

# FORMS

## DIVORCE WHERE PARTIES HAVED 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 OF 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.

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

**NOTICE TO DEFEND AND CLAIM RIGHTS**

**You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested in these papers by the plaintiff. You may lose money or property or other rights important to you, including custody 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 on the first floor of the Dauphin County Courthouse, Harrisburg, Dauphin County, PA. 17101**

**IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.**

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

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

**The Court of Common Pleas of Dauphin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator at (717) 780-6624. All arrangements must be made at least 72 hours prior to any hearing or business before the Court.**

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

**COMPLAINT UNDER § 3301(d) OF THE DIVORCE CODE**

1. Plaintiff is \_\_\_\_\_, who currently resides at  
Your Complete Name  
 \_\_\_\_\_, \_\_\_\_\_ County,  
Street Address and City Name of County  
 Pennsylvania, \_\_\_\_\_ since \_\_\_\_\_.  
Zip Code Date Moved to Current Address

2. Defendant is \_\_\_\_\_, who currently resides at  
Complete Name of Spouse  
 \_\_\_\_\_, \_\_\_\_\_ County,  
Street Address and City Name of County  
 Pennsylvania, \_\_\_\_\_ since \_\_\_\_\_.  
Zip Code Date Moved to Current Address

3. Plaintiff and/or 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 \_\_\_\_\_, at  
Date of Marriage  
 \_\_\_\_\_.  
City and State where Marriage Took Place

5. There have been no prior actions of divorce or for annulment between the parties except \_\_\_\_\_.  
Docket Number of Prior Divorce/Annulment Action

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

7. This marriage is irretrievably broken.

8. The parties to this action separated on \_\_\_\_\_ and have continued to live  
Date of Separation

separate and apart for at least (2) years.

9. Plaintiff has been advised that counseling is available and that Plaintiff may have the right to request that the court require the parties to participate in counseling.

10. Plaintiff requests the court to 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 falsifications to authorities.

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

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

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

\_\_\_\_\_  
Telephone Number

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

**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 deemed admitted.**

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

1. The parties to this action separated on \_\_\_\_\_ and have continued  
Date of Separation  
 to live separate and apart for a period of at least two (2) 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 falsifications to authorities.

Date: \_\_\_\_\_ Signature of Plaintiff: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

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

**AFFIDAVIT OF SERVICE**

I, \_\_\_\_\_, hereby verify that  
Your Name or Name of Person who Served Divorce Complaint and Affidavit of Separation  
 on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Defendant was served with a true and  
Month  
 correct copy of the Divorce Complaint and Affidavit of Separation by one of the following  
 methods:

**(CHECK ONE)**

- Service was made by **United States Postal Service**, first class mail, postage prepaid, certified, **restricted delivery**, return receipt requested to the Defendant, on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The return receipt (postal green card) signed by the **Defendant** is attached hereto.
- The Defendant was personally served with a true and correct copy of the above pleading by hand-delivering the same to the Defendant by **someone other than the Plaintiff**. Personal service was made at the following location and time:  
 \_\_\_\_\_ on the \_\_\_\_\_ day of  
 \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock.

**(PERSONAL SERVICE CAN NOT BE MADE BY PLAINTIFF.)**

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

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

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

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

**ACCEPTANCE OF SERVICE**

I accept service of the 'Divorce Complaint' with the 'Notice to Defend and Claim Rights'  
and the 'Affidavit of Separation' .

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

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

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

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

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

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

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

- (a) I do not oppose the entry of a divorce decree.
- (b) I oppose the entry of a divorce decree because:  
**(check (i) or (ii), or both):**
  - (i) The parties to this action have not lived separate and apart for a period of at least two (2) 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 Entry of Divorce Decree', the divorce decree may be entered without further notice to me,**

**and I shall be unable thereafter to file any economic claims.**

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

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

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

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

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

**TO: 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

\_\_\_\_\_ the other party can request the court to  
Date Which Is At Least Twenty Days From Date of Service of this Notice  
 enter a final Decree in Divorce.

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.**

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

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

**ACCEPTANCE AND ACKNOWLEDGMENT OF SERVICE**

I, \_\_\_\_\_, Defendant in the above-  
Name of Defendant  
captioned proceeding accept and acknowledge service of the Notice of Intention to Request Entry of § 3301(d) of the Divorce Code filed in this action by the Plaintiff.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Defendant

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

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

# **DIVORCE INFORMATION SHEET**

Pursuant to Act 2001-82, Vital Statistic Forms are not required effective January 1, 2002. However, the Prothonotary is required to provide the following information in lieu of the Vital Statistics Form.

Please complete the appropriate information and file with the Prothonotary.

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

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

**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 § 3301(d) of the Divorce Code.

2. Date and manner of service of Complaint:

\_\_\_\_\_.  
 State Whether Complaint Was Served By Certified Mail, Personal Service By Someone Other Than Plaintiff Or By Sheriff

3. Date of execution of the 'Affidavit of Separation' required by § 3301(d) of the Divorce Code: \_\_\_\_\_.

4. Date of filing and service of the Plaintiff's 'Affidavit of Separation' upon the Defendant: \_\_\_\_\_.

5. Related claims pending: \_\_\_\_\_.

6. Date and manner of service of the 'Notice of Intention to Request Divorce Decree' (a copy of which is attached).

\_\_\_\_\_.

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

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

