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FORM 1.3 Answer and Counterclaim

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

Plaintiff
VS.

No.

Defendant

**ANSWER AND COUNTERCLAIM
ANSWER TO COMPLAINT IN DIVORCE**

Paragraphs 1-_____. Pursuant to *Pennsylvania Rule of Civil Procedure 1920.14*, an answer to the allegations of an action for divorce is not required, and such allegations are deemed denied.

COUNTERCLAIM

COUNT _____

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

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

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

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

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

COUNT _____

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

. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

. The marriage of the parties is irretrievably broken.

. After ninety (90) days have elapsed from the date of the filing of this Answer and Counterclaim, Defendant

intends to file an affidavit consenting to a divorce; Defendant believes that Plaintiff may also file such an affidavit.

WHEREFORE, if both parties file affidavits consenting to a divorce after ninety (90) days have elapsed from the date of the filing of this Answer and Counterclaim, Defendant respectfully requests the Court to enter a decree of divorce pursuant to § 3301(c) of the Divorce Code.

COUNT _____

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

. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

. The marriage of the parties is irretrievably broken.

. The parties have lived separate and apart and at the appropriate time, Defendant will submit an affidavit alleging that the parties have lived separate and apart for at least the time period specified in § 3301(d) of the Divorce Code.

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

COUNT _____

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

. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

. Defendant 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, Defendant 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) and 3323(b) of the Divorce Code

. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

. The parties are the parents of the following unemancipated child[ren] who reside with:

NAME	AGE	SEX	DATE OF BIRTH
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. Plaintiff is employed and has the income and/or earning capacity to provide appropriate support.

. Plaintiff (is obligated/has failed) to provide for the reasonable support of his/her child[ren].

WHEREFORE, Defendant respectfully requests that, pursuant to §§ 3104(a)(3) and 3323(b) of the Divorce Code, an order of temporary child support be entered against Plaintiff until final hearing and permanently

thereafter until such time as Plaintiff is no longer legally obligated to contribute toward their support.

COUNT _____

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

. The prior paragraphs of this Answer and Counterclaim 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
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. During the past five years, the children/child have/has resided with the parties and at the addresses herein indicated:

. Defendant 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.

. Defendant 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 Defendant.

WHEREFORE, Defendant 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 Defendant.

COUNT _____

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

. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

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

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

. Defendant 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.

. Defendant 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, Defendant 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 Answer and Counterclaim are incorporated herein by reference thereto.

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

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

. Defendant 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, Defendant 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) and 3702 of the Divorce Code

. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

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

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

. Plaintiff is employed and has the ability to pay Defendant'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, Defendant requests that, after final hearing, the Court order Plaintiff to pay Defendant's reasonable counsel fees, costs and expenses.

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

expenses.

COUNT _____

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

. The prior paragraphs of this Answer and Counterclaim are incorporated herein by reference thereto.

. During the course of the marriage, Plaintiff has maintained certain life insurance policies for the benefit of Defendant.

. Pursuant to § 3502(d), Defendant requests Plaintiff be directed to continue maintenance of said policies for the benefit of Defendant.

WHEREFORE, Defendant respectfully requests that, pursuant to § 3502(d) of the Divorce Code, the Court enter an order directing Plaintiff to continue to maintain certain life insurance policies for the benefit of Defendant.

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 Answer and Counterclaim 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 Answer and Counterclaim, Defendant is and has always been willing to negotiate a fair and reasonable settlement of all matters with Plaintiff.

To the extent that a written settlement agreement might be entered into between the parties prior to the time of hearing on this Answer and Counterclaim, Defendant 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 Answer and Counterclaim, Defendant 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.

Defendant

**VERIFICATION TO ANSWER AND COUNTERCLAIM
IN DIVORCE**

I, plaintiff, _____ verify that the statements made in this answer and counterclaim to 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: _____