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FORM 1.2 Complaint in Divorce

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

Plaintiff
vs.

No.

Defendant

COMPLAINT IN DIVORCE

1. Plaintiff is _____ who currently resides at _____ in _____, County of _____, State of _____.

2. Defendant is _____ who currently resides at _____ in _____, County of _____, State of _____.

3. _____ has been a bona fide resident of the Commonwealth of Pennsylvania for a period of more than six (6) months immediately preceding the filing of this Complaint.

4. The parties were married on the _____ day of _____, 20_____, at _____, State of _____. Attached hereto and marked Exhibit ``A" is a true and correct copy of the marriage certificate.

5. Neither plaintiff nor defendant is in the military or naval service of the United States or its allies within the provisions of the Soldiers' and Sailors' Civil Relief Act of the Congress of 1940 and its amendments.

6. There has been no prior action for divorce or annulment instituted by either of the parties in this or any other jurisdiction.

7. The 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.

COUNT _____

Request for a fault divorce under § 3301(a)(6) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. Defendant has offered such indignities to plaintiff (who is the innocent and injured spouse) as to render plaintiff's condition intolerable and life burdensome.

. This action is not collusive as defined by § 3309 of the Divorce Code.

WHEREFORE, plaintiff respectfully requests the Court to enter a decree of divorce pursuant to § 3301(a)(6) of the Divorce Code.

COUNT _____

Request for a fault divorce under § 3301(a)(1) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. Defendant has committed willful and malicious desertion and absented himself/herself from habitation with the Plaintiff without any reasonable cause for a period of more than one year.

. This action is not collusive as defined by § 3309 of the Divorce Code.

WHEREFORE, Plaintiff respectfully requests the Court to enter a decree of divorce pursuant to § 3301(a)(1) of the Divorce Code.

COUNT _____

Request for a fault divorce under § 3301(a)(2) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. Defendant has committed adultery.

. This action is not collusive as defined by § 3309 of the Divorce Code.

WHEREFORE, plaintiff respectfully requests the Court to enter a decree of divorce pursuant to § 3301(a)(2) of the Divorce Code.

COUNT _____

Request for a fault divorce under § 3301(a) (3) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. Defendant has committed cruel and barbarous treatment, and endangered the life and health of the Plaintiff.

. This action is not collusive as defined by § 3309 of the Divorce Code.

WHEREFORE, plaintiff respectfully requests the Court to enter a decree of divorce pursuant to § 3301(a)(3) of the Divorce Code.

COUNT _____

Request for a fault divorce under § 3301 (a) (4) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. Defendant has knowingly entered into a marriage with Plaintiff while Defendant was still married.

. This action is not collusive as defined by § 3309 of the Divorce Code.

WHEREFORE, plaintiff respectfully requests the Court to enter a decree of divorce pursuant to § 3301(a)(4) of the Divorce Code.

COUNT _____

Request for a fault divorce under § 3301(a) (5) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. Defendant has been sentenced to imprisonment for a term of more than two years after having been convicted of committing a crime.

WHEREFORE, plaintiff respectfully requests the Court to enter a decree of divorce pursuant to § 3301(a)(5) of the Divorce Code.

COUNT _____

Request for a no-fault divorce under § 3301 of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. The marriage of the parties is irretrievably broken.

WHEREFORE, plaintiff respectfully requests the Court to enter a decree of divorce pursuant to § 3301 of the Divorce Code.

COUNT _____

Request for equitable distribution of marital property under § 3502(a) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. Plaintiff requests the Court to equitably divide, distribute or assign the marital property between the parties without regard to marital misconduct in such proportion as the Court deems just after consideration of all relevant factors.

WHEREFORE, plaintiff respectfully requests the Court to enter an order of equitable distribution of marital property pursuant to § 3502(a) of the Divorce Code.

COUNT _____

Request for support of child(ren) under §§ 3104(a)(3), 3323(b) and 4351(a) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. The parties are the parents of the following unemancipated children who reside with _____:

NAME DATE OF BIRTH	AGE	SEX

. Defendant is employed and has the income and/or earning capacity to provide appropriate support.

. Defendant is obligated to provide for the reasonable support of his/her child/children.

WHEREFORE, plaintiff respectfully requests that, pursuant to §§ 3104(a)(3) and 3323(b) of the Divorce Code, an order of temporary child support be entered against the defendant until final hearing and permanently thereafter until such time as defendant is no longer legally obligated to contribute toward their support, and pursuant to § 4351(a), appropriate counsel fees, filing fees and expenses.

COUNT _____

Request for continued maintenance and beneficiary designations of existing policies insuring life and health of defendant under § 3502(d) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. During the course of the marriage, defendant has maintained certain life and health insurance policies

for the benefit of plaintiff [and the child(ren) of the parties].

. Pursuant to § 3502(d), plaintiff requests defendant be directed to continue maintenance of said policies for the benefit of plaintiff [and the child(ren) of the parties].

WHEREFORE, plaintiff respectfully requests that, pursuant to § 3502(d) of the Divorce Code, the Court enter an order directing defendant to continue to maintain certain life and health insurance policies for the benefit of plaintiff [and the child(ren) of the parties].

COUNT _____

Request for confirmation of custody under §§ 3104(a)(2) and 3323(b) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. The parties are the parents of the following unemancipated child/children who resides/reside with:

NAME	AGE	SEX
DATE OF BIRTH		

. During the past five years, the children/child have/has resided with the parties and at the addresses herein indicated:

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. Plaintiff has not participated in any other litigation concerning the child/children in this or any other state.

. There are no other proceedings pending involving custody of the child/children in this or any other state.

. Plaintiff knows of no person not a party to these proceedings who has physical custody of the child/children or who claims to have custody, partial custody or visitation rights with respect to the child/ children.

. The best interests of the child/children will be served if custody of him/her/them is confirmed in plaintiff.

WHEREFORE, plaintiff respectfully requests that, pursuant to §§ 3104(a)(2) and 3323(b) of the Divorce Code, the Court enter an order confirming custody of the child/children in plaintiff.

COUNT _____

Request for joint custody award under §§ 3104(a)(2) and 3323(b) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. The parties are the parents of the following unemancipated child/children who resides/reside with

NAME OF BIRTH	AGE	SEX	DATE
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. During the past five years, the children/child have/has resided with the parties and at the addresses herein indicated:

. Plaintiff has not participated in any other litigation concerning the child/children in this or any other state.

. There are no other proceedings pending involving custody of the child/children in this or in any other state.

. Plaintiff knows of no person not a party to these proceedings who has physical custody of the child/children or who claims to have custody, partial custody or visitation rights with respect to the child/ children.

. Sole custody isolates the child/children from the noncustodial parent.

. The best interests of the child/children require that open and meaningful access be maintained with each parent and that he/she/they have a relationship with each parent.

. The child/children has/have developed emotional attachment to each parent and the severing of either attachment is not in the child's/children's best interest.

. Permitting each parent to remain involved in the life/lives of the child/children enables the child/children to share with each parent the intimate contact necessary to strengthen a true parent-child relationship.

WHEREFORE, plaintiff respectfully requests that, pursuant to §§ 3104(a)(2) and 3323(b) of the Divorce Code, the Court enter an order awarding joint custody of the child/children to the parties.

COUNT _____

Request for spousal support and/or alimony pendente lite and alimony under §§ 3701(a) and 3702 of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. Plaintiff is unable to sustain herself/himself during the course of litigation.

. Plaintiff lacks sufficient property to provide for her/his reasonable needs and is unable to sustain herself/himself through appropriate employment.

. Plaintiff requests the Court to enter an award of spousal support and/or alimony pendente lite until final hearing and thereupon to enter an order of alimony in her/his favor pursuant to §§ 3701(a) and 3702 of the Divorce Code.

WHEREFORE, plaintiff respectfully requests the Court to enter an award of spousal support and/or alimony pendente lite until final hearing and thereupon to enter an order of alimony in her/his favor pursuant to §§ 3701(a) and 3702 of the Divorce Code.

COUNT _____

Request for counsel fees, costs and expenses under §§ 3104(a)(1), 3323(b), 3702 and 4351(a) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. Plaintiff has employed _____, Esquire, to represent him/her in this matrimonial cause.

. Plaintiff is unable to pay his/her counsel fees, costs and expenses and defendant is more than able to pay them.

. Defendant is employed and has the ability to pay Plaintiff's counsel fees, costs and expenses.

. Reserving the right to apply to the Court for temporary counsel fees, costs and expenses prior to final hearing, plaintiff requests that, after final hearing, the Court order defendant to pay plaintiff's reasonable counsel fees, costs and expenses.

WHEREFORE, plaintiff respectfully requests that, pursuant to §§ 3104(a)(1), 3323(b), 3702 and 4351(a) of the Divorce Code, the Court enter an order directing defendant to pay plaintiff's reasonable counsel fees, costs and expenses.

COUNT _____

Request for approval of any settlement agreement and incorporation thereof in divorce decree under §§ 3104(a)(1) and (3) and 3323(b) of the Divorce Code

. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

. The public policy of the Commonwealth of Pennsylvania encourages parties to a marital dispute to negotiate a settlement of their differences.

. While no settlement has been reached as of the date of the filing of this Complaint, plaintiff is and has always been willing to negotiate a fair and reasonable settlement of all matters with defendant.

. To the extent that a written settlement agreement might be entered into between the parties prior to the time of hearing on this Complaint, plaintiff desires that such written agreement be approved by the Court and incorporated in any divorce decree which may be entered dissolving the marriage between the parties.

WHEREFORE, if a written settlement agreement is reached between the parties prior to the time of hearing on this Complaint, plaintiff respectfully requests that, pursuant to §§ 3104(a)(1) and (3) and 3323(b) of the Divorce Code, the Court approve and incorporate such agreement in the final divorce decree.

Plaintiff

VERIFICATION TO COMPLAINT IN DIVORCE

I, plaintiff, _____ verify that the statements made in this Complaint in Divorce are true

and correct. Plaintiff understands that false statements herein are made subject to the penalties of

18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

Plaintiff

Date: _____