

Appendix D: Blank Forms for Separation Divorces

Attorney for Plaintiff

Plaintiff, : COURT OF COMMON PLEAS
vs. : PHILADELPHIA COUNTY
Defendant. : FAMILY DIVISION
: TERM, 20
: NO.

COUNSELING NOTICE

The Divorce Code of Pennsylvania requires that you be notified of the availability of counseling where a divorce is sought under any of the following grounds:

- Section 3301(a)(6) - Indignities
- Section 3301(c) - Irretrievable Breakdown
Mutual consent
- Section 3301(d) - Irretrievable Breakdown
_____ year separation -
where the Court determines that there is
a reasonable prospect of reconciliation.

A list of qualified professionals is available for inspection in the Office of the Clerk of Family Court, 1501 Arch Street, Philadelphia, PA, or in the Office of the Administrator, Domestic Relations Branch of the Family Court of Philadelphia, 1501 Arch Street, Philadelphia, PA.

Attorney for Plaintiff

Plaintiff, : COURT OF COMMON PLEAS
vs. : PHILADELPHIA COUNTY
 : FAMILY DIVISION
 :
Defendant. : TERM, 20
 : NO.

**COMPLAINT IN DIVORCE
COUNT I
Dissolution of Marriage**

1. Plaintiff, _____, currently resides at _____.
2. Defendant, _____, currently resides at _____.
3. Plaintiff and defendant are sui juris, and _____ been _____ 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 _____, in _____. A photocopy of the marriage certificate is attached hereto, made a part hereof and marked as Exhibit "A."
5. Neither plaintiff nor defendant is in the military or naval service of the United States or its allies within the provisions of the Service Members' Civil Relief Act.
6. There have been no prior actions of divorce or for annulment between the parties.
7. The parties have not entered into a written agreement as to equitable distribution of marital property, alimony, alimony pendente lite, spousal support, counsel fees and costs.
8. Plaintiff acknowledges that _____ has been advised of the availability of counseling between the parties and that _____ may have the right to request that the court require that parties to participate in such counseling in certain instances.

9. Plaintiff alleges the following grounds for the dissolution of the marriage: _____

_____.

WHEREFORE, Plaintiff requests your Honorable Court to enter a decree in divorce pursuant to Section 3301(c) or 3301(d) of the Divorce Code.

VERIFICATION

Plaintiff verifies 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. Section 4904, relating to unsworn falsification to authorities.

DATE _____

Attorney for Plaintiff

Plaintiff,	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
vs.	:	FAMILY DIVISION
	:	
Defendant.	:	TERM, 20
	:	NO.

NOTICE TO THE DEFENDANT

If you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within twenty days after this affidavit has been served on you or the statements will be admitted.

**PLAINTIFF’S AFFIDAVIT UNDER SECTION 3301(d)
OF THE DIVORCE CODE**

1. The parties to this action separated on _____ and have continued to live separate and apart for a period of at least ____ 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 tot the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

Date: _____

DOMESTIC RELATIONS INFORMATION SHEET

DATE

CP. NO.

HUSBAND'S

FIRST NAME

MIDDLE INITIAL

LAST NAME

ALIAS, IF ANY

MAILING ADDRESS

RESIDENTIAL ADDRESS (IF DIFFERENT)

DATE OF BIRTH

SOCIAL SECURITY NUMBER

DPW NUMBER

PLACE OF EMPLOYMENT

PHONE

OCCUPATION

SALARY

ATTORNEY'S NAME AND ADDRESS

ATTORNEY ID NUMBER

WIFE'S

FIRST NAME

MIDDLE INITIAL MAIDEN NAME LAST NAME

ALIAS, IF ANY

MAILING ADDRESS

RESIDENTIAL ADDRESS (IF DIFFERENT)

DATE OF BIRTH

SOCIAL SECURITY NUMBER

DPW NUMBER

PLACE OF EMPLOYMENT

PHONE

OCCUPATION

SALARY

ATTORNEY'S NAME AND ADDRESS

ATTORNEY ID NUMBER

DATE OF MARRIAGE

PLACE OF MARRIAGE

DATE OF SEPARATION

Plaintiff, : COURT OF COMMON PLEAS
 : PHILADELPHIA COUNTY
vs. : FAMILY DIVISION
 :
 : TERM,
Defendant. : NO.

ORDER

AND NOW, this _____ day of _____ 20__, upon consideration of the foregoing Petition and attached Poverty Affidavit (if applicable), it is hereby ORDERED that the petitioner be excused from payment of the filing fees in this matter.

BY THE COURT

J.

Attorney for Plaintiff

Plaintiff, : COURT OF COMMON PLEAS
 : PHILADELPHIA COUNTY
vs. : FAMILY DIVISION
 :
 :
Defendant. : TERM,
 : NO.

POVERTY AFFIDAVIT

1. I, _____, wish to file a Complaint in Divorce and because of my financial condition, I am unable to pay the fees and costs of prosecuting this action.
2. I am unable to obtain funds from anyone, including my family and friends, to pay this fee.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: _____
Address: _____
Social Security Number: _____

Employment

- (b) If you are presently employed, state:
Employer: _____
Employer address: _____
Salary or wages per month: _____
Type of work: _____
- (c) If you are unemployed, state:
Date of last employment: _____
Salary or wages per month: _____
Type of work: _____

Other income within the past twelve months:

Business or profession: _____
Other self-employment: _____ Support payments: _____
Interest: _____ Disability payments: _____
Dividends: _____ Unemployment compensation and/or
Pension & annuities: _____ supplemental benefits: _____
Social Security benefits: _____ Public assistance/welfare: _____
Worker's compensation: _____ Other: _____

(d) Other contributions to household support:

Wife/Husband (circle one): Name: _____
If your wife/husband is employed, state:
Employer: _____
Salary or wages per month: _____
Type of work: _____
Contributions from children: _____ (per month)
Contributions from parents: _____ (per month)
Other contributions: _____ (per month)

(e) Property owned:

Cash: _____
Checking account: _____ Savings account: _____
Stocks, Bonds: _____ Certificates of deposit: _____
Real estate (including home): _____
Motor vehicle: Make _____ Year: _____
Cost: _____ Amount owed: _____
Other: _____

(f) Debts and obligations:

Mortgage: _____ Rent: _____
Loans: _____ Credit cards: _____
Utilities: _____ Tuition: _____
Other: _____

(g) Persons dependent upon you for support:

Child(ren) names:	Ages(s)
_____	_____
_____	_____
_____	_____
Others: Name(s)	Relationship
_____	_____
_____	_____
_____	_____

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances that would permit me to pay the costs incurred herein.
5. I verify that the statements made in this affidavit are true and correct. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

Date signed

Attorney for Plaintiff

Plaintiff,

vs.

Defendant.

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION
:
: TERM, 20
: NO.

ACCEPTANCE OF SERVICE

I, _____, defendant in this divorce action, hereby certify that I personally received a copy of the complaint in divorce and counseling notice and Affidavit filed pursuant to Section 3301 (d) of the Divorce Code and the 3301(d) Counter-Affidavit on or about

_____.

Date: _____

	:	COURT OF COMMON PLEAS
Plaintiff		PHILADELPHIA COUNTY
		FAMILY DIVISION
vs.		
		TERM, 20
Defendant		No.

**COUNTER-AFFIDAVIT UNDER § 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), (ii), (iii) or all):
 - (i) The parties to this action have not lived separate and apart for a period of at least ____ years.
 - (ii) The marriage is not irretrievably broken.
 - (iii) There are economic claims pending.
2. Check either (a), (b) or (c):
 - (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 and 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 NOTICE TO ME, AND I SHALL BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

- (c) Economic claims have been raised and have not been resolved.

I verify that the statements made in this counter-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: _____
(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 SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

Attorney for Plaintiff

Plaintiff, : COURT OF COMMON PLEAS
vs. : PHILADELPHIA COUNTY
 : FAMILY DIVISION
 :
 : TERM, 20
Defendant. : NO.

PRAECIPE TO REINSTATE COMPLAINT IN DIVORCE

TO THE PROTHONOTARY:

Kindly reinstate the above-captioned complaint in divorce..

Attorney for Plaintiff

Plaintiff, : COURT OF COMMON PLEAS
vs. : PHILADELPHIA COUNTY
 : FAMILY DIVISION
 :
 : TERM, 20
Defendant. : NO.

VERIFICATION OF SIGNATURE

_____, plaintiff in the above case, verifies that _____ is fully familiar with the signature and handwriting of _____, the defendant; and that the signature appearing on the _____ attached here as Exhibit “A”, is in the handwriting of the defendant and is _____ signature. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Date: _____

Attorney for Plaintiff

Plaintiff,	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
vs.	:	FAMILY DIVISION
	:	
	:	TERM, 20
Defendant.	:	NO.

CERTIFICATION OF SERVICE BY CERTIFIED MAIL

I, _____, pro se, states that on or about _____, I did notify the defendant _____ of this action by mailing a true and correct copy of the Complaint in Divorce in the above-entitled action, together with a Notice of Counseling, an Affidavit taken pursuant to Section 3301(d) of the Divorce Code, and a Counter-Affidavit by certified mail number _____, restricted delivery, with a return card attachment, addressed to Defendant at _____. On or about _____, I received the return receipt card to certified article number _____, which had been attached to the envelope containing the aforementioned papers, from the U.S Postal Service, which receipt had been signed by _____ on _____. Said Certified Article Receipt and Return Card are attached hereto and made a part hereof, marked Exhibit "A".

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

Attorney for Plaintiff

Plaintiff,

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

:

TERM, 20

Defendant.

: NO.

AFFIDAVIT OF PERSONAL SERVICE

COMMONWEALTH OF PENNSYLVANIA:

ss.

COUNTY OF PHILADELPHIA :

_____, being duly sworn according to law, deposes and says that, at the request of _____, pro se plaintiff in the above-captioned matter, s/he did, on _____, at approximately _____, serve on the defendant _____, at _____, Philadelphia, Pennsylvania, a true and correct copy of the Complaint in Divorce, together with a Notice of Counseling, Plaintiff's Affidavit under Section 3301(d) and the 3301(d) Counter-Affidavit.

Sworn to and subscribed

before me this ___ day

of _____, 20__.

NOTARY PUBLIC

Attorney for Plaintiff

Plaintiff, : COURT OF COMMON PLEAS
 : PHILADELPHIA COUNTY
vs. : FAMILY DIVISION
 :
 : TERM, 20
Defendant. : NO.

NOTICE OF INTENTION TO REQUEST ENTRY OF 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 Section 3301(d) affidavit. Therefore, on or after _____, which is at least 20 days from the date of this notice, the other party can request that the Court enter a final decree in divorce.

If you do not file with the Clerk of Family 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. 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. If you intend to file an Answer or a Counter-Affidavit, you should take the document to the office of the Clerk of Family Court, 1501 Arch Street, Philadelphia, PA.

A COUNTER-AFFIDAVIT WHICH YOU MAY FILE WITH THE CLERK OF FAMILY 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.

Philadelphia Bar Association
Lawyer Referral and Information Center
One Reading Center
Philadelphia, PA 19107
Telephone: (215) 238-6333

Date of Mailing: _____

Attorney for Plaintiff

Plaintiff, : COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
vs. : FAMILY DIVISION
:
: TERM, 20
Defendant. : NO.

**DEFENDANT'S 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), (ii) or both):
____ (i) The parties to this action have not lived separate and apart
for a period of at least ____ years.
____ (ii) The marriage is not irretrievably broken.
____(iii) There are economic claims pending.

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

Date: _____

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 counter-affidavit.

DO NOT USE THIS FORM. YOU MUST OBTAIN AN OFFICIAL FORM FROM THE OFFICE OF THE CLERK OF COURT AT FAMILY COURT.

vs. : TERM, 20
: NO.
:
: IN DIVORCE - CAUSE: 3301(d)
Irretrievable Breakdown - Separation

Decree and Order

AND NOW, this _____ day of _____, 20____, it is ordered and decreed that
that _____ and _____ are hereby
divorced from the bonds of matrimony

[red seal]

BY THE COURT:

J.

