

**PHILADELPHIA
SELF HELP
NO-FAULT
DIVORCE MANUAL**

**A Guide for Self-Represented Litigants Filing for:
Mutual Consent Divorces
Separation Divorces**

Prepared by Leslie Engle, Esquire, Gloria Gilman, Esquire, and the Women’s Law Project, with assistance from the Jenkins Law Library.

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Last Updated January 2018.

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PART I: INTRODUCTION

About the Manual

DISCLAIMER

This manual is only a guide. It is not to be used as a substitute for legal advice. It is not designed for people with complicated divorce issues. Appendix A contains definitions of terms you will see in this manual and Appendix B contains relevant provisions of Pennsylvania divorce law. This manual was last updated in December, 2016.

Marriage is the legal recognition of the union of two persons and is a legal contract between those two persons. Likewise, divorce is the legal and formal way to break this union. It is final. So you should get a divorce only if you are certain you want to end this marriage.

Can this manual help me file for divorce?

This manual can help you if you:

Are a pro se litigant (someone acting as his/her own lawyer)

want a no-fault divorce

want to file in Philadelphia County.

This manual has been prepared for pro se litigants seeking a no-fault divorce in Philadelphia County who cannot afford a lawyer. A “pro se” litigant is a person who files a legal action in the court system *without the help of a lawyer*. You can seek a divorce in Philadelphia County if you or your spouse has lived in Pennsylvania for the last six months and preferably one of you is currently residing in Philadelphia. For more information about the divorce process in Pennsylvania, visit <http://www.palawhelp.org> on the Internet.

This manual was not designed for complicated divorce issues. To deal with these matters, you would need additional forms that are *not* included in this manual and you will need to hire a lawyer.

Here are some examples of complicated divorce issues that people might have:

Dividing up marital property (assets and debts);

Marital property includes almost everything that either one of you acquired between the date of your marriage and the date of your final separation, *regardless of whose name is on the title*, such as a house, cars, bank accounts, furniture, pension, stocks and bonds, debts, etc., as well as any increase in value of property that either of you owned before the marriage. The Divorce Code (the divorce law in Pennsylvania) sets up a way to divide the marital property between you and your spouse.

WARNING: You can lose your right to a share of the marital property if you fail to divide these assets and debts before you get divorced.

alimony, if you want support from your spouse *after you get divorced*;

“fault” grounds for divorce (such as adultery or desertion) if you don’t meet the requirements for a no-fault divorce (see below);

marriage of less than 10 years, unless you are willing to lose the right to claim social security benefits based on your spouse’s work history;

unknown location of your spouse;

spouse is in the armed forces (unless s/he will consent to the divorce);

common law marriage, if one party disputes that the marriage was ever created.

In addition, this manual will not help you if you want to file for divorce in a different county, because you will need different forms. To get help with a divorce in another county, please contact the Lawyer Referral and Information Service in your county. To find the phone number for the Lawyer Referral Service near you, you can check in the telephone book, call information, or call the local county bar association.

If a divorce action has already been filed in another county or state, you are not allowed to file in Philadelphia County unless or until that action has been withdrawn. One of the requirements for filing in Philadelphia County is that no divorce has been filed anywhere else (see paragraph 6 of the sample Complaint on page 14).

What should I do if I fit into one of these categories and this manual can’t help me?

If you fall into one of these categories and need help finding a lawyer, please contact:

Philadelphia Bar Association’s Lawyer Referral and Information Service
One Reading Center
1101 Market Street
Philadelphia, PA 19107
(215) 238-6333

You may also be eligible for free legal advice through Philadelphia Legal Assistance by calling them at (215) 981-3800. For more information, visit <http://www.philalegal.org> on the Internet.

What types of divorce are discussed in this manual?

This manual deals only with “no-fault” divorce, in which one spouse (the wife or husband) seeks a divorce without having to prove that the other spouse was “at fault” for the breakdown of the marriage. There are two kinds of no-fault divorce:

Mutual Consent Divorce: Also called a “c” divorce because it is found in Section 3301(c) of the Pennsylvania Divorce Code. This kind of divorce is used when both parties will consent to the divorce.

Separation Divorce: Also called a “d” divorce because it is found in Section 3301(d) of the Pennsylvania Divorce Code. This kind of divorce is specifically for people whose spouses **WON’T** agree (i.e., won’t sign a consent) and who have been living separate and apart continuously for at least one or two years depending on the date of separation as described in the note below.

Note: Effective December 5, 2016 the law was changed to allow a divorce after living separate and apart for a continuous period of one year instead of two. Whether you may file based on a one year separation depends on when your separation began:

Any married person who started living separate and apart from his or her spouse after December 5, 2016 may begin a divorce action based on a one-year separation. However, the divorce cannot be finalized until at least one full year has passed from the date of separation.

Anyone whose separation began on or before December 5, 2016 may only get a divorce after a separation of two years.

When completing the forms in this manual, you must make sure you refer to the right time period based on the date when the separation started.

If you are certain that your spouse will consent to the divorce, then fill out only the forms for the Mutual Consent Divorce. If you are certain your spouse will not consent, then fill out only the forms for the Separation Divorce. If you are not sure whether your spouse will consent, see below for how you can pursue both forms of divorce.

How can I get a Mutual Consent Divorce?

To get a divorce by mutual consent, you and your spouse (your husband or wife) must formally agree to the divorce. One person, referred to as the Plaintiff, files a Complaint in Divorce against his/her spouse, the Defendant. But both parties (that is, both the Plaintiff and the Defendant) must sign and file Affidavits of Consent (these are legal documents in which you say that you agree to the divorce). Effective June 20, 2016 the law was amended to provide that consent is presumed where a party has been convicted of committing a personal injury crime against the other party (see Appendix B for definitions of “conviction” and “personal injury crime”).

How can I get a Separation Divorce?

To get a separation divorce, you and your spouse (your husband or wife) must have lived separate and apart continuously for at least one or two years (see above Note). This type of divorce would be used if your spouse **will not sign** an Affidavit of Consent and you have lived apart continuously for at least the required number of years. (If your spouse raises a claim for economic relief, such as property distribution, alimony, etc., you will need to consult a lawyer.) Note: If you and your spouse have been separated for at least the required number of years or longer but your spouse will now *agree* to sign a consent, it is possible to proceed with a “c” divorce if you have made a claim for both a “c” and a “d” divorce in your Divorce Complaint. See next paragraph.

What if I am not sure my spouse will consent?

The forms in Part II (Mutual Consent Divorces) include a claim for both a mutual consent or “c” divorce *and* a separation or “d” divorce. You may want to make both claims in case your spouse refuses to give his or her consent. You can file a claim for a separation divorce before you have been separated for the required number

of years, but you will have to wait for at least the required time to pass before you can proceed with that claim. See Part III for additional forms and instructions regarding Separation Divorces.

If I was “common law married” before January 1, 2005, do I have to file papers to get a divorce?

Yes. If you were in a “common law” marriage before January 1, 2005, the date “common law” marriage was abolished, you must file for divorce with the court to end your marriage. Even if you had a valid “common law” **marriage**, there is no such thing as a “common law” **divorce**. See Appendix A for definition of “common law marriage.”

Where can I find the information that I need in this manual?

Part I of the manual is an introduction.

Part II covers “mutual consent” divorce.

It discusses the forms you need to file for a no-fault divorce by mutual consent and gives the directions for filling them out. The directions are illustrated by sample forms already filled out with fake names. You can use the samples as models to help you fill out the blank forms (located in the Appendices) with your personal information.

Remember: if you want a “mutual consent” divorce, fill in only the “mutual consent” forms.

Part III covers “separation” divorce.

It discusses the forms you need to file for a no-fault divorce based on a one or two-year (or more) separation. The directions are illustrated by sample forms already filled out with fake names. You can use the samples as models to help you fill out the blank forms (located in the Appendices) with your personal information.

Remember: if you want a “separation” divorce, fill in only the “separation” forms.

The **Appendix** has definitions of legal words, relevant statutes, and various forms you will need.

Appendix A is the glossary, which you can use to find the definition or meaning of some legal words used in this manual.

Appendix B has relevant provisions of Pennsylvania divorce law.

Appendix C has blank copies of the forms for “c” or “mutual consent” divorces.

Appendix D has blank copies of the forms for “d” or “separation” divorces.

Where can I get more information about filing for divorce in Philadelphia if I need it?

You can contact the Office of the Clerk of Court, Domestic Relations Division of the Family Court, which is part of the Court of Common Pleas in Philadelphia, if you have specific questions about the divorce *procedures*. This is a source for information about what, how and where to file – not for legal advice. **No one in the clerk’s office will answer legal questions.** The Clerk’s office is located at 1501 Arch Street on the 11th Floor. The phone number is 215-686-3805. There is also a web site at <http://courts.phila.gov/common-pleas/family/>.

About the Process

**Before Completing Any Forms Read The Entire Manual
So That You Understand The Complexity Of This Process.**

What does “service” mean?

This manual will talk about “serving” your spouse. The Rules of Court require that any person who files a lawsuit in court (for example, filing a Divorce Complaint) **MUST** let the other person know about it by supplying him or her with a copy of the Complaint. There are formal rules about how this is to be done. **Follow the instructions in this manual exactly.** You must be able to *prove* to the Court that your spouse received a copy of the divorce Complaint as well as some other papers that you will be filing in this case. This is called “making service,” and “proof of service.”

If your spouse is in prison, service **must** be made by someone other than yourself who hands the papers to your spouse. The person who does that must then prepare and sign the affidavit of service.

Why is “service” important?

It is important because the law requires that every spouse have an opportunity to make a claim for certain rights in a divorce, such as for alimony or a share of the marital property. Your spouse can’t claim those rights unless s/he knows that you have filed the divorce. *If you don’t have “proof of service” of the divorce Complaint on your spouse, you can’t proceed with your divorce.*

How should I fill out the forms?

It is best to type these forms. If you can’t type them, fill out the forms in black ink. Print clearly! However, when you sign your name, SIGN IN BLUE INK (so that after you have made photocopies, you will be able to tell which is the original signed copy and which are the photocopies). Never use red, green, purple or any other unusual color of ink for any part of this task. Don’t use pencil either.

TIP: Make an extra copy of the blank forms before you fill them out, in case you make a mistake and want to start over.

What names should I use when filling out these forms?

When you fill out the forms, remember that you are the Plaintiff and your spouse (your husband or wife) is the Defendant. Use the FULL NAME exactly as it appears on the marriage certificate. The wife’s name on the marriage certificate will be her name before the marriage. If she used her husband’s last name during the marriage, then her name should appear exactly as it is entered on the marriage certificate plus her husband’s last name added on the end. If she did not use her husband’s last name, then her name will be exactly as it appears on the certificate.

Example: The wife’s name before marriage is “Jane Smith.” She used her husband’s last name “Doe” while she was married. On the form, she will write “Jane Smith Doe.”

What is the “caption” and how do I fill it out?

You will have to fill out the “caption” in most of these forms. The “caption” is the heading or identification section of a legal document. It includes the names of both parties (that is, you and your spouse), the name of the Court where the documents are being filed, the “Term” and the “Number” (“NO”). **The Term and Number will be assigned to your case when you file the Complaint, so these are left blank on the first documents you fill out.** After the Term and Number have been assigned to your case, you must repeat them in the proper place at the top of **each document** you file. Take a look at Form 1 (Notice to Plead): the caption is at the top of the first page above the heading “Notice to Defend and Claim Rights.”

Where do I file these forms?

These forms must be filed at the office of the Clerk of Family Court IN PERSON. You cannot file them by mail. In order to file, you must:

Make at least two (2) photocopies of your filled-out forms: the original stays with the Court; one is for you (the Plaintiff); and one is for service on your spouse (the Defendant).

Take your forms and the photocopies (the clerks will refer to them as “the Complaint” or as “divorce pleadings”) to the Office of the Clerk of Family Court at 1501 Arch Street.

Bring a money order or your personal debit or credit card to pay the filing fee. **Personal checks and cash are not accepted.** As of April, 2013, the filing fee is \$333.73. You can find out the current filing fee for the Complaint by calling the Family Court at 215-686-3805. If you have low income, you may be able to file at no charge, *but you must file an additional form asking that the fees be waived.* This is called an *In Forma Pauperis* Petition, and is discussed on page 18.

Your original forms will be time-stamped and kept at the Clerk’s office. Your photocopies will be stamped with the time and date and returned to you, one for your records and one to be served on your spouse.

PART II: MUTUAL CONSENT DIVORCES

To get a divorce by mutual consent, you and your spouse (your husband or wife) must formally agree to the divorce. One person, referred to as the Plaintiff, files a Complaint in Divorce against his/her spouse, the Defendant. But both parties (that is, both the Plaintiff and the Defendant) must sign and file Affidavits of Consent (these are legal documents in which you say that you agree to the divorce).

Step One: Filing the Complaint

Prepare the following documents:

Notice to Plead (*Form 1*)

Counseling Notice (*Form 2*)

Complaint in Divorce (*Form 3*)

Photocopy of your marriage certificate, which you should label “Exhibit A” at the bottom of the page.

Domestic Relations Information Sheet (*Form 4*)

If you believe that you cannot afford the filing fee, also prepare:

In Forma Pauperis (IFP) Petition and Poverty Affidavit (*Form 5*)

After making two copies of each original page, staple the first five documents together in the order listed above. If you prepare an IFP petition, staple those pages together **in a separate set**. You will then have an original and two copies of each set of documents.

Go to the office of the Clerk of Court and file the original and two copies of your IFP petition (if applicable) and Divorce Complaint.

If you are not asking for permission to file IFP, you must pay the filing fee (currently \$333.73) when you file the Complaint. **Cash and personal checks are not accepted**; you will need your debit or credit card or a money order.

After the case has been time-stamped and assigned a Term and Number, which will be done while you wait, two copies will be returned to you for your records and for service on your spouse (see Step Two).

Step- by-Step Directions for Filling Out Form 1 (Notice to Plead)

Please read the following directions explaining how to fill out the left side of the caption on Form 1 (Notice to Plead), Form 2 (Counseling Notice), and Form 3 (Complaint in Divorce). The caption is the information that identifies this case, and it appears at the beginning of most of the forms in this manual. The right side of the caption, the TERM and NO., will be filled out by the clerk when you file the Complaint. **Once the TERM and NO. have been assigned to your case, you must always include them on the captions of all the other pleadings (legal documents) that you file.**

Go to the top left of the page on your blank Form 1 (this is the caption):

1. In the space at the top: Type or print your name, followed by the words “Pro Se,” then add your address and your telephone number (*see (a) in Sample Form 1*).
2. In the space above “vs.”: Type or print your name exactly as it appears on the marriage certificate (*see (b) in Sample Form 1*) and your address.
3. In the space below “vs.”: Type or print in your spouse’s name exactly as it appears on the marriage certificate (*see (c) in Sample Form 1*) and his or her address.

On the left hand side of the page, below the section titled “Notice to Defend and Claim Rights,” put an “X” inside the brackets beside the word “Divorce” (*see (d) in Sample Form 1*). Also, on the right hand side of the page (the Spanish version), right below the section titled “Advertencia sobre como defenderse y reclamar derechos,” put an “X” inside the brackets beside the word “Divorcio” (*see (d) in Sample Form 1*).

At the bottom of the page, type or print “N/A” under “Domestic Relations No.” (*see (e) in Sample Form 1*).

TIPS for filing out these forms

- ✓ ***Use the names EXACTLY as they are written on the marriage certificate. For the wife’s name, use her name before she married (as written on the marriage certificate) plus her husband’s last name if she used it during the marriage. If she never used his last name, then her name on the form should not include his last name***
- ✓ ***Remember to make at least two photocopies of everything you take to be filed. One copy is for you and the other copy must be served on your spouse. The original always stays with the Court.***
- ✓ ***Look at the sample forms that follow these step-by-step directions. The samples use the fake names of Jane Smith Doe and John Doe, and you can use them as models to fill out your own forms.***
- ✓ ***Blank forms for your use are in Appendix C at the end of this manual.***

Sample Form 1 (Notice to Plead)

(a) JANE SMITH DOE, Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

(b) JANE SMITH DOE
111 Any Street
Philadelphia, PA 1910X

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
FAMILY DIVISION

vs.

TERM,

(c) JOHN DOE
222 Some Street
Philadelphia, PA 1910X

NO.

NOTICE TO DEFEND AND CLAIM RIGHTS

ADVERTENCIA SOBRE COMO DEFENDERSE Y RECLAMAR DERECHOS

You have been sued in court for

Usted ha sido demandado en court para

- Divorce (d) Annulment of Marriage
- Support Division of Property
- Alimony Custody & Visitation
- Costs Temporary Alimony
- Attorney Costs

- Divorcio (d) Anulación
- Pensión Almenticia Division de Propiedad (Mantenimiento)
- Pensión Alimenticia Custodia y Visitacion
- Costos Pensión Alimenticia Temporaría
- Costos de Abogado

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 of your children.

Usted ha sido demandado en court. Si usted desea defender el reclamo puesto en contra suya en las siguientes páginas, tiene que tomar acción inmediatamente. Se le advierte que si falla en hacerlo, el caso puede ser procesado sin usted por la corte. Un juicio también puede ser registrado en su contra por cualquier otro reclamo o petición requerida en estos papeles por el querellante. Usted puede perder dinero, propiedad u otros derechos importantes para usted, incluyendo custodia o visitación para sus hijos.

When the ground for the divorce is indignities or a separation, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at 1501 Arch Street, Philadelphia, PA 19102.

Cuando la causa del divorcio es maltrato o trastorno irreparable en el matrimonio, usted debe solicitar consejera matrimonial. Una lista de oficinas del prothonotario en Cuarto 286 de la Alcaldía, Filadelfia, PA 19107 (1501 Arch Street, Filadelfia, PA 19102)

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR AN ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.

SI USTED NO REGISTRA UN RECLAMO PARA LA PENSIÓN ALIMENTICIA, LA REPARTICIÓN DE PROPIEDADES, EL HONORARIO DEL ABOGADO O GASTOS DE QUE EL DIVORCIO O ANULACIÓN SEA OTORGADO, USTED PUEDE PERDER EL DERECHO DE RECLAMAR CUALQUIERA DE ESTOS. USTED DEBE LLEVAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE.

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.

SI USTED NO TIENE UN ABOGADO O NO PUEDE PAGAR POR LOS SERVICIOS DE UNO, VAYA O LLAME A LA OFINCINA INDICADA, PARA AVERIGUAR DONDE PUEDE OBTENER ASISTENCIA LEGAL.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
Philadelphia, PA 19107
Telephone (215) 238-6333

PHILADELPHIA BAR ASSOCIATION
SERVICIO DE REFERENCIA E INFORMACION LEGAL
One Reading Center
Filadélphia, Pennsylvania 19107
Teléfono: (215) 238-6333

Former Domestic Relations Proceedings: Yes No Domestic Relations No.
If child support is claimed, is such child Yes No N/A (e)
or children receiving Public Assistance

Step-by-Step Directions for Filling Out Form 2 (Counseling Notice)

Go to the top left of the page on your blank Form 2 (this is the caption):

1. In the space at the top: Type or print your name, followed by the words “Pro Se,” then add your address and telephone number (*see (a) in Sample Form 2*).
2. In the space above “vs.”: Type or print your name exactly as it appears on the marriage certificate (*see (b) in Sample Form 2*).
3. In the space below “vs.”: Type or print in your spouse’s name exactly as it appears on the marriage certificate (*see (c) in Sample Form 2*).
4. In the space after “Section 3301(d) Irretrievable Breakdown”: Write in “one” or “two” depending on the number of years of separation required for your divorce (see Note on page 3).

Sample Form 2 (Counseling Notice)

(a) JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

(b) JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

: TERM,

(c) JOHN DOE,
Defendant

: 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.

Step-by-Step Directions for Filling Out Form 3 (Complaint in Divorce)

Prepare the caption as in Form 2 (page 11).

Now go to the body of the Complaint (underneath the heading “Dissolution of Marriage”).

Paragraph 1: Type or print your name exactly as it appears on the marriage certificate, and use that full name throughout the pleading (*see (d) in Sample Form 3*). Type or print in your full address (*see (e) in Sample Form 3*).

Paragraph 2: Type or print in your spouse’s name exactly as it appears on the marriage certificate, and use that full name throughout the pleading (*see (f) in Sample Form 3*). Type or print in his or her address (*see (g) in Sample Form 3*).

Paragraph 3: If both you and your spouse have been residents of Pennsylvania for six (6) months, type or print in “both have” and “residents.” If only you have been a resident of Pennsylvania for six (6) months, type or print in “Plaintiff has” and “a resident” (*see (h) in Sample Form 3*).

Paragraph 4: Type or print in the date of and the place (city and state) of your marriage (*see (i) and (j) in Sample Form 3*).

Paragraph 5: If your spouse is in the military service, you must state that fact.

Paragraph 6: If the statement in paragraph 6 is not true, you cannot file.

Paragraph 7: This manual does not give you the steps to take if there is a written agreement.

Paragraph 8: Type or print “he” or “she,” whichever is appropriate (*(k) in Sample Form 3*).

Paragraph 9: This is where you give the basis for the divorce. It is recommended that you include the both the “c” and “d” divorces. This way, if your spouse refuses to consent, you can proceed with a separation divorce. Write in: *The marriage is irretrievably broken and plaintiff believes defendant will consent to the divorce. The marriage is irretrievably broken and the parties will have been separated for at least the required number of years (see Note on page 3 and write in “one” or “two,” whichever applies to you) at the time of final disposition of this case. (see (l) in Sample Form 3).*

Paragraph 10: If the defendant has been convicted of a personal injury crime (see definitions in Appendix B), specify the date of conviction and personal crime here and consent will be presumed. Include court docket number if you have it.

Sign your full name, as it appears on the marriage certificate, using blue ink (*see (m) in Sample Form 3*).

Type or print your full name under the signature line (*(n)* in *Sample Form 3*), followed by “Pro Se.”

Under the section titled “Verification,” sign your name in blue ink, type or print your full name, and write in the date you signed it (*see (o), (p), (q)* in *Sample Form 3*), followed by “Plaintiff.”

Sample Form 3 (Complaint in Divorce)

(a) JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

(b) JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
:
FAMILY DIVISION

vs.

(c) JOHN DOE,
Defendant

:
:
TERM,
:
NO.

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

1. Plaintiff, **(d)** JANE SMITH DOE, currently resides at **(e)** 111 Any Street, Philadelphia, PA.
2. Defendant, **(f)** JOHN DOE, currently resides at **(g)** 222 Some Street, Philadelphia, PA
3. Plaintiff and defendant are sui juris, and **(h)** both have been residents 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 **(i)** 1/1/90, in **(j)** San Jose, California. 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 of 2003.
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 **(k)** she has been advised of the availability of counseling between the parties and that **(k)** she may have the right to request that the court require the parties to participate in such counseling in certain instances.

9. Plaintiff alleges the following grounds for the dissolution of the marriage: **(l)** The marriage is irretrievably broken and plaintiff believes defendant will consent to the divorce. The marriage is irretrievably broken and the parties will have been separated for _____ years or more at the time of final disposition of this case.

10. On _____, the defendant was convicted of a personal injury crime of _____.

WHEREFORE, Plaintiff requests your Honorable Court to enter a decree in divorce pursuant to Section 3301(c) upon the filing of the consent affidavit of plaintiff alone, with a presumption of defendant's consent under Section 3301(c)(2) of the Divorce Code or pursuant to Section 3301(d) of the Divorce Code.

(m) Jane Smith Doe
(n) JANE SMITH DOE, Pro Se

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.

(o) Jane Smith Doe
(p) JANE SMITH DOE, Plaintiff

DATE **(q)** 1/04/06

TIP: This Complaint includes both no-fault grounds (mutual consent, Section 3301(c); and separation, Section 3301(d)). If your spouse signs the consent affidavit or was convicted of a personal injury crime, you can proceed using that ground; if your spouse was not convicted of a personal injury crime and refuses to sign the consent affidavit, then you can proceed on the grounds of a separation after you have been separated for the required number of years (See Note on page 3).

Step-by-Step Directions for Filling Out Form 4 (Domestic Relations Information Sheet)

First line: Fill in today's date.

Under whichever applies to you ("Husband" or "Wife"), type or print your:

name

mailing address and residential address (where you live) if different from your mailing address

date of birth (month/day/year), social security number, and DPW number (if you have one)

place of employment (where you work) and work phone number

occupation (you need not state your salary)

Type or print your spouse's:

name

mailing address and residential address (where spouse lives), if different from his/her mailing address

The following information is not required, but fill in if known:

date of birth (month/day/year), social security number, and DPW number (if your spouse has one)

place of employment (where s/he works) and work phone number

current (or last known) occupation

attorney and identification number (if s/he has one and if known)

Last line: Fill in the date (month/day/year) and place (city, state) you were married, and the date of your final separation (month/day/year). This is the date the court will use as the start of your required separation.

Sample Form 4 (Domestic Relations Information Sheet)

DIVORCE

DATE		CP. NO.	
1/4/06			
HUSBAND'S	FIRST NAME	MIDDLE INITIAL	LAST NAME
	John	S.	Doe
MAILING ADDRESS		RESIDENTIAL ADDRESS (IF DIFFERENT)	
222 Some Street Philadelphia, PA 1910X			
DATE OF BIRTH	SOCIAL SECURITY NUMBER	DPW NUMBER	
3/3/53	123-45-6789	N/A	
PLACE OF EMPLOYMENT	PHONE		
ACME Trucking Co.			
OCCUPATION	SALARY		
Truck driver			
ATTORNEY'S NAME AND ADDRESS		ATTORNEY ID NUMBER	
WIFE'S	FIRST NAME	MIDDLE INITIAL	MAIDEN NAME
	Jane		Smith
			Doe
MAILING ADDRESS		RESIDENTIAL ADDRESS (IF DIFFERENT)	
111 Any Street Philadelphia, PA 1910X			
DATE OF BIRTH	SOCIAL SECURITY NUMBER	DPW NUMBER	
5/5/55	987-65-4321	N/A	
PLACE OF EMPLOYMENT	PHONE		
unemployed			
OCCUPATION	SALARY		
ATTORNEY'S NAME AND ADDRESS		ATTORNEY ID NUMBER	
DATE OF MARRIAGE	PLACE OF MARRIAGE	DATE OF SEPARATION	
1/1/90	San Jose, CA	12/2/03	

Step-by-Step Directions for Filling out Form 5 (In Forma Pauperis (IFP) Petition, Order, and Poverty Affidavit)

If you can't afford the filing fees for this divorce action, you may be entitled to file without charge. To find out if you qualify, you must show the court that you have very little income or are receiving cash assistance (welfare, SSI, or Social Security). You must fill out the *In Forma Pauperis* Petition (also called an IFP Petition) and take that, along with some type of photo identification (such as a driver's license) and some proof that you are getting cash assistance (such as your welfare card) to show the clerks when you filed these papers. If you are not receiving cash assistance, then you will also have to fill out the Poverty Affidavit (immediately following the *In Forma Pauperis* petition), and attach proof of your limited income.

Preparing the Petition to Proceed *In Forma Pauperis* and Order (Form 5.1):

Prepare the captions as in Form 2 (page 11).

Go to the body of the petition and type or print your name on the first line (*see (a) in sample Form 5.1*).

In Paragraph 3 of the petition, check the appropriate information. You will see that if you indicate that you ARE receiving cash benefits, you will NOT have to complete the Poverty Affidavit, but if you are not receiving such cash benefits, then you must complete and file the Poverty Affidavit.

Fill in the date on the petition at **(b)** and sign your name at **(c)** on the signature line in blue ink.

Type or print your name and your address at **(d)** on the petition.

If required, prepare the Poverty Affidavit (Form 5.2):

Prepare the caption as in Form 2 (page 11).

Go to the body of the petition (below "POVERTY AFFIDAVIT") and type or print your name on the first line (*see (e) in the Poverty Affidavit*)

In paragraph 3, type or print your name (*see (e) in the Poverty Affidavit*), type or print your address (*see (f) in the Poverty Affidavit*) and your Social Security Number (*see (g)*).

Complete the remainder of Paragraph 3 with information about

- your employment and other income received in the past 12 months,
- contributions you get from someone else to the bills of your household,
- a list of property you own,
- a list of your debts, and
- the names of minor children and others who depend on you for support.

Sign and date the Poverty Affidavit in blue ink at the bottom of the page (**(h)** and **(i)**)

Type or print your name below the signature line at **(j)**.

Filing the *In Forma Pauperis* Petition, Order, and Poverty Affidavit:

Assemble the papers in the following order: Order, IFP Petition, and Poverty Affidavit (if appropriate).

Make two copies of each page.

Take the originals and copies, along with the original and two copies of the Divorce Complaint, to the Office of the Clerk of Family Court, 1501 Arch Street, Philadelphia, PA.

A clerk will take all of these documents and stamp them with the Court Term and Number, and give you back two copies of each, one for you and one to be served on the Defendant.

The clerk will then send your IFP Petition and Poverty Affidavit (if applicable) to a judge for review.

You will be notified of the action taken by the judge. **If your petition is denied, you will have to pay the filing fee before proceeding** with the next step (service). If your petition is granted, go on to Step Two: Serving Your Spouse.

JANE SMITH DOE,
Plaintiff

vs.

JOHN DOE,
Defendant

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION
:
: TERM,
: 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.

Sample Form 5.2 (Poverty Affidavit)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

JOHN DOE,
Defendant

:
: TERM,
: NO.

POVERTY AFFIDAVIT

1. I, (e) Jane Smith Doe, 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: (e) Jane Smith Doe
 Address: (f) 111 Any Street Philadelphia, PA 1910X
 Social Security Number: (g) 987-65-4321

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 supplemental benefits: _____
Pension & annuities: _____	Public assistance/welfare: _____
Social Security benefits: _____	Other: _____
Worker's compensation: _____	

(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.

(h) 1/04/06
Date signed

(i) Jane Smith Doe
(j) JANE SMITH DOE

This page intentionally left blank.

Step Two: Serving Your Spouse

When you file the Divorce Complaint and the accompanying papers, the original will be placed in the Court file and the photocopies will be stamped with the time and date and returned to you. Keep one copy for your records and serve one copy on your spouse (the Defendant) **within thirty (30) days of the date it was filed**, unless Defendant lives outside Philadelphia County, in which case you have ninety (90) days. If you do not make service within the required time, you must reinstate (refile) the Complaint and try again (see *Form 7: Praecipe to Reinstate*, page 29).

Serving your spouse with the divorce Complaint:

If your spouse will sign an Acceptance of Service (Form 6), then you can hand it to him or her in person or send it by regular mail. The Acceptance of Service is an acknowledgment by your spouse (the Defendant) that s/he received the papers.

By Regular Mail send:

1. A **time-stamped** copy of the papers you filed (they will have been time-stamped by the court when you file them)
2. Acceptance of Service (Form 6)
3. A self-addressed stamped envelope so your spouse (the Defendant) can send the Acceptance of Service back to you (if s/he signs it, go to Step Three)

If your spouse will not sign the Acceptance of Service (Form 6), then service must be made by one of three ways: (1) by sending a copy of the papers to your spouse by “certified mail, return receipt requested, deliver to addressee only” (so that you will have a return receipt card signed by your spouse); (2) by having a friend hand it to your spouse (your friend must be willing to sign an affidavit affirming that this was done); or (3) by hiring a writ server, who must also sign an affidavit, to hand-deliver it to your spouse.

Note: If your spouse is in prison, you must serve only by methods 2 and 3, and not method 1.

Note: If your spouse is in prison, you must serve only by methods 2 and 3, and not method 1.

By Certified Mail:

1. Send the **time-stamped** copy of the papers you filed.
2. Be sure to request and pay for Certified Mail, return receipt requested, deliver to addressee only.
3. **Keep the white cash receipt.** It must be filed later, along with a signed return receipt card, to prove your spouse got a copy.

By Personal Service (through a friend or writ server):

1. You can ask a friend or relative to hand the time-stamped papers to your spouse. The friend must then fill out and sign an Affidavit of Service (Form 10).
2. You can hire a writ server to do this and the writ server will prepare an Affidavit of Service for you. You can find a writ server by looking under “Process Server” or “Writ Server” in the Yellow Pages of the phone book.

Remember: Service of the Complaint **MUST** be made within 30 days of the filing of the Divorce Complaint (unless the Defendant lives outside of Philadelphia County, in which case you must serve the Complaint within 90 days).

Step-by-Step Directions for Filling Out Form 6 (Acceptance of Service)

Prepare the caption as in Form 2 (page 11). From here on, when you fill out the caption you should fill in the additional identifying information given to your case by the court clerk when you filed the Complaint: the month (this is placed before the word “TERM” on the right side of the caption) and the year; and the four-digit number that goes after the abbreviation “NO.” just below TERM.

Write or type in the name of your spouse (*see (a) in Sample Form 6*).

Your spouse must fill out and sign the document and return it to you so you can file it as proof that your spouse did receive a copy of the Complaint. Your spouse (the Defendant) should write in the date when s/he received the Complaint (*b*). Then s/he should sign on the signature line (*c*).

Write or type your spouse’s (the Defendant’s) full name underneath the signature line (*see (d) in Sample Form 6*).

The Defendant should write in the date s/he signed it (*e*), and return the page to you.

Sample Form 6 (Acceptance of Service)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

vs.

JOHN DOE,
Defendant

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION
:
: January TERM, 2006
:
: NO. 123X

ACCEPTANCE OF SERVICE

I, (a) John Doe, defendant in this divorce action, hereby certify that I personally received a copy of the Complaint in Divorce and Counseling Notice on or about (b)

(c)
(d) JOHN DOE, Defendant

Date: **(e)**_____

Step-by-Step Directions for Filling Out Form 7 (Praecipe to Reinstate Complaint in Divorce)

Only fill out this form if you were unable to make service within 30 days (or 90 days if Defendant lives outside of Philadelphia County).

Prepare the caption as in Form 6 (page 27).

Sign your name in blue ink (*see (a) in Sample Form 7*) and write or type your name, followed by “Pro Se” under the signature line (*see (b) in Sample Form 7*).

Directions for Filing Form 7 (Praecipe to Reinstate Complaint in Divorce)

Make another copy of your copy of the Complaint (you will then have two photocopies).

Make a photocopy of the Praecipe to Reinstate.

Take the original and the copy of the Praecipe and the two photocopies of the Complaint to the Office of the Clerk of Court, 1501 Arch Street, Philadelphia (there is no filing fee).

The Clerk will time-stamp both copies of the Praecipe and return one to you. S/he will also date stamp both copies of the Complaint and will return both to you.

One of the copies of the Complaint must be served on the Defendant within 30 days of the date of reinstatement, or 90 days if the Defendant lives outside of Philadelphia County.

Sample Form 7 (Praecipe to Reinstate Complaint in Divorce)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

: January TERM, 2006

JOHN DOE,
Defendant

: NO. 123X

PRAECIPE TO REINSTATE COMPLAINT IN DIVORCE

TO THE PROTHONOTARY:

Kindly reinstate the above-captioned Complaint in Divorce.

(a) Jane Smith Doe

(b) JANE SMITH DOE, Pro Se

This page intentionally left blank.

Step Three: Filing Proof of Service

You must file proof that your spouse (the Defendant) was served with the Complaint. What you file depends on which form of service you used in Step Two.

If your spouse signed and returned an Acceptance of Service, you must prepare and file:

Plaintiff's Verification of Defendant's Signature (Form 8); and

Acceptance of Service, signed by the Defendant (Form 6).

If your spouse signed for the piece of certified mail, you must prepare and file:

Plaintiff's Verification of Defendant's Signature (Form 8); and

Plaintiff's Certification of Service by Certified Mail (Form 9); and

One sheet of 8-1/2" by 11" piece of paper on which you have stapled both the original return receipt (with your spouse's signature showing) and the white receipt you received when you paid for the certified mail. Type or print the phrase "Exhibit A" at the bottom of that page.

If your spouse was personally served, you must prepare and file:

The Affidavit of Service (Form 10) signed by the Server (who cannot be you, the Plaintiff).

Step-by-Step Directions for Filling Out Form 8 (Verification of Signature)

Prepare the caption as in Form 6 (page 29).

Type or print in your full name in the first blank (*see (a) in Sample Form 8*).

Type or print in either “she” or “he,” whichever is appropriate (*see (b) in Sample Form 8*).

Type or print in your spouse’s full name (*see (c) in Sample Form 8*).

Type or print in “Acceptance of Service” OR “return receipt card,” whichever is appropriate (*see (d) in Sample Form 8*);

Type or print in “her” (if your spouse is female); “his” (if your spouse is male) (*see (e) in Sample Form 8*);

Sign your full name on the signature line in blue ink (*see (f) in Sample Form 8*).

Type or print in your full name below the signature line, followed by “Plaintiff” (*see (g) in Sample Form 8*).

Write in the date you have signed this verification (month/day/year) (*see (h) in Sample Form 8*).

Sample Form 8 (Verification of Signature)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

: FAMILY DIVISION

vs.

: January TERM, 2006

JOHN DOE,
Defendant

: NO. 123X

VERIFICATION OF SIGNATURE

(a) Jane Smith Doe, plaintiff in the above case, verifies that **(b)** she is fully familiar with the signature and handwriting of **(c)** John Doe, the defendant; and that the signature appearing on the **(d)** Acceptance of Service OR return receipt card attached here as Exhibit "A," is in the handwriting of the defendant and is **(e)** his 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.

(f) Jane Smith Doe
(g) JANE SMITH DOE, Plaintiff

Date: **(h)** 2/10/06

Step-by-Step Directions for Filling Out Form 9 (Certification of Service by Certified Mail)

Prepare the caption as in Form 6 (page 29).

Fill in the following information where appropriate:

- a. Your name (*see (a) in Sample Form 9*).
- b. The date you mailed the Complaint (*see (b) in Sample Form 9*).
- c. Your spouse's name (*see (c) in Sample Form 9*).
- d. The number on your certified mail receipt (not the green card, but the white slip the Post Office returns to you with the fees written on it) (*see (d) in Sample Form 9*).
- e. The address the Complaint was mailed to (this should have been to your spouse, the Defendant, and his/her address) (*see (e) in Sample Form 9*).
- f. The date you got the return receipt card back from the Post Office (*see (f) in Sample Form 9*).
- g. The number on your certified mail receipt (should be the same number as for "d," above) (*see (g) in Sample Form 9*).
- h. Your spouse's name (***h***).
- i. The date your spouse (the Defendant) signed the return receipt card (*see (i) in Sample Form 9*).
- j. Sign your name in blue ink (*see (j) in Sample Form 9*).
- k. Type or print your name, followed by the words "Pro Se" below the signature line (*see (k) in Sample Form 9*).

TIP: This is the form to use when you have not yet been separated for the required number of years to get a separation divorce and so have not filed an Affidavit under Section 3301(d), the separation divorce. (Form 20).

Sample Form 9 (Certification of Service by Certified Mail (for mutual consent divorce only))

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE, : COURT OF COMMON PLEAS
Plaintiff PHILADELPHIA COUNTY
: FAMILY DIVISION
vs. :
: January TERM, 2006
JOHN DOE, :
Defendant : NO. 123X

CERTIFICATION OF SERVICE BY CERTIFIED MAIL

I, **(a)** JANE SMITH DOE, pro se, state that on or about **(b)** February 2, 2006, I did notify the defendant **(c)** JOHN DOE 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, by certified mail number **(d)** X 123 456 789, restricted delivery, with a return card attachment, addressed to defendant at **(e)** 222 Some Street, Philadelphia, PA, 1910X. On or about **(f)** February 7, 2006, I received the return receipt card to certified article number **(g)** X 123 456 789, which had been attached to the envelope containing the aforementioned papers, from the U.S Postal Service, which receipt had been signed by **(h)** JOHN DOE on **(i)** February 6, 2006. Said Certified Article Receipt and Return Card are attached hereto, made a part hereof, and 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.

(j) Jane Smith Doe
(k) JANE SMITH DOE, Pro Se

Step-by-Step Directions for Filling Out Form 10 (Affidavit of Service)

Fill out caption as in Form 6 (page 29).

In the body of document, type or print in the appropriate blank lines:

1. Name of person who served the documents on your spouse (*see (a) in Sample Form 10*).
2. Your name (name of person filing for divorce) (*see (b) in Sample Form 10*).
3. Date the documents were given to your spouse (*see (c) in Sample Form 10*).
4. Time of day that the documents were given to your spouse (*see (d) in Sample Form 10*).
5. Name of your spouse (the Defendant) (*see (e) in Sample Form 10*).
6. Where your spouse was (the address) when the documents were given to him/her (*see (f) in Sample Form 10*).
7. Type the name of the person who served the documents below the signature line (*see (h) in Sample Form 10*).

The person who served your spouse must take this Affidavit to a person who is a Notary Public and *sign it in the presence of the Notary (see (g) in Sample Form 10)*. The Notary must then notarize it (sign and put a seal on the document) (*see (i) in Sample Form 10*). Then, the server must give you the document so that you can file it.

TIP: Make sure the server does not *sign* the Affidavit until he or she is in the presence of the Notary Public. The server should have the form filled out ahead of time but not yet signed.

TIP: This is the form to use when you have not yet been separated for the required number of years to get a separation divorce and so have not filed an Affidavit under Section 3301(d), the separation divorce. (Form 20).

Sample Form 10 (Affidavit of Service)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE, : COURT OF COMMON PLEAS
Plaintiff PHILADELPHIA COUNTY
vs. : FAMILY DIVISION
: January TERM, 2006
JOHN DOE, :
Defendant : NO. 123X

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA:

ss.

COUNTY OF PHILADELPHIA :

(a) MARY SMITH, being duly sworn according to law, deposes and says that, at the request of (b) JANE SMITH DOE, pro se plaintiff in the above-captioned matter, s/he did, on (c) February 6, 2006, at approximately (d) 6:00 p.m., serve on the defendant (e) JOHN DOE, at (f) 222 Some Street, Philadelphia, Pennsylvania, a true and correct copy of the Complaint in Divorce, together with a Notice of Counseling.

(g) _____
(h) MARY SMITH

Sworn to and subscribed
before me this ____ day
of _____, 20__.
(i) _____
NOTARY PUBLIC

Final Stage of Step Three

At the same time or before you file the final documents, file **one** of the following sets of papers in the order given:

OPTION I Defendant signed the Acceptance of Service

Verification of Signature (Form 8)

Acceptance of Service signed by your spouse (Form 6)

OR

OPTION II Defendant signed the certified mail return receipt card

Certification of Service (Form 9)

Verification of Signature (Form 8)

An 8 ½" by 11" page on which you have stapled the green receipt card (signature showing) and the white cash receipt given to you by the Post Office when you paid the mailing fee

OR

OPTION III Defendant was personally served

Affidavit of Service (Form 10) if the Complaint was served in person.

IMPORTANT: While you are filing service papers, ask the clerk to give you the form called "Final Decree." You will need it later.

***TIP:** Whenever you file anything, always remember to take at least two photocopies along with the original so that you will get back two time-stamped photocopies. One is for your records; the other should be given or mailed to your spouse.*

Step Four: Consents

Wait 90 days from the **date of service** (the date on which your spouse actually received the Complaint), then deliver to your spouse (the Defendant):

- Affidavit of Consent for the Defendant (Form 11) and Waiver of Notice of Intention to Request Entry of a Divorce Decree Under Section 3301(c) of the Divorce Code (Form 12).
- A self-addressed stamped-envelope (so your spouse can send you what she or he signs and you can file that with the Court).

You can deliver these documents to your spouse by mail or in person.

Prepare your (Plaintiff's) Affidavit of Consent (Form 11: "Affidavit of Consent")

IMPORTANT: An affidavit of consent must be filed within 30 days of the day on which it was signed and dated. Wait to sign your consent form (Form 11) until you get your spouse's signed consent form (Form 11) so you can file them at the same time. Once you get your spouse's signature on his or her form, then you can sign and date yours. Make sure both get filed within 30 days of the dates they are signed or they will expire!

File at the Clerk's office:

- Affidavits of Consent (Form 11) -- one signed and dated by you (the Plaintiff) and the other signed and dated by your spouse (the Defendant).
- Waiver of Notice of Intention to Request Entry of a Divorce Decree Under Section 3301(c) of the Divorce Code (Form 12) -- **signed and dated by your spouse.**

When you file the consents and waiver, you can also file the remaining forms required to complete the divorce (see Step Five, below).

If your spouse does not sign the "Waiver of Notice" form but signs the consent form, file the two consent forms, wait 20 days, and then follow the directions in Step Five.

If your spouse does not return the signed affidavit of consent, you may proceed with a separation divorce, provided you have included an allegation in the Divorce Complaint that you have been separated for the required number of years (see Note on page 3), asked for a "d" divorce, have actually been separated for the required number of years, and served the "d" separation divorce affidavit (see form 20). See Section III.

Step-by-Step Directions for Filling Out Form 11 (Affidavit of Consent)

Each party must sign an Affidavit of Consent and both must be filed. Sample Form 11 is completed for the Defendant's signature. The form is the same for the Plaintiff except for the signature line where you will put your name in place of the Defendant's name.

Prepare and mail Defendant's Affidavit of Consent as follows:

- Fill out the caption as in Form 6 (page 29).
- Type in the date the Complaint was filed (*see (a) in Sample Form 11*) and the date the Complaint was served (*see (b) in Sample Form 11*).
- Type in your spouse's (the Defendant's) full name followed by "Defendant" under the signature line (*see (c) in Sample Form 11*).
- Mail this copy of the form to your spouse, asking him or her to sign and date it and return it to you. Or you can take it to him or her in person and ask him to sign it and give it back to you.
- Make sure to include a self-addressed stamped envelope so your spouse can mail it back to you after she or he signs it.

Prepare your Affidavit of Consent as follows:

- Fill out the caption as instructed in Form 6, above (*see caption on Sample Form 11*) on the other blank form.
- Type in the date the Complaint was filed (*see (a) in Sample Form 11*) and the date the Complaint was served (*see (b) in Sample Form 11*).
- Type or print your full name under the signature line of your Affidavit of Consent form.
- Wait to get the Affidavit of Consent signed by your spouse; then sign and date your Affidavit of Consent form.

File both Consent Affidavits, signed and dated, with the Clerk of Family Court within 30 days of the date the first one was signed.

Step-by-Step Instructions for Filling Out Form 12 (Defendant's Waiver of Notice)

Prepare the caption as in Form 6 (page 29).

Type or print your spouse's full name followed by "Defendant" under the signature line (*see (a) in Sample Form 12*).

Send the form to your spouse with a letter asking him/her to sign his/her name as it appears below the line, date the form on the day it is signed, and return it to you for filing. Include a self-addressed, stamped envelope. Or you can take it to your spouse in person and have him/her sign it. Use whichever method is most likely to result in getting the Affidavit signed.

Sample Form 12 (Defendant's Waiver of Notice of Intention to Request Entry of a Divorce Decree Under Section 3301(c) of the Divorce Code)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

: January TERM, 2006

JOHN DOE,
Defendant

: NO. 123X

**WAIVER OF NOTICE OF INTENTION
TO REQUEST ENTRY OF A DIVORCE DECREE
UNDER SECTION 3301(c) OF THE DIVORCE CODE**

1. I consent to the entry of a final decree in divorce without further 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.

Date: _____

(a) JOHN DOE, Defendant

Step Five: Filing the Remaining Documents

What you do next depends on whether the Defendant signed the Waiver of Notice (Form 12).

If the Defendant signed the Waiver of Notice (Form 12):

File the following if you did not do so in Step Four:

- Waiver of Notice signed by the Defendant (Form 12)
- Both signed Affidavits of Consent, unless you already filed them
- Praecepto to Transmit Record (Form 13)

The filing fee for the Praecepto to Transmit Record is currently \$66.22. Call the Clerk's office (215-686-3805) to find out what the fee is at the time you file. Remember, your personal check and cash will not be accepted; you must pay by debit or credit card, or a money order.

- Final Decree of Divorce (Form 14) -- You cannot use the form in this manual; you must get this form from the same office where you have been filing your papers. It has a red seal on it. **It must be typed.** You can find a typewriter for public use at Jenkins Law Library, 833 Chestnut Street, Suite 1220. Call 215-574-1505 for hours.
- Two (2) stamped envelopes, one with your address and one with your spouse's address. These envelopes will be used by the clerk to mail a certified copy of the divorce decree to each of you. See Step Six, below.

If the Defendant *did not* sign the Waiver of Notice (Form 12), you must do the following before filing the Praecepto to Transmit Record (Form 13) and Final Decree (Form 14):

Prepare the Notice of Intent to File Praecepto to Transmit Record (Form 15) (*see instructions on p.50*), the Counter-Affidavit (Form 16), the Praecepto to Transmit Record (Form 13), and the Final Decree (Form 14).

Make a photocopy of each of the completed forms 13, 14 and 15.

By regular mail, send the Defendant: the **completed original** Notice of Intent to File Praecepto to Transmit Record (Form 15) and Counter-Affidavit (Form 16) and **photocopies** of the Praecepto to Transmit Record (Form 13), and the Final Decree (Form 14).

Wait at least twenty (20) days from the date you mailed this package to Defendant. Then file the original Praecepte to Transmit Record (Form 13), original Final Decree (Form 14), the photocopy of the Notice of Intent (Form 15), and the photocopy of the Counter-Affidavit (Form 16).

The filing fee for the Praecepte to Transmit Record is currently \$66.22. Call the Clerk's office (215-686-3805) to find out what the fee is at the time you file. Remember, cash and personal checks will not be accepted; you must have your credit or debit card or a money order.

If you have not already filed them, file the two Affidavits of Consent (Form 11) to meet the 30 day expiration deadline. Make sure it has not been more than 30 days since the Consent(s) were signed. If 30 days have gone by since the Consents were signed and they still have not been officially filed with the Clerk, then new Consents must be signed. The Clerk of Court will not allow you to sign the Praecepte to Transmit Record, etc. until and unless valid signed Affidavits of Consent have been filed.

Step-by-Step Directions for Filling Out Form 13 (Praecepte to Transmit Record)

Prepare the caption as in Form 6 (page 29).

Type or print in the date that your spouse (the Defendant) received the Complaint (*see (a) in Sample Form 13*).

Fill in how service was made to your spouse: write “Acceptance of Service” or “Certified Mail” or “Personal Service,” whichever applies. (*see (b) in Sample Form 13*).

Type or print in the date you (the Plaintiff) signed your Affidavit of Consent (Form 11) and the date your spouse (the Defendant) signed his or her consent (Form 11) (*see (c) and (d) in Sample Form 13*).

In Paragraph 4(b), if you included a request for a separation divorce in your Complaint, write: “claim for divorce on grounds of one or two-year separation pursuant to Section 3301(d).” (See Note on page 3)

In Paragraph 5, check (a) if the Defendant signed the Waiver of Notice and you are filing it with this Praecepte. If the Defendant did not sign the Waiver, check (b) and fill in the date you mailed to the Defendant the Notice of Intent to File Praecepte. (*see (e) in Sample Form 13*).

If you checked (b) in paragraph 5 as outlined above, attach a copy of the Notice of Intent to File Praecepte to Transmit Record to the Praecepte to Transmit Record.

Type or print in your full name under the signature line, followed by the words “Pro Se” (*see (g) in Sample Form 13*). Here, you are signing not as the Plaintiff, but as your own attorney.

Sign your full name in blue ink on the signature line (*see (f) in Sample Form 13*).

Sample Form 13 (Praecipe to Transmit Record)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE, : COURT OF COMMON PLEAS
Plaintiff PHILADELPHIA COUNTY
: FAMILY DIVISION
vs. : January TERM, 2006
JOHN DOE, : NO. 123X
Defendant

PRAECIPE TO TRANSMIT RECORD

Please transmit the record, together with the following information, to the Court for entry of a final decree in divorce:

1. Grounds for divorce: Irretrievable breakdown under Section 3301(c) of the Divorce Code.
2. The Complaint was served on Defendant as of (a) Feb. 5, 2006, in the following manner: (b) acceptance of service OR certified mail, return receipt requested OR personal service.
3. Date of execution of the Affidavit of Consent required by Section 3301(c) of the Divorce Code: by Plaintiff: (c) May 25, 2006 by Defendant: (d) May 20, 2006.
4. (a) The following related claims are still pending: None.
(b) The following claims are withdrawn: None.
(c) The following claims have been settled by agreement of the parties: None
(d) There is no written agreement to be incorporated into the final decree in this divorce.
5. Check either paragraph (a) or (b):
(a) Defendant's Waiver of Notice in Section 3301(c) Divorce was filed with the Clerk of Family Court together with this praecipe.
(b) Notice of Intent to file Praecipe to Transmit Record required by Rule 1920.42 was mailed to Defendant on (e) and a copy thereof is attached.
6. I certify that all other documents required by Rule 1920.42*(e) are attached hereto.

(f) Jane Smith Doe
(g) JANE SMITH DOE , Pro Se

Step-by-Step Directions for Filling Out Form 14 (Final Decree of Divorce)

You must get this form from the Office of the Clerk of Court at Family Court, where you have been filing all of your papers. DO NOT use the form in this manual, as it will not be accepted by the clerks.

Fill in the caption. This time, you will ***not*** put your name, address and telephone number in the upper left. Simply type in the full names of the parties (“Jane Smith Doe vs. John Doe”), the month (before the word TERM) and year that was stamped on your Complaint by the clerk when you filed it, and the number (“NO.”), also stamped by the clerk at filing (*see caption in Sample Form 14*).

Fill in your name where JANE SMITH DOE appears in Sample Form 14 at ***(a)***.

Fill in your spouse’s (the Defendant’s) name where JOHN DOE appears in Sample Form 14 at ***(b)***.

Leave the rest to be filled in by the judge.

Sample Form 14 (Final Decree of Divorce 3301(c))

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

JANE SMITH DOE, : January TERM, 2006
Plaintiff :
vs. : NO. 123X
JOHN DOE, :
Defendant : IN DIVORCE - CAUSE: 3301(c)
 : *Irretrievable Breakdown - Mutual Consent*

Decree and Order

AND NOW, this _____ day of _____, 20__, it is ordered and decreed that

(a) Jane Smith Doe and (b) John Doe are

hereby divorced from the bonds of matrimony.

[red seal]

BY THE COURT:

J.

Step-by-Step Directions for Filling Out Form 15 (Notice of Intent to File Praecipe to Transmit Record)

Prepare the caption as in Form 6 (page 29).

Type or print the name of your spouse after the word “To:” (*see (a) in Sample Form 15*).

Sign your full name in blue ink on the signature line (*see (b) in Sample Form 15*).

Type or print in your full name under the signature line, followed by the words “Pro Se” (*see (c) in Sample Form 15*). Here, you are signing not as the Plaintiff, but as your own attorney.

Type or print in the date that you are mailing this document (*see (d) in Sample Form 15*).

Sample Form 15 (Notice of Intent to File Praecipe to Transmit Record)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

: FAMILY DIVISION

vs.

: January TERM, 2006

JOHN DOE,
Defendant

: NO. 123X

TO: (a) John Doe

NOTICE OF INTENT TO FILE PRAECIPE TO TRANSMIT RECORD

You are hereby given notice that twenty days following the mailing of this notice, a Praecipe to Transmit Record, together with a proposed Final Decree in Divorce, will be filed in this matter with the Office of the Clerk of Family Court, 1501 Arch Street, Philadelphia, PA. Exact copies of the Praecipe and the proposed Final Decree are enclosed herewith.

After the Praecipe and proposed Final Decree are filed, you will have a period of ten days during which you may file objections to the entry of the Final Decree based upon this Praecipe. If you dispute any of the information on the Praecipe or the Final Decree you must act within that ten-day period. Any objections must be filed in writing with the Office of the Clerk of Family Court, 1501 Arch Street, Philadelphia, PA. If no objections are filed before the expiration of the ten-day period, this case will be submitted to the Court for entry of the Final Decree.

Date: **(d)** _____

(b) Jane Smith Doe

(c) JANE DOE, Pro Se

Step-by-Step Directions for Filling Out Form 16 (Counter-Affidavit)

Prepare the caption as in Form 2 (page 11).

Type or print your spouse's (the Defendant's) full name below the signature line (*see (a) in Sample Form 16*).

Do not sign or date this form; this form is for your spouse (the Defendant) to sign if he or she chooses to do so.

Sample Form 16 (Counter-Affidavit)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY

: FAMILY DIVISION

vs.

: January TERM, 2006

JOHN DOE,
Defendant

: NO. 123X

**DEFENDANT’S COUNTER-AFFIDAVIT
UNDER SECTION 3301(c) OF THE DIVORCE CODE**

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 I must file my economic claims with the Prothonotary in writing and serve them on the other party. If I fail to do so before the dates 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.

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 unsown falsification to authorities.

Date: _____

(a) JOHN DOE

**NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF,
YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.**

Step Six: Finalizing the Divorce

Once the Praecipe to Transmit Record, Mutual Consents, and all other related forms discussed in steps 1-5 have been filed, and the 10 days specified in the Praecipe to Transmit Record has passed, OR your spouse signed a waiver of that 10 day waiting period (Form 12),

The Clerk of Family Court will send the case to a judge for review and signing. It is then returned to the Clerk's Office to be docketed (registered).

A certified copy of the divorce decree will be sent to you and one will be sent to your spouse (the Defendant) in the pre-addressed envelopes you left with the Court in Step 5.

Your divorce can be appealed by your spouse within thirty (30) days of the date the final decree was put on the court docket by the Clerk of Family Court. But if your spouse has not opposed the divorce before now, it is unlikely that this will happen.

If no appeal is filed, your divorce is final. Your divorce date is the date that appears on your divorce decree.

If an appeal is filed, you will need to consult an attorney.

Resumption of Birth Name Following Divorce.

Under Pennsylvania law, following a divorce, a woman may keep or resume use of her birth name without filing any papers with the court or obtaining court approval.

Once you have resumed the use of your birth name, you must use that name consistently. To resume your name, it is suggested that you first go to the Department of Motor Vehicles and submit a name change for your driver's license or photo identification card. Instructions can be found at this link http://pennsylvaniadriverslicenses.org/name_change.html#.UqeIXsaA05s. After you receive your updated driver's license/identification card, use it to change your name for all of your affairs, including for banking, the Social Security Administration, Voter's Registration, and others. It is not necessary to identify your divorce as the reason for the name change.

If any of these entities suggests you obtain a Notice of Intention to Resume Your Name, you should let them know that it is not required and refer them to the Official Opinion of the Attorney General No. 62 (August 20, 1973).

<https://files.jenkinslaw.org/files/divorce-manual/fullmanual/1973-att-gen-op-62.pdf>

If further assistance is required, contact the Women's Law Project at 215-928-9801.

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PART III: SEPARATION DIVORCES

To get a separation divorce, you and your spouse (your husband or wife) must have lived separate and apart continuously for at least one or two years. This type of divorce would be used if your spouse **will not sign** an Affidavit of Consent and you have lived apart continuously for at least one or two years depending on when your separation started.

Note: Effective December 5, 2016 the law was changed to allow a divorce after living separate and apart for a continuous period of one year instead of two. Whether you may file based on a one year separation depends on when your separation began:

Any married person who started living separate and apart from his or her spouse after December 5, 2016 may begin a divorce action based on a one-year separation. However, the divorce cannot be finalized until at least one full year has passed from the date of separation.

Anyone whose separation began on or before December 5, 2016 may only get a divorce after a separation of two years.

When completing the forms in this manual, you must make sure you refer to the right time period based on the date when the separation started

If your spouse raises a claim for economic relief, such as property distribution, alimony, etc., you will need to consult a lawyer.

Step One: Filing the Complaint

Prepare the following documents:

- Notice to Plead (*Form 17*)
- Counseling Notice (*Form 18*)
- Complaint in Divorce (*Form 19*)
- Plaintiff's Affidavit under Section 3301(d) (*Form 20*)
- Photocopy of your marriage certificate that you should label "Exhibit A" at the bottom of the page.
- Domestic Relations Information Sheet (*Form 21*)

If you are receiving public assistance and can't afford the filing fee, also prepare:

- *In Forma Pauperis* Petition (IFP) and Poverty Affidavit (*Form 22*)

After making two copies of each original page, staple the first five documents together in the order listed above. If you prepare an IFP petition, staple those pages together **in a separate set**. You will then have an original and two copies of each set of documents.

Go to the office of the Clerk of Court and file the original and two copies of your IFP petition (if applicable) and Divorce Complaint.

If you are not asking for permission to file IFP you must pay the filing fee (currently \$333.73) when you file the Complaint. **Cash and personal checks are not accepted;** you will need your debit or credit card or a money order.

After the case has been time-stamped and assigned a Term and Number, which will be done while you wait, two copies will be returned to you. One copy is for your records and the other is for service on your spouse (see Step Two).

Step- by-Step Directions for Filling Out Form 17 (Notice to Plead)

Please read the following directions explaining how to fill out the left side of the caption on Form 17 (Notice to Plead), Form 18 (Counseling Notice), Form 19 (Complaint in Divorce), and Form 20 (Plaintiff's Affidavit). The caption is the information that identifies this case, and it appears at the beginning of most of the forms in this manual. The right side of the caption, the TERM and NO., will be filled out by the clerk when you file the Complaint. **Once the TERM and NO. have been assigned to your case, you must include them on the captions of all the other pleadings (legal documents) that you file.**

Go to the top left of the page on your blank Form 17 (this is the caption):

1. In the space at the top: Type or print your name, followed by the words "Pro Se," then add your address and your telephone number (*see (a) in Sample Form 17*).
2. In the space above "vs.": Type or print your name exactly as it appears on the marriage certificate (*see (b) in Sample Form 17*) and your address.
3. In the space below "vs.": Type or print in your spouse's name exactly as it appears on the marriage certificate (*see (c) in Sample Form 17*) and his address.

On the left hand side of the page, below the section titled "Notice to Defend and Claim Rights," put an "X" inside the brackets beside the word "Divorce" (*see (d) in Sample Form 17*). Also, on the right hand side of the page (the Spanish version), below the section titled "Advertencia sobre como defenderse y reclamar derechos," put an "X" inside the brackets beside the word "Divorcio" (*see (d) in Sample Form 17*).

At the bottom of the page, type or print "N/A" under "Domestic Relations No." (*see (e) in Sample Form 17*).

TIPS for filling out these forms

- ✓ *Use the names EXACTLY as they are written on the marriage certificate. For the wife's name, use her name before she married (as written on the marriage certificate) plus her husband's last name if she used it during the marriage. If she never used his last name, then her name on the form should not include his last name.*
- ✓ *Remember to make at least two photocopies of everything you take to be filed. One copy is for you and the other copy must be served on your spouse. The original always stays with the Court.*
- ✓ *Look at the sample forms that follow these Step-by-Step Directions. The samples use the fake names of Jane Smith Doe and John Doe, and you can use them as models to fill out your own forms.*
- ✓ *Blank forms for your use are in Appendix D at the end of this manual.*

Sample Form 17 (Notice to Plead)

(a) JANE SMITH DOE, Pro Se
 111 Any Street
 Philadelphia, PA 1910X
 (215) 123-4567

Attorney for Plaintiff

(b) JANE SMITH DOE
 111 Any Street
 Philadelphia, PA 1910X

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY
 FAMILY DIVISION

vs.

TERM,

(c) JOHN DOE
 222 Some Street
 Philadelphia, PA 1910X

NO.

Section 3301 (d) Affidavit

NOTICE TO DEFEND AND CLAIM RIGHTS

ADVERTENCIA SOBRE COMO DEFENDERSE Y RECLAMAR DERECHOS

You have been sued in court for

Usted ha sido demandado en court para

- Divorce (d) Annulment of Marriage
- Support Division of Property
- Alimony Custody & Visitation
- Costs Temporary Alimony
- Attorney Costs

- Divorcio (d) Anulación
- Pensión Alimenticia Division de Propiedad (Mantenimiento)
- Pensión Alimenticia Custodia y Visitacion
- Costos Pensión Alimenticia Temporal
- Costos de Abogado

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 of your children.

Usted ha sido demandado en court. Si usted desea defender el reclamo puesto en contra suya en las siguientes páginas, tiene que tomar acción inmediatamente. Se le advierte que si falla en hacerlo, el caso puede ser procesado sin usted por la corte. Un juicio también puede ser registrado en su contra por cualquier otro reclamo o petición requerida en estos papeles por el querellante. Usted puede perder dinero, propiedad u otros derechos importantes para usted, incluyendo custodia o visitación para sus hijos.

When the ground for the divorce is indignities or separation, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at 1501 Arch Street, Philadelphia, PA 19102.

Cuando la causa del divorcio es maltrato o trastorno irreparable en el matrimonio, usted debe solicitar consejera matrimonial. Una lista de oficinas del prothonotario en Cuarto 286 de la Alcaldía, Filadelfia, PA 19107 (1501 Arch Street, Filadelfia, PA 19102)

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR AN ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM. YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.

SI USTED NO REGISTRA UN RECLAMO PARA LA PENSIÓN ALIMENTICIA, LA REPARTICIÓN DE PROPIEDADES, EL HONORARIO DEL ABOGADO O GASTOS DE QUE EL DIVORCIO O ANULACIÓN SEA OTORGADO, USTED PUEDE PERDER EL DERECHO DE RECLAMAR CUALQUIERA DE ESTOS. USTED DEBE LLEVAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE.

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.

SI USTED NO TIENE UN ABOGADO O NO PUEDE PAGAR POR LOS SERVICIOS DE UNO, VAYA O LLAME A LA OFICINA INDICADA, PARA AVERIGUAR DONDE PUEDE OBTENER ASISTENCIA LEGAL.

PHILADELPHIA BAR ASSOCIATION
 LAWYER REFERRAL AND INFORMATION SERVICE
 One Reading Center
 Philadelphia, PA 19107
 Telephone (215) 238-6333

PHILADELPHIA BAR ASSOCIATION
 SERVICIO DE REFERENCIA E INFORMACION LEGAL
 One Reading Center
 Filadelfia, Pennsylvania 19107
 Teléfono: (215) 238-6333

Former Domestic Relations Proceedings: Yes No Domestic Relations No.
 If child support is claimed, is such child Yes No N/A (e)
 or children receiving Public Assistance

Step-by-Step Directions for Filling Out Form 18 (Counseling Notice)

Go to the top left of the page on your blank Form 18 (this is the caption):

1. In the space at the top: Type or print your name, followed by the words “Pro Se,” then add your address and telephone number (*see (a) in Sample Form 18*).
2. In the space above “vs.”: Type or print your name exactly as it appears on the marriage certificate (*see (b) in Sample Form 18*).
3. In the space below “vs.”: Type or print in your spouse’s name exactly as it appears on the marriage certificate (*see (c) in Sample Form 18*).
4. In the space after “Section 3301(d) Irretrievable Breakdown”: Write in “one” or “two” depending on the required number of years of separation for your divorce (see Note on page 3).

Sample Form 18 (Counseling Notice)

(a) JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

(b) JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

: TERM,

(c) JOHN DOE,
Defendant

: 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.

Step-by-Step Directions for Filling Out Form 19 (Complaint in Divorce):

Fill in the caption as in Form 18 (page 63).

Now go to the body of the Complaint (the part underneath the heading “Dissolution of Marriage”).

Paragraph 1: Type or print your name exactly as it appears on the marriage certificate, and use that full name throughout the pleading (*see (d) in Sample Form 19*). Type or print in your full address (*see (e) in Sample Form 19*).

Paragraph 2: Type or print your spouse’s name exactly as it appears on the marriage certificate, and use that full name throughout the pleading (*see (f) in Sample Form 19*). Type or print in his or her address (*see (g) in Sample Form 19*).

Paragraph 3: If both you and your spouse have been residents of Pennsylvania for six (6) months, type or print in “both have” and “residents.” If only you have been a resident of Pennsylvania for six (6) months, type or print in “Plaintiff has” and “a resident” (*see (h) in Sample Form 19*).

Paragraph 4: Type or print in the date of and the place (city and state) of your marriage (*see (i) and (j) in Sample Form 19*).

Paragraph 5: If your spouse is in the military service, you must state that fact.

Paragraph 6: If the statement in paragraph 6 is not true, you cannot file.

Paragraph 7: This manual does not give you the steps to take if there is a written agreement.

Paragraph 8: Type or print in “he” or “she,” whichever is appropriate (*see (k) in Sample Form 19*).

Paragraph 9: Paragraph 9: This is where you give the basis for the divorce. It is recommended that you include the bases for both the “c” and “d” divorces. This way, if your spouse refuses to consent, you can proceed with a separation divorce, or, if your spouse changes his/her mind and decides to agree to the divorce, you will be prepared to finalize a mutual consent divorce. Write in: *The marriage is irretrievably broken and plaintiff believes defendant will consent to the divorce. The marriage is irretrievably broken and the parties will have been separated for at least the required number of years (see Note on page 3 and write in “one” or “two,” whichever applies to you) at the time of final disposition of this case. (See (l) in Sample Form 19)*. If you include the “c” consent divorce, and your spouse was convicted of a personal injury crime, you must include paragraph 10 from the sample “c” consent divorce. See instructions for Form 3.

Sign your full name, as it appears on the marriage certificate, using blue ink (*see (m) in Sample Form 19*).

Type or print your full name under the signature line followed by “Pro Se” (*see (n) in Sample Form 19*).

Under the section titled “Verification,” sign your name in blue ink, type or print your full name followed by “Plaintiff,” and write in the date you signed it (*see (o), (p), (q) in Sample Form 19*).

Sample Form 19 (Complaint in Divorce)

(a) JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

(b) JANE SMITH DOE ,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
:
FAMILY DIVISION

vs.

(c) JOHN DOE,
Defendant

:
:
TERM,
:
NO.

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

1. Plaintiff, **(d)** JANE SMITH DOE, currently resides at **(e)** 111 Any Street, Philadelphia, PA.
2. Defendant, **(f)** JOHN DOE, currently resides at **(g)** 222 Some Street, Philadelphia, PA.
3. Plaintiff and defendant are sui juris, and **(h)** both have been residents 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 **(i)** 1/1/90, in **(j)** San Jose, California. 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 of 2003.
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 **(k)** she has been advised of the availability of counseling between the parties and that **(k)** she 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: **(l)** The marriage is irretrievably broken and plaintiff believes defendant will consent to the divorce. The marriage is irretrievably broken and the parties will have been separated for _____ years or more at the time of final disposition of this case.

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

(m) Jane Smith Doe
(n) JANE SMITH DOE, Pro Se

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.

(o) Jane Smith Doe
(p) JANE SMITH DOE, Plaintiff

DATE (q) 1/04/06

HINT: You can file this complaint naming both no-fault grounds (mutual consent, Section 3301(c), and separation, Section 3301(d)). If your spouse signs the consent affidavit or has been convicted on a personal injury crime, you can proceed using that ground and drop the other; if your spouse has not been convicted of a personal injury crime and refuses to sign the consent affidavit, then after you have been separated for the required number of years you can proceed on the grounds of a separation.

This page intentionally left blank.

Step-by-Step Directions for Filling Out Form 20 (Plaintiff's Affidavit Under Section 3301(d) of the Divorce Code)

Fill in the caption as in Form 18 (page 63).

In number 1, Type or print the date of separation (*see (a) in Sample Form 20*) and insert the required number of years of separation, “one” or “two” that applies to your divorce. (see Note on page 3). Remember that this type of divorce is for relationships in which the parties have been living separately and apart for a period of at least the required continuous number of years.

Type or print the date you are completing this form (*see (b) in Sample Form 20*).

Sign your full name, as it appears on the marriage certificate, using blue ink (*see (c) in Sample Form 20*) on the signature line.

Type or print your name followed by “Plaintiff” under the signature line (*see (d) in Sample Form 20*).

TIP: You may not file this affidavit until and unless you have been separated for at least the required number of years. You can file the Complaint at any time. If you file the Complaint before the required number of years from separation, you must wait until the required number of years have passed to file the Affidavit. At that time, the Affidavit must be served in the same manner as the Complaint was served. See Steps 2 and 3.

Sample Form 20 (Plaintiff's Affidavit Under Section 3301(d) of the Divorce Code)

Attorney for Plaintiff

	:	COURT OF COMMON PLEAS
Plaintiff	:	PHILADELPHIA COUNTY
	:	FAMILY DIVISION
vs.	:	
	:	
	:	TERM,
Defendant	:	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: _____

Plaintiff

Step-by-Step Directions for Filling Out Form 21 (Domestic Relations Information Sheet)

First line: Fill in today's date.

Under whichever applies to you (“Husband” or “Wife”), type or print your:

name

mailing address and residential address (where you live) if different from your mailing address

date of birth (month/day/year), social security number, and DPW number (if you have one)

place of employment and work phone number

occupation (you need not state your salary)

Type or print your spouse's:

name

mailing address and residential address (where spouse lives) if different from his/her mailing address

The following information is not required, but fill in if known:

date of birth (month/day/year), social security number, and DPW number (if your spouse has one)

place of employment and work phone number

current (or last known) occupation

attorney and identification number (if known)

Last line: Fill in the date (month/day/year) and place (city, state) you were married, and the date of your final separation (month/day/year). This is the date the Court will use as the start of your required separation period.

Sample Form 21 (Domestic Relations Information Sheet)

DIVORCE

DATE		CP. NO.			
1/4/06					
HUSBAND'S	FIRST NAME	MIDDLE INITIAL	LAST NAME	ALIAS, IF ANY	
	John	S.	Doe		
MAILING ADDRESS		RESIDENTIAL ADDRESS (IF DIFFERENT)			
222 Some Street Philadelphia, PA 1910X					
DATE OF BIRTH		SOCIAL SECURITY NUMBER	DPW NUMBER		
3/3/53		123-45-6789	N/A		
PLACE OF EMPLOYMENT		PHONE			
ACME Trucking Co.					
OCCUPATION		SALARY			
Truck Driver					
ATTORNEY'S NAME AND ADDRESS			ATTORNEY ID NUMBER		
WIFE'S	FIRST NAME	MIDDLE INITIAL	MAIDEN NAME	LAST NAME	ALIAS, IF ANY
	Jane		Smith	Doe	
MAILING ADDRESS		RESIDENTIAL ADDRESS (IF DIFFERENT)			
111 Any Street Philadelphia, PA 1910X					
DATE OF BIRTH		SOCIAL SECURITY NUMBER	DPW NUMBER		
5/5/55		987-65-4321	N/A		
PLACE OF EMPLOYMENT		PHONE			
Unemployed					
OCCUPATION		SALARY			
ATTORNEY'S NAME AND ADDRESS			ATTORNEY ID NUMBER		
DATE OF MARRIAGE		PLACE OF MARRIAGE	DATE OF SEPARATION		
1/1/90		San Jose, CA	12/2/03		

Step-by-Step Directions for Filling out Form 22 (In Forma Pauperis (IFP) Petition, Order, and Poverty Affidavit)

If you can't afford the filing fees for this divorce action, you may be entitled to file without charge. To find out if you qualify, you must show the court that you have very little income or are receiving cash assistance (welfare, SSI, or Social Security). You must fill out the *In Forma Pauperis* Petition (also called an IFP Petition) and take that, along with some type of photo identification (such as a driver's license) and some proof that you are getting cash assistance (such as your welfare card) to show the clerks when you file these papers. If you are not receiving cash assistance, then you will also have to fill out the Poverty Affidavit (immediately following the *In Forma Pauperis* petition), and attach proof of your limited income.

Preparing the Petition to Proceed *In Forma Pauperis* and Order (Form 22.1):

Fill in the captions as in Form 18 (page 63).

Go to the body of the petition and type or print your name on the first line (*see (a) in sample Form 22.1*).

In Paragraph 3, check the appropriate information. You will see that if you indicate that you ARE receiving cash benefits, you will NOT have to complete the Poverty Affidavit, but if you are not receiving such cash benefits, then you must complete and file the Poverty Affidavit.

Fill in the date at (b) and sign your name at (c) on the signature line in blue ink.

Type or print your name and your address at (d).

If required, prepare the Poverty Affidavit (Form 22.2):

Fill in the caption as in Form 18 (page 63).

Go to the body of the petition (below "POVERTY AFFIDAVIT") and type or print your name on the first line (*see (e) in the Poverty Affidavit*)

In paragraph 3, type or print your name (*see (e) in the Poverty Affidavit*), type or print your address (*see (f) in the Poverty Affidavit*) and your Social Security Number (*see (g)*).

Complete the remainder of Paragraph 3 with information about

- your employment and other income received in the past 12 months,
- contributions you get from someone else to the bills of your household,
- a list of property you own,
- a list of your debts, and
- the names of minor children and others who depend on you for support.

Sign and date the Poverty Affidavit in blue ink at the bottom of the page (*(h) and (i)*).

Type or print your full name below the signature line at (j).

Filing the *In Forma Pauperis* Petition, Order, and Poverty Affidavit:

Assemble the pages in the following order: Order; IFP Petition; and Poverty Affidavit (if appropriate).

Make two copies of each page.

Take the originals and copies, along with the original and two copies of the Divorce Complaint, to the Office of the Clerk of Family Court, 1501 Arch Street, Philadelphia, PA.

A clerk will take all of these documents and stamp them with the Court Term and Number, and give you back two copies of each, one for you and one to be served on the Defendant

The clerk will then send your IFP Petition and Poverty Affidavit (if applicable) to a judge for review.

You will be notified of the action taken by the judge. **If your petition is denied, you will have to pay the filing fee before proceeding** with the next step (service). If your petition is granted, go on to Step Two: Serving Your Spouse.

Sample Form 22.1 (In Forma Pauperis Petition and Order)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

JOHN DOE,
Defendant

:
: TERM,
: NO.

PETITION TO PROCEED IN FORMA PAUPERIS

1. I, (a) Jane Smith Doe, the Petitioner, am filing a Complaint in Divorce contemporaneously with this Petition and because of my financial condition, I am unable to pay the required filing fees in this divorce action.

2. I am unable to obtain funds from anyone, including my family and friends, to pay this fee.

3. Check one:

I am currently a recipient of the following type(s) of Public Assistance Benefits from the Pennsylvania Department of Public Welfare or the Federal Government:

cash benefits

SSI

medical benefits

Social Security Disability

[check one or both and be prepared to present to the filing clerk supporting documentation that you are *currently* receiving the benefit(s)]

I am not currently receiving cash or medical benefits, but I am attaching a completed Poverty Affidavit that verifies my financial condition and why I cannot afford to pay the aforementioned filing fee.

I verify that the statements made in this Petition and attached Poverty Affidavit (if applicable) 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: (b) 1/4/06

(c) Jane Smith Doe

(d) JANE SMITH DOE, Petitioner
111 Any Street, Philadelphia, PA 1910X

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

vs.

JOHN DOE,
Defendant

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION
:
: TERM,
: 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.

Sample Form 22.2 (Poverty Affidavit)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

JOHN DOE,
Defendant

:
: TERM,
: NO.

POVERTY AFFIDAVIT

1. I, (e) Jane Smith Doe, 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. My Social Security number is: (b) 987-65-4321.

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

- (a) Name: (e) Jane Smith Doe
Address: (f) 111 Any Street Philadelphia, PA 1910X
Social Security Number: (g) 987-65-4321

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

(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: **(h)** 1/4/06

(i) Jane Smith Doe

(j) JANE SMITH DOE

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Step Two: Serving Your Spouse

When you file the Divorce Complaint and the accompanying papers, the original will be placed in the Court file and the photocopies will be stamped with the time and date and returned to you. Keep one copy for your records and serve one copy on your spouse (the Defendant) **within thirty (30) days of the date it was filed**, unless Defendant lives outside Philadelphia County, in which case you have ninety (90) days. If you do not make service within the required time, you must reinstate (refile) the Complaint and try again (see *Form 24: Praecipe to Reinstate*, page 83).

Serving your spouse with the divorce Complaint:

If your spouse will sign an Acceptance of Service (Form 23), then you can hand it to him or her in person or send it by regular mail. The Acceptance of Service is an acknowledgment by your spouse (the Defendant) that s/he received the papers.

By Regular Mail send:

1. A **time-stamped** copy of the papers you filed (they will have been time-stamped by the court when you file them)
2. Acceptance of Service (Form 23)
3. Counter-Affidavit (Form 23.1)
4. A self-addressed stamped envelope so your spouse (the Defendant) can send the Acceptance of Service back to you (if s/he signs it, go to Step Three)

If your spouse will not sign the Acceptance of Service (Form 23), then service must be made by one of three ways: (1) by sending a copy of the papers (1, 2 & 3 above) to your spouse by “certified mail, return receipt requested, deliver to addressee only” (so that you will have a return receipt card signed by your spouse); (2) by having a friend hand it to your spouse (your friend must be willing to sign an affidavit affirming that this was done); or (3) by hiring a writ server, who also must sign an affidavit, to hand-deliver it to your spouse.

Note: If your spouse is in prison, you must serve by methods 2 and 3, and not method 1.

By Certified Mail:

1. Send the **time-stamped** copy of the papers you filed.
2. Be sure to request and pay for “Certified Mail, return receipt requested, deliver to addressee only.”
3. **Keep the white cash receipt.** It must be filed later along with the signed return receipt card to prove that your spouse received a copy.

By Personal Service (through a friend or writ server):

1. You can ask a friend to hand papers (1, 2 & 3 above) to your spouse. The friend must then fill out and sign an Affidavit of Service (Form 27).
2. You can hire a writ server to do this and the writ server will prepare an Affidavit of Service for you. You can find a writ server by looking under “Process Server” or “Writ Server” in the Yellow Pages of the phone book.

Remember:

1. Service of the Complaint **MUST** be made within 30 days of the filing of the Divorce Complaint (unless the Defendant lives outside of Philadelphia County, in which case you must serve the Complaint within 90 days).

2. Keep a photocopy of all documents for future use, including filing.

Step-by-Step Directions for Filling Out Form 23 (Acceptance of Service)

Fill in the caption as in Form 18 (page 63). From here on, when you fill out the caption you should fill in the additional identifying information given to your case by the court clerk when you filed the Complaint: the month (this is placed before the word “TERM” on the right side of the caption) and the year; and the four-digit number that goes after the abbreviation “NO.” just below TERM.

Write or type in the name of your spouse (*see (a) in Sample Form 23*).

Your spouse must fill out and sign the document and return it to you so you can file it as proof that your spouse did receive a copy of the Complaint. Your spouse (the Defendant) should write in the date when s/he received the Complaint (*b*). Then s/he should sign on the signature line (*c*).

Write or type your spouse’s (the Defendant’s) full name underneath the signature line (*see (d) in Sample Form 23*).

The Defendant should write in the date s/he signed it (*e*), and return the page to you.

Sample Form 23 (Acceptance of Service)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

: January TERM, 2006

JOHN DOE,
Defendant

: NO. 123X

ACCEPTANCE OF SERVICE

I, (a) John Doe, defendant in this divorce action, hereby certify that on or about (b) I personally received a copy of the Complaint in Divorce and Counseling Notice, a copy of the Affidavit filed pursuant to Section 3301(d) of the Divorce Code, and the 3301(d) Counter-Affidavit.

(c)

(d) JOHN DOE, Defendant

Date: (e)

Step-by-Step Directions for Filling Out Form 23.1 (Counter-Affidavit)

Prepare the caption as in Form 23 (page 83).

Type or print your spouse's (the Defendant's) full name below the signature line (*see (a) in*

Sample Form 23).

In 1.(b)(i), write in the number of years of separation (“one” or “two”) that is required for your divorce. (see Note on page 3)

Do not fill in anything in the body of the pleading; this is for your spouse (the Defendant) to fill out and sign, if he or she chooses to do so.

Keep a photocopy of this and all forms for later use.

Sample Form 23.1 (Counter-Affidavit Under § 3301(d) of the Divorce Code)

JANE SMITH DOE
Pro Se Attorney for Plaintiff
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
: FAMILY DIVISION
: January TERM, 2006

vs.

JOHN DOE,
Defendant

: No. 123X

**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.

Step-by-Step Directions for Filling Out Form 24 (Praecipe to Reinstate Complaint in Divorce)

Only fill out this form if you were unable to make service within 30 days (or 90 days if the Defendant lives outside Philadelphia County).

Fill in the caption as in Form 23 (page 79).

Sign your name in blue ink (*see (a) in Sample Form 24*) and write or type your name, followed by “Pro Se” under the signature line (*see (b) in Sample Form 24*).

Directions for Filing Form 24 (Praecipe to Reinstate Complaint in Divorce)

Make another copy of your copy of the Complaint and Plaintiff’s Affidavit Pursuant to Section 3301(d). You will then have two photocopies of each.

Make a photocopy of the Praecipe to Reinstate Complaint.

Take the original and the copy of the Praecipe to Reinstate Complaint, the two photocopies of the Complaint, and the two copies of Plaintiff’s Affidavit to the Office of the Clerk of Court, 1501 Arch Street, Philadelphia (there is no filing fee).

The Clerk will time-stamp both copies of the Praecipe to Reinstate Complaint and return one to you. S/he will also date stamp both copies of the Complaint and Affidavit and return both to you.

One of the copies of the Complaint and one of the Affidavit must be served on the Defendant within 30 days of the date of reinstatement, or 90 days if the Defendant lives outside of Philadelphia County.

Sample Form 24 (Praecipe to Reinstate Complaint in Divorce)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

: January TERM, 2006

JOHN DOE,
Defendant

: NO. 123X

PRAECIPE TO REINSTATE COMPLAINT IN DIVORCE

TO THE PROTHONOTARY:

Kindly reinstate the above-captioned Complaint in Divorce.

(a) Jane Smith Doe

(b) JANE SMITH DOE, Pro Se

This page intentionally left blank.

Step Three: Filing Proof of Service

You must file proof that your spouse (the Defendant) was served with the Complaint. What you file depends on which form of service you used in Step Two.

If your spouse signed and returned an Acceptance of Service, you must prepare and file:

Plaintiff's Verification of Defendant's Signature (Form 25); and

Acceptance of Service, signed by the Defendant (Form 23)

If your spouse signed for the piece of certified mail, you must prepare and file:

Plaintiff's Verification of Defendant's Signature (Form 25); and

Plaintiff's Certification of Service by Certified Mail (Form 26); and

One sheet of 8-1/2" by 11" piece of paper on which you have stapled both the original return receipt (with your spouse's signature showing) and the white receipt you received when you paid for the certified mail. Type or print the phrase "Exhibit A" at the bottom of that page.

If your spouse was personally served, you must prepare and file:

The Affidavit of Service (Form 27) signed by the Server (who cannot be you, the Plaintiff).

Step-by-Step Directions for Filling Out Form 25 (Verification of Signature)

Fill in the caption as in Form 23 (page 83).

Type or print in your full name in the first blank (*see (a) in Sample Form 25*)

Type or print in either “she” or “he,” whichever is appropriate (*see (b) in Sample Form 25*).

Type or print in your spouse’s full name (*see (c) in Sample Form 25*).

Type or print in “Acceptance of Service” OR “return receipt card,” whichever is appropriate (*see (d) in Sample Form 25*).

Type or print in “her” (if your spouse is female); “his” (if your spouse is male) (*see (e) in Sample Form 25*).

Sign your full name on the signature line in blue ink (*see (f) in Sample Form 25*).

Type or print in your full name below the signature line, followed by “Plaintiff” (*see (g) in Sample Form 25*)

Write in the date you signed this verification (month/day/year) (*see (h) in Sample Form 25*).

Sample Form 25 (Verification of Signature)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE,
Plaintiff

: COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
: FAMILY DIVISION

vs.

: January TERM, 2006

JOHN DOE,
Defendant

: NO. 123X

VERIFICATION OF SIGNATURE

(a) Jane Smith Doe _____, plaintiff in the above case, verifies that (b) she _____ is fully familiar with the signature and handwriting of (c) John Doe _____, the defendant; and that the signature appearing on the (d) Acceptance of Service *OR* return receipt card _____ attached here as Exhibit "A", is in the handwriting of the defendant and is (e) his 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.

(f) Jane Smith Doe _____
(g) JANE SMITH DOE, Plaintiff

Date: (h) 2/10/06 _____

Step-by-Step Directions for Filling Out Form 26 (Certification of Service by Certified Mail)

Fill in the caption as in Form 23 (page 83).

Fill in the following information where appropriate:

- a. Your name (*see (a) in Sample Form 26*).
- b. The date you mailed the Complaint (*see (b) in Sample Form 26*).
- c. Your spouse's name (*see (c) in Sample Form 26*).
- d. The number on your certified mail receipt (not the green card, but the white slip the Post Office returns to you with the fees written on it) (*see (d) in Sample Form 26*).
- e. The address the Complaint was mailed to (this should have been to your spouse, the Defendant, and his/her address) (*see (e) in Sample Form 26*).
- f. The date you got the return receipt card back from the Post Office (*see (f) in Sample Form 24*).
- g. The number on your certified mail receipt (should be the same number as for "d," above) (*see (g) in Sample Form 26*).
- h. Your spouse's name (*see (h) in Sample Form 26*).
- i. The date your spouse (the Defendant) signed the return receipt card (*see (i) in Sample Form 26*).
- j. Sign your name in blue ink (*see (j) in Sample Form 26*).
- k. Type or print your name, followed by the words "Pro Se" below the signature line (*see (k) in Sample Form 26*).

TIP: This is the form to use when you have been separated for at least the required number of years and so have filed an Affidavit under Section 3301(d), the separation divorce. (Form 20).

Sample Form 26 (Certification of Service by Certified Mail for separation divorce)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE, : COURT OF COMMON PLEAS
Plaintiff : PHILADELPHIA COUNTY
 : FAMILY DIVISION
vs. :
 : January TERM, 2006
JOHN DOE, :
Defendant : NO. 123X

CERTIFICATION OF SERVICE BY CERTIFIED MAIL

I, **(a)** JANE SMITH DOE, pro se, state that on or about **(b)** February 2, 2006, I did notify the defendant **(c)** JOHN DOE 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 **(d)** X 123 456 789, restricted delivery, with a return card attachment, addressed to Defendant at **(e)** 222 Some Street, Philadelphia, PA, 1910X. On or about **(f)** February 7, 2006, I received the return receipt card to certified article number **(g)** X 123 456 789, which had been attached to the envelope containing the aforementioned papers, from the U.S Postal Service, which receipt had been signed by **(h)** JOHN DOE on **(i)** February 6, 2006. Said Certified Article Receipt and Return Card are attached hereto, made a part hereof, and 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.

(j) Jane Smith Doe
(k) JANE SMITH DOE, Pro Se

Step-by-Step Directions for Filling Out Form 27 (Affidavit of Personal Service)

Fill in the caption as in Form 23 (page 83).

In the body of document, type or print in the appropriate blank lines:

1. Name of person who served the documents on your spouse (*see (a) in Sample Form 27*).
2. Your name (name of person filing for divorce) (*see (b) in Sample Form 27*).
3. Date the documents were given to your spouse (*see (c) in Sample Form 27*).
4. Time of day that the documents were given to your spouse (*see (d) in Sample Form 27*).
5. Name of your spouse (the Defendant) (*see (e) in Sample Form 27*).
6. Where your spouse was (the address) when the documents were given to him/her (*see (f) in Sample Form 27*).
7. Type the name of the person who served the documents below the signature line (*see (h) in Sample Form 27*).

The person who served your spouse must take this Affidavit to a person who is a Notary Public and **sign it in the presence of the Notary** (*see (g) in Sample Form 27*). The Notary must then notarize it (sign and put a seal on the document) (*see (i) in Sample Form 27*). Then, the server must give you the document so that you can file it.

TIP: Make sure the server does not *sign* the Affidavit until he or she is in the presence of the Notary Public. The server should have the form filled out ahead of time but not yet signed.

TIP: This is the form to use when you have been separated for at least the required number of years of separation(see Note on page 3) and so have filed an Affidavit under Section 3301(d), the separation divorce. (Form 20).

Sample Form 27 (Affidavit of Personal Service)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE, : COURT OF COMMON PLEAS
Plaintiff PHILADELPHIA COUNTY
vs. : FAMILY DIVISION
: January TERM, 2006
JOHN DOE, :
Defendant : NO. 123X

AFFIDAVIT OF PERSONAL SERVICE

COMMONWEALTH OF PENNSYLVANIA:

ss.

COUNTY OF PHILADELPHIA :

(a) MARY SMITH, being duly sworn according to law, deposes and says that, at the request of **(b)** JANE SMITH DOE, pro se plaintiff in the above-captioned matter, s/he did, on **(c)** February 6, 2006, at approximately **(d)** 6:00 p.m., serve on the defendant **(e)** JOHN DOE, at **(f)** 222 Some Street, 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 a Counter-Affidavit.

(h) _____
MARY SMITH

Sworn to and subscribed

before me this ____ day

of _____, 20__.

(i) _____
NOTARY PUBLIC

Final Stage of Step Three

At the same time or before you file the final documents, file in court **one** of the following sets of papers in the order given:

OPTION I Defendant signed the Acceptance of Service

Verification of Signature (Form 25)

Acceptance of Service signed by your spouse (Form 23)

OR

OPTION II Defendant signed the certified mail return receipt card

Certification of Service (Form 26)

Verification of Signature (Form 25)

An 8 ½" by 11" page on which you have stapled the green receipt card (signature showing) and the white cash receipt given to you by the Post Office when you paid the mailing fee.

OR

OPTION III Defendant was personally served

Affidavit of Personal Service (Form 27) if the Complaint was served in person.

IMPORTANT: Be sure to ask the Clerk of Family Court for a Final Decree (Separation) Form. You will use it in the final step.

TIP: When you file, remember to take at least two photocopies along with the original so that you will get back two time-stamped photocopies. One is for your records; the other should be given or mailed to your spouse.

Step Four: Filing Notice of Intent to Request Entry of Final Decree

Prepare the following forms:

Notice of Intention to Request Entry of Final Decree (Form 28)

Praecipe to Transmit Record (Form 30)

Final Decree (Form 31), using the form you got from the Clerk's Office.

Wait 20 days from the date of service (the date your spouse actually received the Complaint).

Make a photocopy of each of the above, then:

Send to the Defendant:

The **original** Notice of Intention to Request Entry of Final Decree (Form 28)

Photocopy of the Praecipe to Transmit Record (Form 30)

Photocopy of the Final Decree (Form 31)

Photocopy of the Counter-Affidavit (Form 23.1)

Keep for filing later:

Photocopy of the Notice of Intention to Request Entry of Final Decree (Form 28)

Photocopy of the Counter-Affidavit (Form 23.1)

Original Praecipe to Transmit Record (Form 30)

Original Final Decree (Form 31)

Step-by-Step Directions for Filling Out Form 28 (Notice of Intention to Request Entry of Divorce Decree)

Fill in the caption as in Form 23 (page 83).

Type or print your spouse's name after the word "TO:" (*see (a) in Sample Form 28*).

Type or print in the date you will be mailing these documents (not a Sunday or a holiday) at the bottom of the page (*see (c) in Sample Form 28*).

Count 20 days from the date you intend to put these documents in the mail to your spouse and put that date in the space: "Therefore, on or after _____." (*see (b) in Sample Form 28*). If the date to be filled in falls on a Saturday, Sunday or Court holiday, put in the *next* date the Court will be open instead.

Sample Form 28 (Notice of Intention to Request Entry of Divorce Decree)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE, : COURT OF COMMON PLEAS
Plaintiff PHILADELPHIA COUNTY
: FAMILY DIVISION
vs. :
: January TERM, 2006
JOHN DOE, :
Defendant : NO. 123X

NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE

TO: **(a)** JOHN DOE , 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 **(b)** March 20, 2006, 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: **(c)** February 27, 2006

Step-by-Step Instructions for Filling Out Form 30 (Praecipe to Transmit Record)

Fill in the caption as in Form 23 (page 83).

Type or print the date your spouse received the Complaint (*see (a) in Sample Form 30*).

Type or print how service was made to your spouse. For example: “Acceptance of Service” or “certified mail” or “personal service,” whichever applies (*see (b) in Sample Form 30*).

Type or print the date you signed the 3301(d) affidavit (*see (c) in Sample Form 30*).

Type or print the date you filed the 3301(d) affidavit (*see (d) in Sample Form 30*). It should be the same date the Complaint was filed, unless you had not been separated for at least the required number of years (see Note on page 3) and therefore filed the 3301(d) affidavit at a later date.

Type or print the date your spouse received it (*see (e) in Sample Form 30*). It should be the same date as (a), above, when the Defendant received the Complaint, if it was served with the Complaint.

In paragraphs 4(a) and (c), type or print “None.” (*See (f) in Sample Form 30.*)

In paragraph 4(b), type or print “None” or “Request for Divorce by Mutual Consent,” whichever applies. (*See (g) in Sample Form 30.*)

Type or print the date you are mailing to your spouse the Counter-Affidavit, the Notice of Intent, and the photocopies of this Praecipe to Transmit Record and the Final Decree (*see (h) in Sample Form 30*).

Type your name below the signature line, followed by the words “Pro Se” (*see (j) in Sample Form 30*). Here you are not signing as the Plaintiff, but as your own lawyer.

Sign your full name in blue ink (*see (i) in Sample Form 30*).

Sample Form 30 (Praecipe to Transmit Record)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X

Attorney for Plaintiff

JANE SMITH DOE, : COURT OF COMMON PLEAS
Plaintiff : PHILADELPHIA COUNTY
 : FAMILY DIVISION
vs. :
 : January TERM, 2006
JOHN DOE, :
Defendant : NO. 123X

PRAECIPE TO TRANSMIT RECORD

Please transmit the record, together with the following information, to the Court for entry of a Final Decree in Divorce:

1. Grounds for divorce: Separation under Section 3301(d) of the Divorce Code.
2. The Complaint was served on defendant as of (a) February 6, 2006, in the following manner: (b) Acceptance of Service OR Certified Mail OR personal service.
3. The affidavit required by Section 3301(d) of the Divorce Code was:
executed by plaintiff on (c) January 4, 2006.
filed by plaintiff on (d) January 9, 2006.
served on defendant on (e) February 6, 2006 together with a counter-affidavit.
4. (a) The following related claims are still pending: (f) None.
(b) The following claims are withdrawn: (g) None OR request for divorce by mutual consent.
(c) The following claims have been settled by agreement of the parties: (f) None.
(d) There is no written agreement to be incorporated into the final decree in this divorce.
5. I certify that the Notice of Intent to File Praecipe to Transmit Record as required by Rule 1920.42(d) was mailed on (h) March 13, 2006, and a copy thereof is attached. I further certify that all other documents required by Rule 1920.42*(e) are attached hereto.

(i) Jane Smith Doe
(j) JANE SMITH DOE, Pro Se

Step-by-Step Directions for Filling Out Form 31 (Final Decree of Divorce)

You must get this form from the Office of the Clerk of Court at Family Court, where you have been filing all of your papers. DO NOT use the form in this manual, as it will not be accepted by the clerks.

Fill in the caption. This time, **do not put your name**, address and telephone number in the upper left. Simply type in the full names of the parties (“Jane Smith Doe vs. John Doe”), the month (before the word TERM) and year that was stamped on your Complaint by the clerk when you filed it, and the number (“NO.”), also stamped by the clerk at filing (*see caption in Sample Form 31*).

Fill in your name where JANE SMITH DOE appears in Sample Form 31 at **(a)**.

Fill in your spouse’s (the Defendant’s) name where JOHN DOE appears in Sample Form 31 at **(b)**.

Leave the rest to be filled in by the judge.

Sample Form 31 (Final Decree of Divorce 3301(d))

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

JANE SMITH DOE,
Plaintiff

vs.

JOHN DOE,
Defendant

: January TERM, 2006

: NO. 123X

:

: IN DIVORCE - CAUSE: 3301(d)

: *Irretrievable Breakdown - Separation*

Decree and Order

AND NOW, this _____ day of _____, 2016, it is ordered and decreed that

(a) Jane Smith Doe and (b) John Doe are

hereby divorced from the bonds of matrimony.

[red seal]

BY THE COURT:

J.

Step Five: Filing the Remaining Documents

After mailing the papers to your spouse, wait twenty (20) days and then check with the Clerk of Court to find out if your spouse filed the Counter-Affidavit or an Answer.

If no Counter-Affidavit or Answer has been filed by your spouse, then take the following documents to Court for filing:

- **Original** Praecipe to Transmit Record (Form 30)
- **Copy** of the Notice of Intention that you mailed to your spouse (Form 28)
- **Copy** of the Counter-Affidavit that you mailed to your spouse (Form 23.1)
- Final Decree of Divorce (Form 31) -- **You cannot use the form in this manual; you must get this form from the same office where you have been filing your papers.** It has a red seal on it. **It must be typed.** You can find a typewriter for public use at Jenkins Law Library, 833 Chestnut Street, Suite 1220. Call 215-574-1505 for hours.
- Affidavit of Non-Military Service (Form 32)
- 2 stamped envelopes, one with your address and one with your spouse's address. These envelopes will be used by the clerk to mail a certified copy of the final divorce decree to each of you. See Step Six, below.

The filing fee for these documents is currently \$66.22. Call the Clerk's office (215-686-3805) to find out what the fee is at the time you file. If you have not been given permission to file IFP, you will have to pay this fee. Remember, **cash and personal checks are not accepted**; you must have a debit or credit card or a money order.

If your spouse *has* filed a Counter-Affidavit denying your claim that you have been separated for the required number of years or more, a hearing must be held on this issue. In order to get this hearing scheduled, you must file the papers listed above (Forms 23.1, 28 & 30). The Court will send a notice to you and to your spouse of the date of a hearing that will be held before a Permanent Hearing Officer (usually called a "Divorce Master"). You must appear at that hearing or your divorce case is likely to be dismissed.

Be prepared to prove that you and your spouse have been living separate and apart continuously for at least the required number of years. For example, you can take with you to the hearing:

- Friends or relatives who can testify that you have lived apart for that long.
- A lease, dated at least the required number of years ago, in your name alone, for a residence at a different address than that of your spouse.

If your spouse *has* filed a Counter-Affidavit claiming that s/he wants the Court to decide economic issues (such as division of property or alimony), you will need legal advice for procedures that this manual does not cover.

Step-by-Step Directions for Filling Out Form 32 (Affidavit of Non-Military Service)

Fill in the caption as in Form 23 (page 83).

Type or print your name (*see (a) in Sample Form 32*).

Type or print “she” or “he” as appropriate (*see (b) and (c) in Sample Form 32*).

Type or print your spouse’s name (*see (d) in Sample Form 32*).

Type or print your spouse’s address (*see (e) in Sample Form 32*).

Type or print “her” or “his” as appropriate (*see (f) in Sample Form 32*).

Type or print your spouse’s occupation or job (*see (g) in Sample Form 32*).

Type or print your name, followed by the words “Plaintiff” below the signature line (*see (h) in Sample Form 32*).

Sign your full name in blue ink (*see (i) in Sample Form 32*).

Type or print the date (month/day/year) you signed the Affidavit (*see (j) in Sample Form 32*).

Sample Form 32 (Affidavit of Non-Military Service)

JANE SMITH DOE
Pro Se
111 Any Street
Philadelphia, PA 1910X
(215) 123-4567

Attorney for Plaintiff

JANE SMITH DOE, : COURT OF COMMON PLEAS
Plaintiff : PHILADELPHIA COUNTY
 : FAMILY DIVISION
vs. :
 : January TERM, 2006
JOHN DOE, :
Defendant : NO. 123X

AFFIDAVIT OF NON-MILITARY SERVICE

(a) JANE SMITH DOE verifies that (b) she is the plaintiff in the above matter; that (c) she personally knows that the defendant, (d) JOHN DOE, is over the age of 18 years; that the defendant presently resides at (e) 222 Some Street, Philadelphia, PA; and that (f) his occupation is that of (g) truck driver.

Plaintiff further verifies that defendant is not in the military or naval service of the United States or its allies or otherwise within the provisions of the Service Members' Civil Relief Act of 2003.

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: (j) April 7, 2006

(i) Jane Smith Doe
(h) JANE SMITH DOE, Plaintiff

Step Six: Finalizing the Divorce

Once the Praecepto to Transmit Record and all other related forms in steps 1-5 have been filed, and the 10 days specified in the Praecepto to Transmit Record have passed,

The Clerk of Family Court will send the case to a judge for review and signing. It is then returned to the Clerk's Office to be docketed (registered).

A certified copy of the Divorce Decree will be sent to you and one will be sent to your spouse (the Defendant) in the pre-addressed envelopes you left with the Court in Step 5.

Your divorce can be appealed by your spouse within thirty (30) days of the date the final decree was put on the court docket by the Clerk of Family Court. But if your spouse has not opposed the divorce before now, it is unlikely that this will happen.

If no appeal is filed, your divorce is final. Your divorce date is the date that appears on your Divorce Decree.

Resumption of Birth Name Following Divorce.

Under Pennsylvania law, following a divorce, a woman may keep or resume use of her birth name without filing any papers with the court or obtaining court approval.

Once you have resumed the use of your birth name, you must use that name consistently.

To resume your name, it is suggested that you first go to the Department of Motor Vehicles and submit a name change for your driver's license or photo identification card. Instructions can be found at this link http://pennsylvaniadriverslicenses.org/name_change.html#.UqeIXsaA05s.

After you receive your updated driver's license/identification card, use it to change your name for all of your affairs, including for banking, the Social Security Administration, Voter's Registration, and others. It is not necessary to identify your divorce as the reason for the name change.

If any of these entities suggests you obtain a Notice of Intention to Resume Your Name, you should let them know that it is not required and refer them to the Official Opinion of the Attorney General No. 62 (August 20, 1973).

https://www.jenkinslaw.org/files/1973_att_gen_op_62.pdf

If further assistance is required, contact the Women's Law Project at 215-928-9801.

Appendix A: Glossary of Terms

Affidavit. A written statement made under oath to tell the truth. Some affidavits must be signed in the presence of a notary public who places a seal and signature on the document. If a notary seal is necessary, the form will say so.

Alimony. Money that one spouse pays to the other for support and maintenance **after** divorce, either by Court order or under a written agreement. Money paid for this purpose **before** divorce is called “spousal support.” It is possible to include a claim for alimony in a Divorce Complaint. This manual does not help with alimony so if you want to make a claim for alimony, you should **not** proceed with a basic “no fault” divorce as discussed in this manual.

Alimony Pendente Lite. In Pennsylvania, once a divorce has been filed, the spouse with the lower income (referred to as the "income-dependent spouse") has the right to file for alimony *pendente lite* (Latin for "during the pendency of the litigation"), or APL. The amount awarded is based on a certain percentage of the difference between the after-tax (net) incomes of the two parties after consideration of any existing court-ordered child support obligations. The purpose of APL is to give the income-dependent spouse the financial ability to pay for her/his living and legal expenses during the divorce litigation. The defense of "entitlement" available to the income-independent spouse in spousal support actions does not apply to this claim. An order for APL usually continues until the final decree has been signed (after which an order for alimony, if there is one, would go into effect), although a judge might terminate it earlier if it appears that the recipient has been delaying the divorce in order to extend the time s/he receives APL, which the recipient might do if s/he fears s/he will not get an award of alimony. The paying spouse, of course, would be motivated to move the divorce to finalization so as to limit the time for paying APL.

Asset. Money, property and possessions.

Caption. The identifying part at the top of a legal document (the heading) which includes the names of both parties, the name of the court where the documents are being filed, the Term (the month the Complaint is filed), year, and the Number (NO.) assigned to the case.

Certified Copy. A copy of a court order with the seal of the court pressed into the paper.

Child Custody. Child custody consists of two concepts: legal custody and physical custody. Legal custody refers to the right to make decisions for a child. Physical custody refers to possession of the child. It is possible to include a claim for custody in a Divorce Complaint. This manual does not deal with child custody. You can go in person to Family Court to file separately for custody, where a clerk will help you prepare the forms. There is a filing fee.

Child Support. Money paid by a parent to the person the child is living with, to be used for the living expenses of child(ren). It is possible to include a claim for child support in a Divorce Complaint. This manual does not deal with support. You can go in person to Family Court where a clerk will interview you and fill out and file the forms for you in a separate action for support. There is a filing fee.

Clerk/Prothonotary. Employee of the court who is responsible for accepting legal papers filed with the court.

Common Law Marriage. A form of marriage that was abolished on January 1, 2005. Before that date, Pennsylvania recognized a marriage accomplished by the couple speaking words of present intent to be married and living together as husband and wife. Persons who entered into common law marriages before January 1, 2005, have all the rights of marriage and continue to do so after January 1, 2005. However, there is no such thing as common law divorce. To end a common law marriage, a divorce must occur pursuant to the divorce law in Pennsylvania.

Complaint. A written document which is filed with the court by a person to start a lawsuit. It contains the claims of the person who has filed the lawsuit. A divorce is a type of lawsuit.

Consent Divorce. A type of “no fault” divorce in which each spouse signs an affidavit agreeing to end the marriage. Also known as “mutual consent” divorce.

Date of Final Separation. Usually refers to the date you last lived with your spouse as married partners. This does not necessarily require the parties to be living in separate homes (see “separation,” below). Parties may disagree about this date, in which case you will need to get a lawyer’s advice.

Defendant. The party against whom a lawsuit is filed. See below for definition of “party.”

Divorce. The legal termination of marriage.

Divorce Code. The law that applies to divorce in Pennsylvania.

Equitable Distribution. This term refers to a claim by one or both parties to a divorce for division of the marital estate, which is defined as almost any assets or liabilities (debts) acquired by either party between the date of the marriage and the date of the final separation (there are certain exceptions to this definition), as well as the increase in value of any assets owned by a party before the marriage (see "Marital Property" below). "Equitable" does not mean "equal." Rather, the court, after consideration of a list of factors, is charged with making a "fair" division of the marital assets and debts between the parties. Since each situation has its own particular circumstances, it is difficult to predict the outcome in any given case.

Fault Divorce. A type of divorce in which the person seeking the divorce must prove that the breakdown of the marriage is the fault of the other person, and also that the person seeking the divorce is innocent of any fault. The Divorce Code sets out what kinds of behavior constitute “fault,” for example: adultery, desertion, cruel and barbarous treatment, or conviction of a crime. Leaving your spouse to escape domestic violence does not amount to the kind of “fault” that allows your spouse to divorce you, but you may be entitled to get a “fault” divorce from your spouse. This manual won’t help with fault divorce.

Grounds. The legal basis for the divorce (such as mutual consent, separation, adultery, etc.).

In Forma Pauperis. Latin: "As a pauper." A person may be able to file pleadings without payment of court fees and costs if that party files a petition requesting permission to proceed *in forma pauperis*, if that request is granted by the Court. This Manual provides forms and instructions on how to make this request.

Litigant. A party to a lawsuit.

Marital Property. Almost everything (with certain exceptions, such as inheritance) that either you or your spouse gets (no matter whose name it is in) after the date of marriage and before the date of your final separation, regardless of who bought it or earned it, including any increase in value of property owned by one of you before the marriage. Marital property also includes debt acquired during the marriage, as well as employment benefits, such as pension, earned during the marriage. It is possible to include a claim for marital property in a Divorce Complaint. This manual does not help you do this. If you have marital property and you don't deal with it as part of the divorce, the rules will change and you could lose certain rights. For example, you would lose your right to a share of your spouse's retirement funds. You should get the advice of a lawyer before proceeding.

Marriage. The legal recognition of the union of two persons; a legal contract between those two persons.

Mutual Consent Divorce. See "Consent Divorce."

No-Fault Divorce. A type of divorce allowed by the Divorce Code since 1980 in which one spouse (the Plaintiff) can get a divorce without having to prove that the other spouse (the Defendant) was at fault for the breakdown of the marriage.

Notary Public. A person with authority given by a state to administer oaths, certify the authenticity of signatures, witness wills, and so on.

Party. When you take part in a lawsuit, you are considered a party. If you file a Divorce Complaint, then you will be the Plaintiff and your spouse (also a party) will be the Defendant.

Plaintiff. The party who has filed the lawsuit.

Pleading. A document filed with the court, such as the Divorce Complaint (which contains the plaintiff's claims) or the Answer (which contains the Defendant's responses.)

Praecipe. A formal, written request that the court clerk take some action.

Pro Se. A "pro se litigant" is a person who files a legal action in the court system without the help of a lawyer. It is a Latin term that means "for himself." In other words, a person who files a lawsuit "pro se" is acting as his or her own lawyer.

Prothonotary/Clerk of Court. Employee of the court who is responsible for accepting legal papers filed with the court.

Separation Date. See Date of Final Separation.

Separation Divorce. A type of no-fault divorce that allows you to get your divorce without the consent of your spouse (and without having to prove your spouse was at fault) if you have lived separate and apart continuously for at least one or two years, depending on the date the separation started. (see Note on page 3) It is possible to qualify for this kind of divorce even if you have been living at the same address as your spouse, if you have lived "separate and apart" continuously for at least the required number of years; for example, you have done your own separate cooking, shopping, eating and laundry, have slept apart from your spouse,

and have not had sexual relations with your spouse for at least the required period of separation. Keep in mind that if your spouse disputes that you have been separated continuously for the required number of years, a hearing will be held at which you will have to prove by convincing evidence and testimony a separation of at least the required years.

Service/Personal Service. Providing the other party with copies of the Complaint and other papers filed with the court in the manner required by the formal Rules of Court. The ways in which service can be made are discussed in Parts II and III of this manual.

Spouse. A husband or wife.

Sui Juris. This Latin expression appears in Paragraph 3 of the divorce complaint. To assert that you are *sui juris* is to state that you are legally able to make a contract or file a legal action; specifically, that you are a (mentally) competent adult person.

Term. The month and year in which the Complaint is filed. See Caption.

Appendix B: Relevant Laws

Unsworn falsification to authorities

18 Pa.C.S.A. § 4904 (2005)

(a) IN GENERAL. --A person commits a misdemeanor of the second degree if, with intent to mislead a public servant in performing his official function, he:

(1) makes any written false statement which he does not believe to be true;

(2) submits or invites reliance on any writing which he knows to be forged, altered or otherwise lacking in authenticity; or

(3) submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false

(b) STATEMENTS "UNDER PENALTY." --A person commits a misdemeanor of the third degree if he makes a written false statement which he does not believe to be true, on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable.

(c) PERJURY PROVISIONS APPLICABLE. --Section 4902(c) through (f) of this title (relating to perjury) applies to this section.

Grounds for divorce

23 Pa.C.S.A. § 3103 (2016) Definitions

“Convicted.” Having been found guilty, having entered a plea of guilty or nolo contendere or having been accepted into Accelerated Rehabilitative Disposition.

* * *

“Personal injury crime.” An act that constitutes a misdemeanor or felony under any of the following, or criminal attempt, solicitation or conspiracy to commit any of the following:

18 Pa.C.S. Ch. 25 (relating to criminal homicide).

18 Pa.C.S. Ch. 27 (relating to assault).

18 Pa.C.S. Ch. 29 (relating to kidnapping).

18 Pa.C.S. Ch. 30 (relating to human trafficking).

18 Pa.C.S. Ch. 31 (relating to sexual offenses).

18 Pa.C.S. § 3301 (relating to arson and related offenses).

18 Pa.C.S. Ch. 37 (relating to robbery).

18 Pa.C.S. Ch. 49 Subch. B (relating to victim and witness intimidation).

75 Pa.C.S. § 3732 (relating to homicide by vehicle).

75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury).

“Separate and apart.” Cessation of cohabitation, whether living in the same residence or not. In the event a complaint in divorce is filed and served, it shall be presumed that the parties commenced to live separate and apart not later than the date that the complaint was served.

23 Pa.C.S.A. § 3301 (2016) Grounds for Divorce

(a) **FAULT.**-- The court may grant a divorce to the innocent and injured spouse whenever it is judged that the other spouse has:

(1) Committed willful and malicious desertion, and absence from the habitation of the injured and innocent spouse, without a reasonable cause, for the period of one or more years.

(2) Committed adultery.

(3) By cruel and barbarous treatment, endangered the life or health of the injured and innocent spouse.

(4) Knowingly entered into a bigamous marriage while a former marriage is still subsisting.

(5) Been sentenced to imprisonment for a term of two or more years upon conviction of having committed a crime.

(6) Offered such indignities to the innocent and injured spouse as to render that spouse's condition intolerable and life burdensome.

(b) **INSTITUTIONALIZATION.**-- The court may grant a divorce from a spouse upon the ground that insanity or serious mental disorder has resulted in confinement in a mental institution for at least 18 months immediately before the commencement of an action under this part and where there is no reasonable prospect that the spouse will be discharged from inpatient care during the 18 months subsequent to the commencement of the action. A presumption that no prospect of discharge exists shall be established by a certificate of the superintendent of the institution to that effect and which includes a supporting statement of a treating physician.

(c) **MUTUAL CONSENT.**—

(1) The court may grant a divorce where it is alleged that the marriage is irretrievably broken and 90 days have elapsed from the date of commencement of an action under this part and an affidavit has been filed by each of the parties evidencing that each of the parties consents to the divorce.

(2) The consent of a party shall be presumed where that party has been convicted of committing a personal injury crime against the other party.

(d) IRRETRIEVABLE BREAKDOWN.--

(1) The court may grant a divorce where a complaint has been filed alleging that the marriage is irretrievably broken and an affidavit has been filed alleging that the parties have lived separate and apart for a period of at least [two years] one year [see Note on page 3] and that the marriage is irretrievably broken and the defendant either:

(i) Does not deny the allegations set forth in the affidavit.

(ii) Denies one or more of the allegations set forth in the affidavit but, after notice and hearing, the court determines that the parties have lived separate and apart for a period of at least [two years] one year and that the marriage is irretrievably broken.

(2) If a hearing has been held pursuant to paragraph (1)(ii) and the court determines that there is a reasonable prospect of reconciliation, then the court shall continue the matter for a period not less than 90 days nor more than 120 days unless the parties agree to a period in excess of 120 days. During this period, the court shall require counseling as provided in section 3302 (relating to counseling). If the parties have not reconciled at the expiration of the time period and one party states under oath that the marriage is irretrievably broken, the court shall determine whether the marriage is irretrievably broken. If the court determines that the marriage is irretrievably broken, the court shall grant the divorce. Otherwise, the court shall deny the divorce.

(e) NO HEARING REQUIRED IN CERTAIN CASES.-- If grounds for divorce alleged in the complaint or counterclaim are established under subsection (c) or (d), the court shall grant a divorce without requiring a hearing on any other grounds.

23 Pa.C.S.A. § 3302. Counseling.

* * *

(g) Exception.--Notwithstanding any other provision of law, in no case may the court require counseling over the objection of a party that has a protection from abuse order, enforceable under Chapter 61 (relating to protection from abuse) against the other party, or where that party was the victim of a personal injury crime for which the other party was convicted or has entered into an Accelerated Rehabilitative Disposition program as a result of conduct for which the other party was a victim.

23 Pa.C.S.A. § 3323 Decree of Court

(g) Grounds established.—For purposes of subsections (c.1) and (d.1), grounds for divorce are established as follows:

* * *

(2) In the case of an action for divorce under section 3301(c), both parties have filed affidavits of consent or, if the presumption in section 3301(c)(2) is established, one party has filed an affidavit of consent.

Appendix C: Blank Forms for Consent Divorces

Attorney for Plaintiff

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
FAMILY DIVISION

vs.

TERM,

NO.

NOTICE TO DEFEND AND CLAIM RIGHTS

ADVERTENCI

ADVERTENCIA SOBRE COMO DEFENDERSE Y RECLAMAR DERECHOS

You have been sued in court for

- Divorce
- Support
- Alimony
- Costs
- Attorney Costs
- Annulment of Marriage
- Division of Property
- Custody & Visitation
- Temporary Alimony

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 of your children.

When the ground for the divorce is indignities or separation, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at 1501 Arch Street, Philadelphia, PA 19102.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR AN 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.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
Philadelphia, PA 19107
Telephone (215) 238-6333

Usted ha sido demandado en court para

- Divorcio
- Pensión Almenticia (Mantenimiento)
- Pensión Alimenticia
- Costos
- Costos de Abogado
- Anulación
- Division de Propiedad (Custodia y Visitacion)
- Pensión Alimenticia
- Pensión Alimenticia Temporaría

Usted ha sido demandado en court. Si usted desea defender el reclamo puesto en contra suya en las siguientes páginas, tiene que tomar acción inmediatamente. Se le advierte que si falla en hacerlo, el caso puede ser procesado sin usted por la corte. Un juicio también puede ser registrado en su contra por cualquier otro reclamo o petición requerida en estos papeles por el querellante. Usted puede perder dinero, propiedad u otros derechos importantes para usted, incluyendo custodia o visitación para sus hijos.

Cuando la causa del divorcio es maltrato o trastorno irreparable en el matrimonio, usted debe solicitar consejera matrimonial. Una lista de oficinas del protonotario en Cuarto 286 de la Alcaldía, Filadélfia, PA 19107 (1501 Arch Street, Filadelfia, PA 19102)

SI USTED NO REGISTRA UN RECLAMO PARA LA PENSIÓN ALIMENTICIA, LA REPARTICION DE PROPIEDADES, EL HONORARIO DEL ABOGADO O GASTOS DE QUE EL DIVORCIO O ANULACIÓN SEA OTORGADO, USTED PUEDE PERDER EL DERECHO DE RECLAMAR CUALQUIERA DE ESTOS. USTED DEBE LLEVAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE.

SI USTED NO TIENE UN ABOGADO O NO PUEDE PAGAR POR LOS SERVICIOS DE UNO, VAYA O LLAME A LA OFINCINA INDICADA, PARA AVERIGUAR DONDE PUEDE OBTENER ASISTENCIA LEGAL.

PHILADELPHIA BAR ASSOCIATION
SERVICIO DE REFERENCIA E INFORMACION LEGAL
One Reading Center
Filadélfia, Pennsylvania 19107
Teléfono: (215) 238-6333

Former Domestic Relations Proceedings: Yes No Domestic Relations No.

If child support is claimed, is such child or children receiving Public Assistance Yes No

Attorney for Plaintiff

Plaintiff, : COURT OF COMMON PLEAS
vs. : PHILADELPHIA COUNTY
Defendant. : FAMILY DIVISION
: TERM,
: 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
 :
 : TERM,
Defendant : 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 of 2003.
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: _____

10. On _____, the defendant was convicted of a personal injury crime of _____.

WHEREFORE, Plaintiff requests your Honorable Court to enter a decree in divorce pursuant to Section 3301(c) upon the filing of the consent affidavit of plaintiff alone, with a presumption of defendant's consent under Section 3301(c)(2) of the Divorce Code or pursuant to Section 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 _____

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
 vs. : PHILADELPHIA COUNTY
 : FAMILY DIVISION
 :
 Defendant. : TERM,
 : NO.

PETITION TO PROCEED IN FORMA PAUPERIS

1. I, _____, the Petitioner, am filing a Complaint in Divorce contemporaneously with this Petition and because of my financial condition, I am unable to pay the required filing fees in this divorce action.
2. I am unable to obtain funds from anyone, including my family and friends, to pay this fee.
3. Check one:

I am currently a recipient of the following type(s) of Public Assistance Benefits from the Pennsylvania Department of Public Welfare or the Federal Government:

cash benefits

SSI

medical benefits

Social Security Disability

[check one or both and be prepared to present to the filing clerk supporting documentation that you are *currently* receiving the benefit(s)]

I am not currently receiving cash or medical benefits, but I am attaching a completed Poverty Affidavit that verifies my financial condition and why I cannot afford to pay the aforementioned filing fee.

I verify that the statements made in this Petition and attached Poverty Affidavit (if applicable) 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, : 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, : COURT OF COMMON PLEAS
vs. : PHILADELPHIA COUNTY
 : FAMILY DIVISION
 :
 : TERM, 20
Defendant. : 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 on or about _____.

Date: _____

Attorney for Plaintiff

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

PRAECIPE TO REINSTATE COMPLAINT IN DIVORCE

TO THE PROTHONOTARY:

Kindly reinstate the above-captioned complaint in divorce.

Attorney for Plaintiff

Plaintiff,

vs.

Defendant.

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION
:
: TERM, 20
: 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

_____, pro se, state 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, 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. She understands 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
vs.	:	FAMILY DIVISION
	:	
	:	TERM, 20
Defendant.	:	NO.

AFFIDAVIT OF 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.

Sworn to and subscribed

before me this ____ day

of _____, 20__.

NOTARY PUBLIC

Attorney for Plaintiff

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

**AFFIDAVIT OF CONSENT UNDER SECTION 3301(c)
OF THE DIVORCE CODE**

1. A Complaint in Divorce under Section 3301(c) of the Divorce Code was filed on _____ and served on _____.
2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety (90) days have elapsed from the date of filing and service of the Complaint.
3. I consent to the entry of a final decree in divorce.

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. Section 4904 relating to unsworn falsification to authorities.

Date: _____

Attorney for Plaintiff

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

**WAIVER OF NOTICE OF INTENTION
TO REQUEST ENTRY OF A DIVORCE DECREE
UNDER SECTION 3301(c) OF THE DIVORCE CODE**

1. I consent to the entry of a final decree in 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. Section 4904 relating to unsworn falsification to authorities.

Date: _____

Attorney for Plaintiff

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

PRAECIPE TO TRANSMIT RECORD

Please transmit the record, together with the following information, to the Court for entry of a final decree in divorce:

1. Grounds for divorce: Irretrievable breakdown under Section 3301(c) of the Divorce Code.
2. The complaint was served on Defendant as of _____, in the following manner:
_____.
3. Date of execution of the Affidavit of Consent required by Section 3301(c) or (d) of the Divorce Code: by Plaintiff: _____ by Defendant: _____.
4. (a) The following related claims are still pending: _____.
(b) The following claims are withdrawn: _____.
(c) The following claims have been settled by agreement of the parties: _____.
(d) There is no written agreement to be incorporated into the final decree in this divorce.
5. Check either paragraph (a) or (b):
(a) _____ Defendant's Waiver of Notice in Section 3301(c) Divorce was filed with the Clerk of Family Court together with this praecipe.

(b) _____ Notice of Intent to file Praecipe to Transmit required by Rule 1920.42 was mailed to Defendant on _____ and a copy thereof is attached.
6. I certify that all other documents required by Rule 1920.42*(e) are attached hereto

(e) _____, Pro Se

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

Plaintiff, : TERM, 20
: NO.
vs. :
: IN DIVORCE - CAUSE: 3301(c)
Defendant. : *Irretrievable Breakdown - Mutual Consent*

Decree and Order

AND NOW, this _____ day of _____, 20____, it is ordered and decreed that

_____ and _____ are hereby
divorced from the bonds of matrimony

[red seal]

BY THE COURT:

J.

Attorney for Plaintiff

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

NOTICE OF INTENT TO FILE PRAECIPE TO TRANSMIT RECORD

You are hereby given notice that twenty days following the mailing of this notice, a Praecipe to Transmit Record, together with a proposed Final Decree in Divorce, will be filed in this matter with the Office of the Clerk of Family Court, 1501 Arch Street, Philadelphia, PA. Exact copies of the Praecipe and the proposed Final Decree are enclosed herewith.

After the Praecipe and proposed Final Decree are filed, you will have a period of ten days during which you may file objections to the entry of the Final Decree based upon this Praecipe. If you dispute any of the information on the Praecipe or the Final Decree you must act within that ten-day period. Any objections must be filed in writing with the Office of the Clerk of Family Court, 1501 Arch Street, Philadelphia, PA.. If no objections are filed before the expiration of the ten-day period, this case will be submitted to the Court for entry of the Final Decree.

Attorney for Plaintiff

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

**DEFENDANT'S COUNTER-AFFIDAVIT
UNDER SECTION 3301(c) OF THE DIVORCE CODE**

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 I must file my economic claims with the Prothonotary in writing and serve them on the other party. If I fail to do so before the dates 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.

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 unsown falsification to authorities.

Date: _____

**NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF,
YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.**

Appendix D: Blank Forms for Separation Divorces

Attorney for Plaintiff

Plaintiff	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
	:	FAMILY DIVISION
vs.	:	TERM,
Defendant	:	NO.
	:	Section 3301 (d) Affidavit

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court for

<input type="checkbox"/> Divorce	<input type="checkbox"/> Annulment of Marriage
<input type="checkbox"/> Support	<input type="checkbox"/> Division of Property
<input type="checkbox"/> Alimony	<input type="checkbox"/> Custody & Visitation
<input type="checkbox"/> Costs	<input type="checkbox"/> Temporary Alimony
<input type="checkbox"/> Attorney Costs	

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 of your children.

When the ground for the divorce is indignities or separation, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at 1501 Arch Street, Philadelphia, PA 19102.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR AN 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.

PHILADELPHIA BAR ASSOCIATION
LAWYER REFERRAL AND INFORMATION SERVICE
One Reading Center
Philadelphia, PA 19107
Telephone (215) 238-6333

ADVERTENCIA SOBRE COMO DEFENDERSE Y RECLAMAR DERECHOS

Usted ha sido demandado en court para

<input type="checkbox"/> Divorcio	<input type="checkbox"/> Anulación
<input type="checkbox"/> Pensión Alimenticia (Mantenimiento)	<input type="checkbox"/> División de Propiedad
<input type="checkbox"/> Pensión Alimenticia	<input type="checkbox"/> Custodia y Visitación
<input type="checkbox"/> Costos	<input type="checkbox"/> Pensión Alimenticia Temporal
<input type="checkbox"/> Costos de Abogado	

Usted ha sido demandado en court. Si usted desea defender el reclamo puesto en contra suya en las siguientes páginas, tiene que tomar acción inmediatamente. Se le advierte que si falla en hacerlo, el caso puede ser procesado sin usted por la corte. Un juicio también puede ser registrado en su contra por cualquier otro reclamo o petición requerida en estos papeles por el querellante. Usted puede perder dinero, propiedad u otros derechos importantes para usted, incluyendo custodia o visitación para sus hijos.

Cuando la causa del divorcio es maltrato o trastorno irreparable en el matrimonio, usted debe solicitar consejera matrimonial. Una lista de oficinas del prothonotario en Cuarto 286 de la Alcadia, Filadelfia, PA 19107 (1501 Arch Street, Filadelfia, PA 19102)

SI USTED NO REGISTRA UN RECLAMO PARA LA PENSIÓN ALIMENTICIA, LA REPARTICIÓN DE PROPIEDADES, EL HONORARIO DEL ABOGADO O GASTOS DE QUE EL DIVORCIO O ANULACIÓN SEA OTORGADO, USTED PUEDE PERDER EL DERECHO DE RECLAMAR CUALQUIERA DE ESTOS. USTED DEBE LLEVAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE.

SI USTED NO TIENE UN ABOGADO O NO PUEDE PAGAR POR LOS SERVICIOS DE UNO, VAYA O LLAME A LA OFINCINA INDICADA, PARA AVERIGUAR DONDE PUEDE OBTENER ASISTENCIA LEGAL.

PHILADELPHIA BAR ASSOCIATION
SERVICIO DE REFERENCIA E INFORMACION LEGAL
One Reading Center
Filadelfia, Pennsylvania 19107
Teléfono: (215) 238-6333

Former Domestic Relations Proceedings:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Domestic Relations No.
If child support is claimed, is such child or children receiving Public Assistance	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Attorney for Plaintiff

Plaintiff, : COURT OF COMMON PLEAS
vs. : PHILADELPHIA COUNTY
 : FAMILY DIVISION
 :
Defendant. : 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
vs. : PHILADELPHIA COUNTY
 : 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 to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

Date: _____

DOMESTIC RELATIONS INFORMATION SHEET

DATE		CP. NO.			
<hr/>					
HUSBAND'S	FIRST NAME	MIDDLE INITIAL	LAST NAME	ALIAS, IF ANY	
<hr/>					
MAILING ADDRESS		RESIDENTIAL ADDRESS (IF DIFFERENT)			
<hr/>					
DATE OF BIRTH		SOCIAL SECURITY NUMBER		DPW NUMBER	
<hr/>					
PLACE OF EMPLOYMENT			PHONE		
<hr/>					
OCCUPATION		SALARY			
<hr/>					
ATTORNEY'S NAME AND ADDRESS			ATTORNEY ID NUMBER		
<hr/>					
WIFE'S	FIRST NAME	MIDDLE INITIAL	MAIDEN NAME	LAST NAME	ALIAS, IF ANY
<hr/>					
MAILING ADDRESS		RESIDENTIAL ADDRESS (IF DIFFERENT)			
<hr/>					
DATE OF BIRTH		SOCIAL SECURITY NUMBER		DPW NUMBER	
<hr/>					
PLACE OF EMPLOYMENT			PHONE		
<hr/>					
OCCUPATION		SALARY			
<hr/>					
ATTORNEY'S NAME AND ADDRESS			ATTORNEY ID NUMBER		
<hr/>					
DATE OF MARRIAGE		PLACE OF MARRIAGE		DATE OF SEPARATION	
<hr/>					

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: _____

Attorney for Plaintiff

Plaintiff, : COURT OF COMMON PLEAS
vs. : PHILADELPHIA COUNTY
 : FAMILY DIVISION
 :
Defendant. : TERM, 20
 : 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,

vs.

Defendant.

: COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY
: FAMILY DIVISION
:
: TERM, 20
: 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 unsown 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.

Attorney for Plaintiff

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

AFFIDAVIT OF NON-MILITARY SERVICE

_____ verifies that _____ is the Plaintiff in the above matter; that _____ personally knows that the Defendant, _____, is over the age of 18 years; that the Defendant presently resides at _____; and that _ occupation is that of _____.

Plaintiff further verifies that Defendant is not in the military or naval service of the United States or its allies or otherwise within the provisions of the Service Members' Civil Relief Act of 2003.

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: _____