph.
8. Complete the date that you and your spouse separated.
9. There is nothing to complete in this paragraph. It simply states that marriage counseling is available.
10. There is nothing to complete in this paragraph. It simply requests a decree of divorce.
11. Sign the 'Divorce Complaint' using your full, legal name and enter the date.

#### **INSTRUCTIONS FOR COMPLETING THE 'AFFIDAVIT OF SEPARATION'**

1. Complete the caption (see above).
2. Fill in the date you and your spouse separated in Paragraph #1.
3. Sign and date the 'Affidavit of Separation'.

#### **INSTRUCTIONS FOR FILING THE COMPLAINT AND AFFIDAVIT OF SEPARATION**

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 Dauphin County Prothonotary's Office. You can file for your divorce in Dauphin County if one of the following applies:

1. you live in Dauphin County;

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

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

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

You will then be ready to file your papers. Take the original and both copies (a total of three (3)) of the 'Divorce Complaint' and 'Notice to Defend and Claim Rights' and 'Affidavit of Separation' to the Dauphin County Prothonotary's Office which is located on the first floor of the Dauphin County Courthouse, Front and Market Streets, Harrisburg, PA 17101. The Prothonotary's Office will put a docket number on each 'Notice to Defend and Claim Rights' and 'Divorce Complaint' and 'Affidavit of Separation' and will keep the original for filing. The Prothonotary's Office will date-stamp all the documents and will return two (2) copies of the 'Divorce Complaint' and 'Notice to Defend and Claim Rights' and 'Affidavit of Separation' to you. Be sure the docket number is on each copy of the 'Notice to Defend and Claim Rights' and the 'Divorce Complaint' and the 'Affidavit of Separation'.

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

**INSTRUCTIONS FOR SERVING THE 'DIVORCE COMPLAINT'**

"Service" means that the Defendant received the 'Notice to Defend and Claim Rights' and the 'Divorce Complaint' and the 'Affidavit of Separation'. Service must be made within thirty (30) days of the filing of the 'Divorce

Complaint'. Service can be made in a number of ways. We recommend either of the following methods:

- a. **Personal service** -- This is accomplished by an adult, **other than you**, by personally handing the 'Notice to Defend and Claim Rights' and the 'Divorce Complaint' and the 'Affidavit of Separation' to the other party(ies). The person who handed the papers to the other party(ies) must sign an 'Affidavit of Service' that is included in the forms.
- b. **Service by Certified Mail** -- This can be accomplished by sending a copy of the 'Notice to Defend and Claim Rights' and the 'Divorce Complaint' and the 'Affidavit of Separation' to the other party(ies) by **certified mail, return receipt requested, restricted delivery.**
  1. Prepare an envelope with the other party's name and address, using your own address as the return address.
  2. Print the words "Restricted Delivery" on the lower left hand corner of the envelope. It is best to do this with red ink.
  3. Take the envelope to the Post Office and tell the postal worker that you want to send it "**certified mail, return receipt requested, restricted delivery.**"
  4. Someone at the post office can help you complete the cards properly, but here are the instructions for your information:
    - a. Fill in the other party's name and address on the backside of the green card. There are boxes on this side for you to check the type of delivery you want.
    - b. Check the box that indicates you want a return receipt and the one that indicates the item should be delivered **only** to the person named on the envelope.
    - c. Fill in your name and address on the reverse side so the green card will be returned to you after the other party has signed for the envelope.
    - d. There will also be a green and white paper slip that is numbered which you need to complete. Fill in the other party's name and address.
  5. There is a list of blanks indicating fees for the mailing. Someone at the post office will help you complete this part if you are not sure which costs apply.

6. The reverse side of the green part of this slip will have adhesive on it. Wet it and attach it to the top of the envelope allowing room for the postage. The number from this slip of paper will be filled in on the green card where indicated.
7. **MAKE SURE YOU KEEP THE RECEIPT FROM THIS SLIP.** The cost of certified mail, return receipt, restricted delivery is approximately \$8.00.
8. **WHEN YOUR GREEN CARD IS RETURNED TO YOU, YOU MUST ATTACH BOTH THE GREEN CARD AND THE WHITE SLIP TO A PIECE OF PAPER. THEN ATTACH THE PIECE OF PAPER TO THE COMPLETED 'AFFIDAVIT OF SERVICE' 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 from. If the other party does not sign for the envelope you should proceed with personal service or service by sheriff.**

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

## **INSTRUCTIONS FOR COMPLETING THE 'AFFIDAVIT OF SERVICE'**

After serving the 'Notice to Defend and Claim Rights' and the 'Complaint' and the 'Affidavit of Separation' according to the instructions, you will need to complete and file the 'Affidavit of Service'.

1. **First Blank** -- If your spouse was served by certified mail, print your name. If your spouse was served personally, print the name of the person who handed the 'Notice to Defend and Claim Rights' and the 'Divorce Complaint' and the 'Affidavit of Separation' to your spouse. **A THIRD PARTY MUST PERSONALLY SERVE YOUR SPOUSE. YOU CAN NOT PERSONALLY SERVE YOUR SPOUSE.**
2. **Second Blank** -- Fill in the date on which service was made (either the date your spouse signed the green card or was handed the 'Notice to Defend and Claim Rights' and the 'Divorce Complaint' and the 'Affidavit of Separation').

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

If your spouse was personally served, check the second paragraph and fill in the location where your spouse was served, and the date and time of service. The person who made personal service must sign, and date the 'Affidavit of Service'. Take the 'Affidavit of Service' to the Prothonotary's Office for filing.

## **INSTRUCTIONS FOR COMPLETING THE 'NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE DECREE'**

You must file a copy of the 'Notice of Intention to Request Entry of a Divorce Decree.'

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. Date and sign the form as Plaintiff with your full, legal name, including middle initial.

### **INSTRUCTIONS FOR COMPLETING THE 'COUNTER AFFIDAVIT'**

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

### **INSTRUCTIONS FOR COMPLETING THE 'ACCEPTANCE AND ACKNOWLEDGMENT OF SERVICE'**

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

### **INSTRUCTIONS FOR DAUPHIN COUNTY 'DIVORCE INFORMATION SHEET'**

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

1. Fill in the date that you are completing this form.
2. Write in the docket number.
3. Write in the Plaintiff's (your) name.
4. Write in the Plaintiff's (your) social security number.
5. Write in the Defendant's (spouse's) name.
6. Write in the Defendant's (spouse's) social security number.
7. Check the line next to the correct years for length of marriage.

You should file the Dauphin County 'Divorce Information Sheet' at the same time as you file a copy of the 'Notice of Intention to Request Entry of a Divorce Decree', the 'Counter-Affidavit', the 'Praecipe to Transmit Record', and three (3) proposed 'Divorce Decrees'.

### **INSTRUCTIONS FOR COMPLETING THE 'PRAECIPE TO TRANSMIT RECORD'**

1. Again, make sure you complete the caption.
2. Paragraph 2 – If the complaint was served by certified mail, print "Service by Certified Mail, Restricted Delivery, Return Receipt"

Requested” then, insert the date your spouse signed the green card (this date will also be on the ‘Affidavit of Service’).

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

If the “Complaint’ was served by the sheriff, print the date of service.

If the ‘Complaint’ was served and the Defendant signed the “Acceptance of Service” form, print the date that your spouse received the “Complaint”.

3. Paragraph 3 – Print the date you signed the ‘Affidavit of Separation’.
4. Paragraph 4 – Print the date on which you filed the ‘Affidavit of Separation’ with the Prothonotary’s Office and the date you served your spouse with the ‘Affidavit of Separation’.
5. Paragraph 5 – Print the word “None.”
6. Paragraph 6 – Print the date on which you served the ‘Notice of Intention to Request Entry of Divorce Decree’ and ‘Counter-Affidavit’, and attach a date-stamped copy of the ‘Notice to the Praecepto to Transmit Record’.
7. Date and sign your full legal name.
8. After you complete the ‘Praecepto to Transmit Record’, file it in the Prothonotary’s Office along with a copy of the ‘Notice of Intention to Request Entry of Divorce Decree’, the ‘Counter-Affidavit’, the Dauphin County ‘Divorce Information Sheet’ and three (3) proposed ‘Divorce Decrees’.

### **INSTRUCTIONS FOR COMPLETING THE ‘DIVORCE DECREE’**

1. Complete the caption as on all forms, including the docket number.
2. Do not fill in any dates in the first line.
3. Print or type your full, legal name in the blank on the second line and the full, legal name of your spouse in the blank on the third line. Names must appear as they appear in the caption.

4. Do not enter the name of the judge.
5. Take three (3) proposed 'Divorce Decrees' to the Prothonotary's Office along with the 'Praeceptum to Transmit Record', a copy of the 'Notice of Intention to Request Divorce Decree' and the 'Counter-Affidavit', and the Dauphin County 'Divorce Information Sheet'.

The Prothonotary's Office will forward the file to the Court Administrator's Office for review and presentation to the Motion Judge for review and signature.

If all documents have been filed and served correctly, you may receive your signed divorce decree as soon as within one (1) week.

At any time after the divorce complaint is filed, if you are female, you may choose to resume your maiden name. To do this you must go to the Dauphin County Prothonotary's Office and file a statement indicating that you intend to resume your maiden name. The cost is \$13.50 which has to be paid in cash, certified check, or money order. The Prothonotary's Office will provide you with the form.