

HOW TO FILE FOR DIVORCE



Disclaimer

Neither the staff in the Center nor the staff in any Court office will be able to give you legal advice or help you fill out/complete the forms. The information in the packets is not to be 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 Lawyer Referral service at 393-0737.

DIVORCE PACKET

- I. INTRODUCTION**
- II. DEFINITIONS**
- III. FREQUENTLY ASKED QUESTIONS**
- IV. PROCEDURES**
- V. FORMS**
- VI. RULES**

I. INTRODUCTION.

A divorce is a way to legally end your marriage. It is recommended that you at least speak to an attorney so you know your legal rights.

If you decide to represent yourself in the divorce action (known as “pro se”), it will take a lot of time, and cause you difficulty, confusion, and frustration. You **MUST** follow the Rules and Procedures, both state and county, as are required for attorneys. The Court will not allow you to skip any procedure because you “**did not know how or when**” to do something in your divorce action. This packet is not to be a substitute for professional legal advice tailored to a specific fact situation.

Speaking with an attorney is absolutely recommended if you wish to bring up issues besides legally ending your marriage - such as making claims to items of property and other money from your marriage or for alimony after divorce.

Also, this self help packet contains instructions only about how to obtain a “no-fault” divorce. Pursuing a divorce on one of the fault grounds in Pennsylvania divorce law requires litigation before a court appointed Divorce Master. Therefore, if a fault based divorce is desired, the assistance of an attorney is strongly recommended.

COURT-STAFFED OFFICES IN THE COURTHOUSE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE.

Also, the Judges and Divorce Masters WILL NOT be available to you to provide advice or guide you through the proceedings. You are NOT ALLOWED to contact Judges or Divorce Masters except for filing official paperwork or appearing in court proceedings.

If you feel you need an attorney, you may contact the **LANCASTER BAR ASSOCIATION. Telephone: (717)393-0737.**

II. DEFINITIONS.

“Alimony” An Order for support granted by this Commonwealth or any other state to a spouse or former spouse in conjunction with a Decree granting a divorce or annulment.

“Alimony Pendente Lite” (APL)

An Order for temporary support granted to a spouse during the pendency of a divorce or annulment proceeding.

“Annulment”

Act of making a marriage void retrospectively as well as prospectively; annulment destroys existence of void or voidable marriage, which factors are found in 23 Pa.C.S.A. §3304 and 23 Pa.C.S.A. §3305.

"Cohabitation"

Living or abiding or residing together as man and wife.

“Contested divorce”

A divorce where the parties do not agree to a division of property and/or to divorce.

“Counterclaim”

An answer to the complaint filed by the Defendant in the same action, which may raise any other matter under the Divorce Code that may be joined with the divorce.

“Defendant” The person being sued.

“Divorce” Divorced from the bonds of matrimony.

"Divorce Master"

An attorney appointed by the court to hear testimony on claims filed in a divorce action and make recommendations for resolution of those claims.

“Equitable” Does **not** mean “equal.”

“Ex parte” In order to preserve fairness to all in a proceeding, no one party or his/her lawyer can contact the court about issues in the case without the other party's participation; this includes by telephone, mail, or in person.

“Fault divorce”

A divorce filed under 23 Pa.C.S.A. §3301(a) or (b).

“Grounds for divorce”

The grounds are enumerated in §3301 of the Domestic Relations Code (relating to grounds for divorce).

“Irretrievable breakdown”

Estrangement due to marital difficulties with no reasonable prospect of reconciliation.

“Jurisdiction”

The courts shall have original jurisdiction in cases of divorce and for the annulment of void or voidable marriages and shall determine, in conjunction with any decree granting a divorce or annulment, the following matters, if raised in the pleadings, and issue appropriate decrees or orders with reference thereto, and may retain continuing jurisdiction thereof:

(1) The determination and disposition of property rights and interests between spouses, including any rights created by any antenuptial, postnuptial, or separation agreement and including the partition of property held as tenants by the entireties or otherwise and any accounting between them, and the order of any spousal support, alimony, *alimony pendente lite*, counsel fees or costs authorized by law.

(2) The future care, custody and visitation rights as to children of the marriage or purported marriage.

(3) Any support or assistance which shall be paid for the benefit of any children of the marriage or purported marriage.

(4) Any property settlement involving any of the matters set forth in paragraphs (1), (2) and (3) as submitted by the parties.

(5) Any other matters pertaining to the marriage and divorce or annulment authorized by law and which fairly and expeditiously may be determined and disposed of in such action.

“Marital property”

All property acquired by either the husband or the wife during the marriage. It also means any gain in value of the non-marital property from the date of the marriage until the date of final separation.

"No-fault divorce"

A divorce filed under 23 Pa.C.S.A. §3301(c) or (d).

"Non-marital property”

Property owned before marriage or property acquired in trade for property owned before the marriage; property you and your spouse agree is not marital property; property acquired as a gift (except between spouses) or an inheritance; property acquired between the final separation date and the date of divorce; property a spouse traded or sold for value or gave away in good faith before the date of final separation; certain veteran's benefits; property mortgaged in good faith and for value before the date of the final separation; and payment received from a claim which arose before the marriage or after the date of final separation.

“Pro se” For one's own behalf or appearing for oneself.

“Plaintiff” The person filing the case.

“Qualified professionals”

Includes marriage counselors, psychologists, psychiatrists, social workers, ministers, priests, rabbis or other persons who, by virtue of their training and experience, are able to provide counseling.

“Separate and apart”

Complete cessation of any and all cohabitation, whether living in the same residence or not.

“Spousal support”

Care, maintenance and financial assistance.

“Uncontested Divorce”

A divorce where the parties agree, and is filed under 23 Pa.C.S.A. §3301(c) or (d).

“Venue”

A proceeding for divorce or annulment must be brought in the county (1) where the Defendant resides; (2) if the Defendant resides outside of this Commonwealth, where the Plaintiff resides; (3) of matrimonial domicile, if the Plaintiff has continuously resided in the county; or (4) prior to six months after the date of final separation and with agreement of the Defendant, where the Plaintiff resides, or if neither party continues to reside in the county of matrimonial domicile, where either party resides; or (5) after six months after the date of final separation, where either party resides.

III. FREQUENTLY ASKED QUESTIONS.

- **What court costs/fees are involved to file a divorce?** See Schedule of Prothonotary's Fees. The fees must be paid at the beginning of the case.
- **Can I get a “legal separation”?** In Pennsylvania, there is no statute for a legal separation.
- **Who may file for divorce?** In order for the Commonwealth of Pennsylvania to have jurisdiction over your divorce, either you or your spouse must have lived in Pennsylvania for at least six (6) months or have been stationed in Pennsylvania as a member of the military for at least six (6) months.
- **How long does it take to get a divorce?** There is no certain answer. Each case is different.

If the spouses agree to divide their property or have no property and are in agreement with the divorce, the divorce can become final in approximately four (4) months. Refer to 23 Pa.C.S.A. §3301(c) and Pa.R.C.P. 1920.1 through 1920.76.

If one spouse does not agree, the divorce can be prolonged in excess of two (2) years or more from the date of separation under §3301(d) of the Divorce Code. Refer to 23 Pa.C.S.A. §3301(d) and Pa. R.C.P. 1920.1 through 1920.76.

- **Can I get a divorce if I am married by common law?** See a lawyer.
- **I live in another county, can I get divorced in Lancaster County?** Yes, however, the parties must agree in writing or participate in the proceeding. Refer to Pa. R.C.P. No. 1920.2(a)(2). Otherwise, if the parties do not agree, the divorce action must be filed in the proper county. It is always proper to file the action in the county in which the Defendant resides.
- **Can I get divorced if I do not know my spouse's whereabouts?** See a lawyer.
- **What are the grounds for divorce?** Refer to 23 Pa.C.S.A. §3301.
- **What are the procedures and timelines?** Provided in the following section but for a “no-fault” divorce only. (See page 2).
- **What is the difference between spousal support , *alimony pendente lite*, and alimony?** See below.

□ **WHAT IS SPOUSAL SUPPORT?** 23 Pa.C.S.A. §4321

Spousal support originates from the Pennsylvania support law, which states that married persons are liable for the support of each other according to their respective abilities to provide support, as provided by law. Generally, the spouse with the higher income or earning capacity will be ordered to pay a periodic amount of spousal support to the spouse who earns less. The spouse who earns less often is referred to as a dependent spouse.

□ **HOW DO I FILE FOR SPOUSAL SUPPORT?**

Pa.R.C.P. 1910.4; 1910.27(a)

Spousal support cases are filed at the Domestic Relations Section and follow the procedure for support cases.

□ **HOW IS THE AMOUNT OF SPOUSAL SUPPORT DETERMINED?**

Pa.R.C.P. 1910.16-1 through 1910.16-7

23 Pa.C.S.A. §4322

Spousal support is determined through a clear cut guideline calculation based on the parties' incomes set forth in the Pennsylvania support guidelines.

□ **AND IF YOUR SPOUSE GETS WELFARE CASH ASSISTANCE . . .?**

23 Pa.C.S.A. §§4378; 4379; 4306(b.1)

A spouse who applies and qualifies for cash benefits from the Pennsylvania Department of Public Welfare (DPW) is required to file a spousal support claim against his or her spouse as a condition of receiving the cash assistance from DPW. This DPW filing requirement is imposed regardless of the wishes, inclination, or conduct of the filing spouse.

□ **WHEN DOES SPOUSAL SUPPORT STOP?**

Pa.R.C.P. 1910.16-5(b)

A spousal support award terminates upon the entry of a divorce decree, although a court may terminate it sooner due to the duration of the parties' marriage or modify an award due to a change in circumstances.

□ **IS THERE ANY WAY TO DEFEAT A SPOUSAL SUPPORT CLAIM?**

No legal citation - case law defines the issue

A claim for spousal support may be defeated through what is known as the *entitlement defense*. The entitlement defense obligates the spouse who left the marital residence to prove that his or her leaving the marriage was justified. That person will have the burden of convincing a court the other spouse engaged in a course of conduct in line with one of the grounds for fault divorce. If the entitlement defense is invoked at the initial Domestic Relations conference, the conference officer will schedule the matter for a hearing before a Common Pleas Court judge.

Dependent spouses who live with an unrelated member of the opposite sex typically are not successful in receiving a spousal support award from the court.

□ **AND HOW IS APL DIFFERENT?**

23 Pa.C.S.A. §3702

□ **HOW IS THE AMOUNT OF APL DETERMINED?**

Pa.R.C.P. 1910.16-1 through 1910.16-7

Like spousal support, APL is determined through a clear cut guideline calculation based upon the parties' incomes, using Pennsylvania's support guidelines.

□ **MAY I USE AN ENTITLEMENT DEFENSE TO COUNTER AN ALIMONY PENDENTE LITE CLAIM?**

No, unlike spousal support, the entitlement defense is not applicable to APL proceedings.

□ **WILL WELFARE MAKE MY SPOUSE FILE AN APL CLAIM?**

No. DPW does not require APL filings.

□ **DO I FILE FOR APL AT DOMESTIC RELATIONS?**

Since APL originates from the Divorce Code, an APL claim first needs to be filed in a divorce action at the Office of the Prothonotary. Then, a Complaint or petition seeking APL must be filed with the Domestic Relations Section, and Domestic Relations will schedule the APL claim for a support conference where the APL award will be calculated according to the Pennsylvania support guidelines.

□ **WHEN DOES APL STOP?**

APL awards are modifiable by the court after a showing of change of circumstances. APL awards typically terminate upon resolution of all claims raised in a divorce action.

□ **WHAT IS ALIMONY?**

23 Pa.C.S.A. §3701

Alimony is a claim that originates from the Pennsylvania Divorce Code whereby a dependent spouse can request a periodic support payment from his or her spouse so they might maintain themselves after the entry of a divorce decree. Alimony payments do not start until all claims raised in a divorce are resolved. Since alimony originates from the Divorce Code, an alimony claim needs to be filed in a divorce action at the Office of the Prothonotary. Alimony may not be filed at the Domestic Relations Section. Alimony is established by testimony and other evidence relating to statutory factors presented at a hearing before a Divorce Master.

Alimony pendente lite (APL) is a claim that originates from the Pennsylvania Divorce Code whereby a dependent spouse can request a periodic support payment from his or her spouse so they are able to maintain themselves during the pendency of a divorce action. Like spousal support, the spouse with the higher income or earning capacity will be ordered to pay an amount of APL to their dependent spouse. A court will not award both spousal support and APL during the same time.

**IV. PROCEDURES - (A) SIMPLE NO FAULT DIVORCE UNDER §3301(C)
OF THE DIVORCE CODE - IF BOTH PARTIES AGREE:**

FILING

- A divorce case is started with the filing of a “Complaint.” Refer to Pa. R.C.P. 1920.12. All filings require the original plus two copies of the Complaint. The original stays with the court and two copies are returned to you; one for you and one for the other spouse. An accompanying civil cover sheet is to be included with the Complaint. (See form 1.)
- Pay a filing fee to the Prothonotary's Office, located in the Courthouse. (See Schedule of Costs.) The Prothonotary shall file the original, assign a case number and return two (2) timed-stamped copies to you.

SERVICE

- Service of the Complaint must be made by either personal service (form 2A or 2b) or certified mail (form 3) in accordance with Pa. R.C.P. 1930.4.
- A copy of the Divorce Complaint must be served upon the other party within thirty (30) days. Refer to Pa. R.C.P. No. 1930.4(e). Otherwise, the Complaint must be reinstated and re-served in accordance with Pa. R.C.P. 1930.4(g).

FINALIZATION

- 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 4a and b) and Waiver of Notice of Intention to Request Entry of Divorce Decree (form 5a and b) in accordance with Pa. R.C.P. 1920.42(b)(1). The Waiver of Notice and Affidavit of Consent, in accordance with Pa. R.C.P. 1920.42(b)(2), must be filed within thirty (30) days after that Affidavit was signed and dated. (Refer also to Pa. R.C.P. 1920.72(b)(c).)
- 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 the Record (form 6) and Praecipe of service (form 7), four (4) copies of the proposed Divorce Decree (form 9), and accompanying state statistical form (form 10). Refer to Pa. R.C.P. 1920.46. You must also provide the court with self-addressed and stamped envelopes for yourself and your spouse.
- ***NOTE: The Divorce Decree will be mailed to both parties approximately fourteen (14) days after filing the above forms, presuming there are no deficiencies. You may check the docket online at: www.co.lancaster.pa.us***

**PROCEDURES - (B) SIMPLE NO FAULT DIVORCE UNDER §3301(D) OF THE
DIVORCE CODE - TWO-YEAR SEPARATION:**

FILING

- A divorce case is started with the filing of a “Complaint.” Refer to Pa. R.C.P. 1920.12. All filings require the original plus two copies of the Complaint. The original stays with the court and two copies are returned to you; one for you and one for the other spouse. An accompanying civil cover sheet is to be included with the Complaint. (See form 1.)
- Pay a filing fee to the Prothonotary's Office located in the Courthouse. (See Schedule of Costs.) The Prothonotary shall file the original, assign a case number and return two (2) timed-stamped copies to you.

SERVICE

- Service of the Complaint must be made by either personal service (form 2A or 2b) or certified mail (form 3) in accordance with Pa. R.C.P. 1930.4.
- A copy of the Divorce Complaint must be served upon the other party within thirty (30) days. Refer to Pa. R.C.P. No. 1930.4(e). Otherwise, the Complaint must be reinstated and re-served in accordance with Pa. R.C.P. 1930.4(g).

FINALIZATION

- Pursuant to Pa. R.C.P. 1920.42(a)(2), and after two (2) years following separation of the parties have passed, either party may sign an Affidavit under §3301(d) of the Divorce Code (form 11), file an original and two copies with the Prothonotary's Office, and serve a copy upon the other spouse. Service of the Affidavit may be made by first class mail. After service has been made, the original Certificate of Service (form 11a) must be filed in the Prothonotary's Office.
- Pursuant to Pa. R.C.P. 1920.42(d)(1), and twenty (20) days after the Affidavit under §3301(d) of the Divorce Code referred to immediately above has been filed with the Prothonotary's office and served upon the other spouse, a Notice of Intention to Request Entry of Divorce Decree (form 12) and copy of *proposed* Praeceptum to Transmit the Record (form 6) is filed with the Prothonotary's Office and served upon the other spouse and any attorney of record along with a Certificate of Service (form 11a) listing all persons you have so served. Service of this Notice may be made by first class mail.

- Pursuant to Pa. R.C.P. 1920.46 and 1920.73, and upon twenty (20) days after the Notice referred to immediately above has been filed and served upon the other spouse, the divorce may be concluded by either party filing with the court, the *original* Praecipe to Transmit the Record (form 6) and Praecipe of service (form 7), four (4) copies of the proposed Divorce Decree (form 9), and accompanying state statistical form (form 10). Also, if the Defendant has not filed any papers related to the action, the Plaintiff must file an Affidavit of Nonmilitary Service (form*). (See Pa.R.C.P. 1920.46) You must also provide the court with self-addressed and stamped envelopes for yourself and your spouse.

- ***NOTE: The Divorce Decree will be mailed to both parties approximately fourteen (14) days after filing the above forms, presuming there are no deficiencies. You may check the docket online at: www.co.lancaster.pa.us***

V. FORMS:

#	NAME OF FORM
1.	COMPLAINT UNDER §3301(C) OR (D) OF THE DIVORCE CODE AND CIVIL COVERSHEET
2(a).	SERVICE DOCUMENT BY PERSONAL SERVICE
2(b).	SERVICE DOCUMENT BY ACCEPTING SERVICE
3.	SERVICE DOCUMENT BY CERTIFIED MAIL
4(a).	AFFIDAVIT OF CONSENT FOR PLAINTIFF'S SIGNATURE
4(b).	AFFIDAVIT OF CONSENT FOR DEFENDANT'S SIGNATURE
5(a).	WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE UNDER §3301(C) OF THE DIVORCE CODE FOR PLAINTIFF'S SIGNATURE
5(b).	WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE UNDER §3301(C) OF THE DIVORCE CODE FOR DEFENDANT'S SIGNATURE
6.	PRAECIPE TO TRANSMIT THE RECORD
7.	SERVICE FORM FOR PRAECIPE TO TRANSMIT THE RECORD
8.	AFFIDAVIT OF NONMILITARY SERVICE
9.	DIVORCE DECREE
10.	STATE STATISTICAL FORM
11.	AFFIDAVIT UNDER §3301(D) OF THE DIVORCE CODE
11(a).	CERTIFICATE OF SERVICE OF AFFIDAVIT UNDER §3301(D) OF THE DIVORCE CODE.
12.	NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE UNDER §3301(D) OF THE DIVORCE CODE
13.	COMPLAINT WITH COUNT I - ALIMONY PENDENTE LITE

NOTE: PLEASE SEE LOCAL RULE NO. 205.2(a) PHYSICAL CHARACTERISTICS OF LEGAL PAPERS

VI. RULES

- 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 Lancaster County Local Rules specifically Rules No. 252.2(a) and 252.2(b).
- A copy of the Pennsylvania and local Lancaster County Rules of Court can be found at the Lancaster County Law Library.

SCHEDULE OF DIVORCE COSTS:
COSTS ARE SUBJECT TO CHANGE - CHECK ONLINE AT:
www.co.lancaster.pa.us

Divorce - 3301(c) or (d) (No Fault) Fees include: Writ, tax, JCP, AOPC, CTF, PAF & Order)	\$181.00
Each Additional Count for a claim	\$50.00
If Count is for Custody, add AOPC fee	\$ 7.00
Master's Fee (for each one-half day) <i>Special Note: Master's fees are non-refundable</i>	\$475.00

NOTE: All fees are to be paid by money order, cashiers check, personal check or cash. A money order or check should be made payable to the Lancaster County Prothonotary.

*** *Filing a divorce - fee includes initial filing, PAF and Final costs*

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

DATED:

Plaintiff

VERIFICATION

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

DATED:

Plaintiff

**IN THE COURT OF COMMON PLEAS
OF LANCASTER COUNTY, PENNSYLVANIA
PROTHONOTARY
CIVIL COVER SHEET**

*Note: CAO SCHEDULING COVER SHEET MUST BE ATTACHED,
IF AN EVENT NEEDS TO BE SCHEDULED.*

**PLEASE TYPE OR PRINT LEGIBLY ALL INFORMATION REQUESTED.
PLEASE LIST NAMES, ADDRESSES AND SOCIAL SECURITY NUMBERS
OF ADDITIONAL PARTIES ON A SEPARATE SHEET.**

DO NOT STAPLE THE COVER SHEET TO THE PLEADING

ZIP CODES ARE REQUIRED & INFORMATION MUST MATCH PLEADING

CASE ID:

PLAINTIFF'S NAME VS DEFENDANT 'S NAME

ADDRESS:

ADDRESS:

TELEPHONE #:

TELEPHONE #:

TYPE OF ACTION:

Jury Trial Demanded: **Yes** **No** **Arbitration:** **Yes** **No**

Name of Firm and Filing Attorney OR Filing Party, Address, Telephone Number, AOPC Number

Firm:

Filing Attorney/ Party:

AOPC #

Address:

City:

State:

Zip Code:

Telephone Number:

E-mail:

Fax Number:

Signature: _____

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

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

AFFIDAVIT OF SERVICE

I, _____, hereby depose and say that on this date, I personally 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. CS. §4904 relating to unsworn falsification to authorities.

Dated: _____

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

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

ACCEPTANCE OF SERVICE

I, _____, Defendant in the above-captioned action depose and say 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. CS. §4904 relating to unsworn falsification to authorities.

Dated: _____

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

Plaintiff
vs.

Defendant

:
:
:
: No. CI-
:
:
:

AFFIDAVIT OF SIGNATURE

COMMONWEALTH OF PENNSYLVANIA)
) SS:
COUNTY OF LANCASTER)

_____ (Plaintiff), being duly affirmed according to law, deposes and says that he/she has examined the signature on the Return Receipt of the Post Office Department signed by _____ (Defendant), and that he/she is familiar with the signature of the said Defendant, and that the signature on that card is the signature of the said Defendant.

Affirmed and subscribed)
)
before me this ____ day)
)
of _____, 20__ .)
)

Notary Public)

Plaintiff

My Commission Expires:

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

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

AFFIDAVIT OF CONSENT

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

_____.

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

3. I consent to the entry of a final decree of divorce after service of Notice of Intention to Request Entry of the 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.

Dated: _____

Plaintiff

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

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

AFFIDAVIT OF CONSENT

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

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

3. I consent to the entry of a final decree of divorce after service of Notice of Intention to Request Entry of the 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.

Dated: _____
_____ Defendant

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

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
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.

Dated: _____
_____ Plaintiff

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

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
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.

Dated: _____
_____ Defendant

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

Plaintiff	:	
	:	
	:	
vs.	:	No. CI-
	:	
	:	
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: ir retrievable breakdown under §3301(c)OR 3301(d) of the divorce code.

2. Date and manner of service of the complaint: _____.

3. (Complete either paragraph (a) or (b))
 - (a) Date of execution of the Affidavit of Consent required by §3301(c) of the Divorce Code:
 by Plaintiff _____
 _____ by Defendant _____
 - (b)(1) Date of execution of the Plaintiff's Affidavit required by §3301(d) of the Divorce Code:
 _____;
 - (2) Date of service of the Plaintiff's Affidavit upon the Defendant: _____.

4. Related claims pending: None.

5. Date and manner of service of the Notice of Intention to file Praecipe to Transmit Record, a copy of which is attached, if the Decree is to be entered under §3301(d)(1)(i) of the Divorce Code.
 (Complete either (a) or (b))
 - (a) Date and manner of service of the notice of intention to file praecipe to transmit record, a copy of which is attached. _____;
 - (b) Date Plaintiff's Waiver of Notice in §3301(c) Divorce was filed with the Prothonotary:
 _____ Date Defendant's Waiver of Notice in §3301(c) Divorce was filed with the Prothonotary:
 _____.

 () Plaintiff
 () Defendant

LANCASTER COUNTY

OFFICE OF THE PROTHONOTARY - COURT OF COMMON PLEAS - CIVIL

RANDALL O. WENGER
Prothonotary
LORI GROFF
Chief Deputy

COURTHOUSE
50 NORTH DUKE STREET
P. O. BOX 83480
LANCASTER, PA 17608-3480
717-299-8282
FAX: 717-293-7210

DIVORCE INFORMATION SHEET

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

Please complete the appropriate information and file with the Prothonotary:

Docket Number:

Plaintiff's Name:

Defendant's Name:

Years Married: ___ 5; ___ 5-9; ___ 10-14;
 ___ 15-19; ___ 20-24; ___ 24-29; ___ 30+

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

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

NOTICE

If you wish to deny any of the statements set forth in this Affidavit, you must file a Counteraffidavit 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 DOMESTIC RELATIONS CODE

The parties to this action separated on _____ and have continued to live separate and apart for a period of at least two years.

1. The marriage is irretrievably broken.
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.

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 LANCASTER COUNTY, PENNSYLVANIA
CIVIL ACTION-LAW

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

CERTIFICATE OF SERVICE

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

By:

Date: _____

Plaintiff/Defendant

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

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

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

You have been sued in an action for divorce. You have failed to answer the Complaint or file a Counteraffidavit to the Plaintiff's §3301(d) Affidavit. Therefore, on or after _____, the Plaintiff can request the court to 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 Counteraffidavit by the above date, the court can enter a final decree in divorce. 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. A COUNTERAFFIDAVIT WHICH YOU MAY FILE WITH THE PROTHONOTARY OF THE COURT IS ATTACHED TO THIS NOTICE.

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.

DISTRICT COURT ADMINISTRATION OFFICE
LANCASTER COUNTY COURTHOUSE
50 NORTH DUKE STREET
LANCASTER, PA 17602
(717) 299-8041

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

_____	:	
Plaintiff	:	
	:	
vs.	:	No. CI-
	:	
_____	:	
Defendant	:	

DEFENDANT'S COUNTERAFFIDAVIT 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 either (i), (ii), or both)

(i) the parties to this action have not lived separate and apart for a period of two (2) years.

(ii) the marriage is not irretrievably broken.

2. (a) I do not wish to claim any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyers 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 Counteraffidavit 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:

Plaintiff/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 Counteraffidavit.

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

Plaintiff
vs.

Defendant

:
:
:
: No. CI-
:
:
:

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 CounterAffidavit was served by first class mail to the following:

By: _____
Plaintiff/Defendant

Date: _____

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

In Re: The marriage of _____ :
:
:
Plaintiff _____ :
:
vs. _____ : No. CI-
:
:
Defendant _____ :

COUNT NUMBER I -
COMPLAINT UNDER SECTION 3301 (c or d)
OF THE DOMESTIC RELATIONS CODE

1. Plaintiff is _____, who currently resides at _____, since _____.
2. Defendant is _____, who currently resides at _____, since _____.
3. Plaintiff and/or Defendant has/have been a bona fide resident/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 _____.
5. There have been no prior actions of divorce or for annulment between the parties except _____.
6. The marriage is irretrievably broken.
7. Plaintiff has been advised of the availability of counseling and the Plaintiff may have the right to request that the Court require the parties to participate in counseling.
8. Plaintiff requests the Court to enter a decree of divorce.

COUNT NUMBER II - ALIMONY PENDENTE LITE

Paragraphs 1 through 8 of Plaintiff's Complaint are incorporated herein by reference as though set forth in full.

9. Plaintiff lacks sufficient property to provide for her reasonable means and is unable to support herself through appropriate employment.

10. Plaintiff requires reasonable support to adequately maintain herself in accordance with the standard of living established in the marriage.

WHEREFORE, Plaintiff requests your Honorable Court to enter an award of reasonable temporary alimony until final hearing.

DATED:

Plaintiff

VERIFICATION

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

DATED:

Plaintiff

**IN THE COURT OF COMMON PLEAS
OF LANCASTER COUNTY, PENNSYLVANIA
PROTHONOTARY
CIVIL COVER SHEET**

*Note: CAO SCHEDULING COVER SHEET MUST BE ATTACHED,
IF AN EVENT NEEDS TO BE SCHEDULED.*

**PLEASE TYPE OR PRINT LEGIBLY ALL INFORMATION REQUESTED.
PLEASE LIST NAMES, ADDRESSES AND SOCIAL SECURITY NUMBERS
OF ADDITIONAL PARTIES ON A SEPARATE SHEET.**

DO NOT STAPLE THE COVER SHEET TO THE PLEADING

ZIP CODES ARE REQUIRED & INFORMATION MUST MATCH PLEADING

CASE ID:

PLAINTIFF'S NAME VS DEFENDANT 'S NAME

ADDRESS:

ADDRESS:

TELEPHONE #:

TELEPHONE #:

TYPE OF ACTION:

Jury Trial Demanded: **Yes** **No** **Arbitration:** **Yes** **No**

Name of Firm and Filing Attorney OR Filing Party, Address, Telephone Number, AOPC Number

Firm:

Filing Attorney/ Party:

AOPC #

Address:

City:

State:

Zip Code:

Telephone Number:

E-mail:

Fax Number:

Signature: _____