INSTRUCTIONS

DIVORCE UNDER SECTION 3301(C)(1) OF THE DIVORCE CODE

(TO BE USED WHEN THE FILING PARTY CONSENTS TO THE DIVORCE AND DOES NOT REQUEST ALIMONY, DIVISION OF PROPERTY, ATTORNEY'S FEES, AND COSTS AND EXPENSES)

IT IS STRONGLY RECOMMENDED THAT YOU CONSULT AN ATTORNEY

DISCLAIMER

THE SELF HELP CENTER STAFF AND THE STAFF IN ANY COURT OFFICE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THE PACKETS IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE DAUPHIN COUNTY LAWYER REFERRAL SERVICE AT (717) 232-7536.

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DAUPHIN COUNTY

NO FAULT/CONSENSUAL DIVORCE

WHILE YOU ARE PERMITTED TO FILE LEGAL PAPERS AND REPRESENT YOURSELF IN COURT, IT IS STRONGLY RECOMMENDED THAT YOU SEEK THE ADVICE OF AN ATTORNEY.

ANYONE THINKING ABOUT USING THESE FORMS IS ADVISED TO READ ALL INFORMATION SHEETS, DEFINITION SHEETS, AND INSTRUCTION SHEETS COMPLETELY AND CAREFULLY.

DEFINITIONS OF TERMS USED IN DIVORCE PROCEEDINGS

PLAINTIFF -- the person who starts a lawsuit.

DEFENDANT -- the person who is being sued.

PARTY -- a person named in a Complaint (the Plaintiff or Defendant).

NO-FAULT DIVORCE -- a divorce in which one spouse does not have to prove that the other spouse did something wrong.

NO-FAULT CONSENT DIVORCE -- a divorce where both parties agree to a divorce.

IRRETRIEVABLY BROKEN -- the term that means that the marriage has little or no chance of reconciliation.

SPOUSAL SUPPORT -- support received by a spouse prior to the filing of a divorce.

ALIMONY PENDENTE LITE -- support that either party can ask the court to order after the divorce is filed but before it is granted. Alimony *Pendente Lite* ends when the divorce decree is entered and all economic issues related to the divorce have been resolved.

ALIMONY -- support that either party can ask the court to order which is paid after a divorce decree is entered. The court may order alimony if the party seeking alimony cannot support himself or herself, or if that party does not have enough money or property to provide for his or her reasonable needs.

MARITAL PROPERTY -- generally, all property that is acquired during the marriage no matter whose name it is in, but not gifts by someone other than the spouse, and inheritances.

COUNSELING -- a court can order sessions with a marriage counselor if either party requests it.

ATTORNEY'S FEES -- charges by an attorney for handling a case.

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DOCKET NUMBER -- the number assigned to the Divorce Complaint by the Prothonotary's Office. This number must be used on any subsequent document either party files with the court which relates to the divorce.

FILE -- presenting your Complaint and other necessary forms to the Prothonotary's Office to be date-stamped. The Prothonotary's Office will keep the original of all forms and return the extra copies to you.

EXPLANATION OF FORMS USED IN DIVORCE ACTIONS

DIVORCE COMPLAINT -- a legal document that sets out specific information about the Plaintiff, the Defendant and the marriage. It also asks the court to grant a divorce. Your Complaint will be assigned a docket number by the Prothonotary's Office. This number must be used on any document either party files with the court which relates to the divorce.

NOTICE TO DEFEND AND CLAIM RIGHTS -- a cover page that is attached to the front of the Divorce Complaint which tells the Defendant that he or she is being sued for divorce and may lose rights if he or she does not respond to the Complaint. It also advises the Defendant of the right to request counseling.

CONFIDENTIAL INFORMATION FORM – if you are an abuse victim and your spouse was the abuser, you are not required to list your contact information on these forms. Instead you would list your contact information on the Confidential Information Form Abuse Victim Addendum and in the space on the form, you should write "See Confidential Information Form Abuse Victim Addendum." The Confidential Information Form Abuse Victim Addendum will not be available to anyone other than the Court and Court staff. **YOU SHOULD NOT SERVE THE CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM ON THE DEFENDANT. If you print out the packet from the Self Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.**

AFFIDAVIT OF SERVICE -- a form that must be filed with the Prothonotary's Office within ten (10) days from the date of service indicating that the Plaintiff has delivered the Complaint and Notice to Defend and Claim Rights to the Defendant in a proper manner.

ACCEPTANCE OF SERVICE -- a form that your spouse can sign indicating that he or she accepted service of the "Complaint" and "Notice to Defend and Claim Rights." This is then filed with the Prothonotary's Office within ten (10) days from the date of service and becomes part of the official file.

AFFIDAVIT OF NO SERVICE – a form that indicates you were unable to serve the "Complaint" and "Notice to Defend and Claim Rights." This is then filed with the Prothonotary's Office within ten (10) days of the expiration of the time for service and becomes part of the official file. **If you are unable to serve the Defendant**, other methods of service must be used. This is very complex and it is recommended that you seek the advice of an attorney to accomplish service. This packet of forms and instructions does not contain the necessary forms to accomplish service by publication.

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DAUPHIN COUNTY DIVORCE INFORMATION SHEET -- a document required by Dauphin County that lists both parties' social security numbers and indicates the length of the marriage. After filing, this completed form is sealed by the Prothonotary and is only available to the Court and Court staff.

AFFIDAVIT OF CONSENT -- a document that must be signed and filed with the Prothonotary's Office **no earlier** than 90 days after a Complaint is SERVED. The affidavit states that the marriage is irretrievably broken and the party signing the affidavit wants a divorce. BOTH PARTIES MUST SIGN AND FILE AN AFFIDAVIT OF CONSENT.

WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD -- a document that must be signed and filed in the Prothonotary's Office no earlier than ninety (90) days after the Complaint is SERVED. BOTH PARTIES must file this form waiving notice if neither party wishes to claim alimony, division of property, attorney's fees or costs and expenses.

NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD AND COUNTER-AFFIDAVIT UNDER SECTION 3301(C)(1) OF THE DIVORCE CODE – if a party does not file the Waiver of Notice of Intention to File the Praecipe to Transmit Record, the moving party is required to serve the notice along with the counter-affidavit on the non-moving party. The non-moving party may then file the counter-affidavit stating that they want to claim economic relief. The non-moving party must separately file any economic claims in order to move the case forward.

PRAECIPE TO TRANSMIT RECORD -- a form that asks the Prothonotary's Office to send the file to the Court Administrator's Office for assignment to a judge for review and approve either the entry of a Divorce Decree or grounds for divorce.

DECREE -- an Order from the Court granting the divorce.

SELF-REPRESENTED PARTY ENTRY OF APPEARANCE – this form identifies that you are self-represented.

PRIOR COURT INVOLVEMENT STATEMENT – This form lists if you have filed any other family law matters and identifies if any family law matter was before a judge.

NOTE: If you OR your spouse, OR both you and your spouse are under the age of 18, there are forms other than those included in this packet which must be used.

GENERAL INFORMATION REGARDING DIVORCE

In 1980, the Pennsylvania divorce law changed to allow a married couple to get a divorce with little trouble or expense. The law also allows for alimony and a fair division of marital property.

The law provides for No-Fault Divorces. Couples can now get a divorce without having to prove that their spouse did something wrong. You need only show that the marriage is "irretrievably broken" -- which means that there are problems in the marriage and it is not likely that the couple will get back together. In some cases, both parties must sign a written consent to the divorce.

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THE TYPES OF DIVORCES IN PENNSYLVANIA ARE AS FOLLOWS:

1. **No-Fault Consent Divorce** -- **3301(c)(1)** -- A divorce that requires the consent of both spouses.

2. **Consent is Presumed – 3301(c)(2) --** where consent is presumed because a spouse has been convicted of committing a personal injury crime against the other spouse.

3. **Irretrievable breakdown** – **3301(d) --** You can get a divorce without your spouse consenting if you have lived separate and apart for two (2) years or more if the date of separation was before December 5, 2016 or you have lived separate and apart for one (1) year or more if the date of separation was on or after December 5, 2016.

4. **Fault** -- With this type of divorce, you need to prove that your spouse did something wrong. Grounds for a fault divorce are: desertion for a year or more; bigamy; adultery; imprisonment for 2 years or more upon conviction of any crime; indignities (continuing conduct by the Defendant that makes Plaintiff's life unbearable); and endangering the life or health of the Plaintiff.

5. **Institutionalization** – The court may grant a divorce on grounds of insanity or a serious mental disorder if the defendant has been confined to a mental institution for at least 18 months before you filed for this type of divorce and is expected to remain in the institution for at least 18 months after you file for divorce.

NOT INCLUDED WITH THESE FORMS ARE THE DOCUMENTS NECESSARY TO FILE FOR A FAULT DIVORCE, FOR CUSTODY, ALIMONY PENDENTE LITE, ALIMONY AND/OR EQUITABLE DISTRIBUTION OF MARITAL PROPERTY AND/OR ATTORNEY FEES, COSTS AND EXPENSES. If you wish to file for custody, alimony pendente lite, alimony, and/or equitable distribution of marital property, and/or attorney fees, costs and expenses, you will be unable to do so using these forms. The following paragraphs discuss Alimony and Equitable Distribution. In addition, this packet does not include the forms necessary to obtain a divorce under Section 3301(c)(2) where the other party's consent is presumed.

A No-Fault Consent Divorce allows a spouse to ask for alimony if the spouse cannot support himself or herself or does not have enough money or property to provide for his or her reasonable needs. Alimony is usually ordered for a limited time -- long enough for the person asking for alimony to get a suitable job or develop a suitable job skill. Alimony can be ordered for a longer period of time if a person cannot work or develop a skill because of age, disability, or the need to care for children. A person asking for alimony must request it as part of a divorce action before the court grants the divorce. **IF YOU DO NOT, YOU CAN NEVER COME BACK AGAIN AND ASK THE COURT TO ORDER ALIMONY.**

A No-Fault Consent Divorce also allows either spouse to ask the court for an equitable distribution of marital property, attorney fees, costs and expenses (see the Definition of Terms page in these instructions). The court will consider the length of the marriage, the ages, health, needs and sources of income of each party, and several

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other factors when deciding how to distribute marital property. A person asking for the marital property to be distributed must request it as part of a divorce action before the court grants the divorce. **IF YOU DO NOT, YOU CAN NEVER COME BACK AGAIN AND ASK THE COURT TO ORDER AN EQUITABLE DISTRIBUTION OF MARITAL PROPERTY.** If neither party asks the court to distribute marital property, both parties will be able to use or dispose of their separate property, even if it was obtained during the marriage, once a divorce decree is entered.

Either party in a divorce has a right to request marriage counseling. The Prothonotary's Office will provide a list of marriage counselors upon request. Counseling will not generally delay or prevent the divorce. Also, counseling is not free.

Either party in a divorce action has the right to request that a child custody order be entered concerning children born to the parties. **These forms will not help you file for custody. If you want to file for custody or the modification of an existing custody order you may file a Custody Complaint or a Petition to Modify Custody (see Self Help Center Custody forms).**

AGAIN, THESE FORMS ARE PROVIDED ONLY FOR A NO-FAULT CONSENT DIVORCE WHEN THE FILING PARTY DOES NOT WISH TO REQUEST CUSTODY, ALIMONY PENDENTE LITE, ALIMONY, ATTORNEY FEES, COST AND EXPENSES, OR THE DISTRIBUTION OF MARITAL PROPERTY. THE INFORMATION AND FORMS ARE NOT FOR YOU IF ANY OF THE FOLLOWING PERTAIN TO YOU:

1. If you have not been a resident of Pennsylvania for at least six (6) months.

2. If you want to request any kind of alimony.

3. If you have marital property that needs to be divided because you and your spouse cannot agree on how to split it up.

4. If you wish to request attorney's fees, court costs and expenses.

5. If your spouse is in the military service.

6. If you wish to pursue custody as part of the divorce. (However, a separate action for custody can be filed before or after a divorce case.)

7. If you want to file for divorce where consent is presumed because your spouse was convicted of committing a personal injury crime against you.

TIMETABLE AND LIST OF FORMS

1. The Complaint with the attached Notice to Defend and Claim Rights, the Self-Represented Party Entry of Appearance form, the Prior Court Involvement form, and Confidential Information Form Abuse Victim Addendum (if applicable) are filed in the Prothonotary's Office. This will start the divorce action. The Prothonotary's Office is located on the first floor of the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA. The Prothonotary's Office is open from 8:00 a.m. to 4:30 p.m. Monday–Friday. The Prothonotary's Office charges a filing fee which must be paid at the time of filing of the complaint by

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cash, certified check, or money order (made payable to Dauphin County Prothonotary). See Prothonotary's Fee Schedule. If you think that you cannot afford to pay the filing fee, you may file a Petition to Proceed *In Forma Pauperis* for Civil, Family, and Orphans' Court Cases (IFP) (see Self Help Center *In Forma Pauperis* Civil, Family, and Orphans' Court Cases forms and instructions).

2. Affidavit of Service: to be filed with the Prothonotary's Office within ten (10) days from the date of service when service has been made. Service means that your spouse has properly received the Divorce Complaint. (See pages 9-11.)

3. Forms to be filed with the Prothonotary's Office together, **ninety (90)** days from date of service: **DO NOT SIGN, DATE OR FILE THE AFFIDAVITS OF CONSENT OR THE WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE BEFORE NINETY (90) DAYS HAVE ELAPSED FROM THE DATE OF SERVICE OF THE DIVORCE COMPLAINT.**

   a. Dauphin County Divorce Information Sheet.

   b. Praecipe to Transmit Record.

   c. Decrees (Prepare three (3) proposed 'Divorce Decrees'.)

   d. Affidavit of Consent: each spouse must sign an Affidavit of Consent **no earlier than 90 days** after the Complaint is SERVED on the Defendant. Both Affidavits of Consent must be filed **within 30 days** after they are signed by the parties.

   e. Waivers of Notice of Intention to File the Praecipe to Transmit Record: each spouse must sign a Waiver **no earlier than 90 days** after the Divorce Complaint is served. Both Waivers of Notice of Intention to Request Divorce Decree must be filed **within 30 days** after they are signed by the parties.

   f. Confidential Information Form Abuse Victim Addendum (if applicable).

INSTRUCTIONS

INSTRUCTIONS FOR COMPLETING A DIVORCE COMPLAINT AND A NOTICE TO DEFEND AND CLAIM RIGHTS

A. Completing the Caption

The caption is the top part of page one (1) of the Complaint and on each legal document you will need to file in the divorce. The names of the parties, the docket number, the type of Complaint, and the court's name are found here.

The Plaintiff is you since you are filing this action. Print your full, legal name, including middle initial, above the word "Plaintiff" in the caption of the Complaint and the Notice to Defend and Claim Rights.

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The Defendant is your spouse. Fill in the Defendant's full, legal name, including middle initial, above the word "Defendant" in the Complaint and Notice to Defend and Claim Rights.

YOU MUST COMPLETE THE CAPTION ON EVERY FORM YOU FILE. THE DOCKET NUMBER WILL BE PROVIDED TO YOU BY THE PROTHONOTARY'S OFFICE WHEN YOU FILE THE COMPLAINT AND MUST BE INCLUDED IN EVERY CAPTION.

B. The following instructions correspond to each numbered paragraph in the Divorce Complaint.

1. Fill in your full, legal name including the middle initial, your full mailing address (street, number, route, box number, city, county, state and zip code), and the month and year you began living at this address. If you are an abuse victim, do not list your address but write "See Confidential Information Form" and complete the Confidential Information Form Abuse Victim Addendum and file at the same time you file the Divorce Complaint.

2. Fill in the Defendant's full, legal name including the middle initial, the Defendant's full mailing address (street, number, route, box number, city, county, state and zip code), and the month and year your spouse began living at this address.

3. There is nothing to complete in this paragraph. It is a statement claiming that you have resided in Pennsylvania for at least six months before filing the Divorce Complaint. This statement, like all others on these forms, MUST BE TRUE.

4. Fill in the complete date of your marriage (month, date and year), the city, and state in which you were married.

5. Check the correct box. If there was an action filed in the past, write the docket number and the county/state in which the "Divorce Complaint" was filed.

6. Indicate if defendant is or is not in military service.

7. There is nothing to complete in this paragraph.

8. There is nothing to complete in this paragraph. It simply states that counseling is available.

9. There is nothing to complete in this paragraph. It simply requests a decree of divorce.

10. <u>Sign the Complaint and print your name using your full, legal name and enter the date.</u>

11. Complete and sign the Verification and Certification.

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INSTRUCTIONS FOR FILING THE COMPLAINT

You will need to file the Divorce Complaint with the Notice to Defend and Claim Rights attached to the front of the Divorce Complaint, the Self-Represented Party Entry of Appearance form, the Prior Court Involvement form, and Confidential Information Form Abuse Victim Addendum (if applicable) with the Dauphin County Prothonotary's Office. You are permitted to file your divorce in Dauphin County if one of the following applies:

1. you live in Dauphin County;

2. your spouse lives in Dauphin County; or

3. you and your spouse agree in writing to file for Divorce in Dauphin County. (You need to attach a statement to the complaint which reads: "The Plaintiff, your name, and the Defendant, your spouse's name, agree that this Divorce action should be filed in Dauphin County." Both you and your spouse must sign and date the statement.)

NOTE: If the county you are filing for divorce is not Dauphin, you will not be able to use these forms.

Once you complete the Notice to Defend and Claim Rights and the Complaint, make two (2) copies of each document. You must attach a Notice to Defend and Claim Rights to the front of each Complaint you have just completed. Be sure the caption on all copies of each form is completed. You will also need to file the Self Represented Party Entry of Appearance form, the Prior Court Involvement form and the Confidential Information Form Abuse Victim Addendum (if needed) at the same time that you file the Notice to Defend and Claim Rights and the Complaint.

You are ready to file your papers. Take all copies of the Complaint and Notice to Defend and Claim Rights plus the Self-Represented Party Entry of Appearance, the Prior Court Involvement Statement and the Confidential Information Form Abuse Victim Addendum, if applicable, (a total of three (3)) to the Dauphin County Prothonotary's office which is located on the first floor of the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA. The Prothonotary's Office will put a docket number on each Notice to Defend and Claim Rights and Complaint and will keep the original for filing. The Prothonotary's Office will date-stamp the documents and will return two (2) copies of the Complaint and Notice to Defend and Claim Rights to you. Be sure the docket number is on each copy of the Notice to Defend and Claim Rights and the Complaint.

You must serve one (1) copy of the Notice to Defend and Claim Rights and the Complaint on the Defendant (see Instructions for Serving the Notice to Defend and Claim Rights and Divorce Complaint). The other copy is for your records.

INSTRUCTIONS FOR SERVING THE DIVORCE COMPLAINT

"Service" means that the Defendant received the Notice to Defend and Claim Rights and the Divorce Complaint. Service must be made within thirty (30) days of the filing of the Complaint if the defendant resides in Pennsylvania or ninety (90) days if the defendant resides outside of Pennsylvania. Service can be made in a number of ways.

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a. **Personal service** -- this is accomplished by an adult, **other than you**, by personally handing the Notice to Defend and Claim Rights and the Complaint to the Defendant. The person who handed the papers to the Defendant must sign an Affidavit of Service which is included in the forms and must be a competent adult age 18 or older.

b. **Service by Certified Mail** -- This can be accomplished by sending a copy of the 'Notice to Defend and Claim Rights' and the 'Divorce Complaint' to the Defendant **certified mail, return receipt requested, restricted delivery. The Defendant is the only person who is permitted to sign for the delivery of the Notice to Defend and Claim Rights and the Divorce Complaint.**

1. Prepare an envelope with the other party's name and address, using your own address as the return address.

2. Print the words "Restricted Delivery" on the lower left hand corner of the envelope. It is best to do this with red ink.

3. Take the envelope to the Post Office and tell the postal worker that you want to send it **"certified mail, return receipt requested, restricted delivery."**

4. Someone at the post office can help you complete the cards properly, but here are the instructions for your information:

    a. Fill in the other party's name and address on the backside of the green card. There are boxes on this side for you to check the type of delivery you want.

    b. Check the box that indicates you want a return receipt and the box that indicates the item should be delivered **only** to the person named on the envelope.

    c. Fill in your name and address on the reverse side so the green card will be returned to you after the other party has signed for the envelope.

    d. There will also be a green and white paper slip that is numbered which you need to complete. Fill in the other party's name and address.

5. There is a list of blanks indicating fees for the mailing. Someone at the post office will help you complete this part if you are not sure which costs apply.

6. The reverse side of the green part of this slip will have adhesive on it. Wet it and attach it to the top of the envelope allowing room for the postage. The number from this slip of paper will be filled in on the green card where indicated.

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7. MAKE SURE YOU KEEP THE RECEIPT FROM THIS SLIP. The cost of certified mail, return receipt, restricted delivery is approximately $8.00.

8. **WHEN YOUR GREEN CARD IS RETURNED TO YOU, YOU MUST ATTACH BOTH THE GREEN CARD AND THE WHITE SLIP TO A PIECE OF PAPER. THEN ATTACH THE PIECE OF PAPER TO THE COMPLETED 'AFFIDAVIT OF SERVICE' AND FILE IT WITH THE PROTHONOTARY WITHIN TEN (10) DAYS FROM THE DATE OF SERVICE. (See the instructions on completing the 'Affidavit of Service'.)**

If the green card is not returned to you within one month, contact the post office where you mailed the envelope. If the other party does not sign for the envelope you should proceed with personal service or service by sheriff.

c. **Acceptance of Service –** If you are on cordial terms with your spouse, an easy way to accomplish service is to mail or hand-deliver the 'Notice to Defend and Claim Rights' and the 'Divorce Complaint' to your spouse and have him or her complete the 'Acceptance of Service' form. If you are sending this by mail, send a self-addressed stamped envelope along with the packet. The only time you are permitted to hand-deliver the packet to your spouse is if you have him or her complete the 'Acceptance of Service' form. If you obtain the completed 'Acceptance of Service' form, file this with the Prothonotary's Office within ten (10) days from the date of service.

d. **Sheriff –** The safest way to ensure that service is accomplished is to use the Dauphin County Sheriff's Office. The Sheriff's Office is located on the first floor of the Dauphin County Courthouse, 101 Market Street, Harrisburg, PA 17101. You need to bring the copy of the 'Notice to Defend and Claim Rights' and the 'Divorce Complaint' to the Sheriff's Office. This will cost between $50.00 and $100.00. Acceptable forms of payment are cash, certified check, or money order.

INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF SERVICE

After serving the Notice to Defend and Claim Rights and the Complaint according to the instructions, you will need to complete and file the Affidavit of Service.

1. **First Blank** – If your spouse was served by certified mail, print your name. If your spouse was served personally, print the name of the person who handed the Notice to Defend and Claim Rights and the Complaint to your spouse. **A THIRD PARTY MUST PERSONALLY SERVE YOUR SPOUSE. YOU CAN NOT PERSONALLY SERVE YOUR SPOUSE.**

2. **Second Blank** -- Fill in the date on which service was made (either the date your spouse signed the green card or was handed the Notice to Defend and Claim Rights and the Complaint).

If you served your spouse by certified mail, check the first paragraph and fill in the date your spouse signed the green card. Then sign and date the Affidavit of Service.

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Be sure to put the "docket number" on the caption and write the same year that is on the Complaint. Staple the green card and receipt to a piece of plain paper and attach it to the Affidavit of Service. Take the Affidavit with attached paper to the Prothonotary's Office for filing within ten (10) days from the date of service.

If your spouse was personally served, check the second paragraph and fill in the location where your spouse was served, and the date and time of service. The person who made personal service must sign and date the Affidavit of Service. Take the Affidavit to the Prothonotary's Office for filing within ten (10) days from the date of service.

INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF NO SERVICE

If the defendant cannot be served with the Notice to Defend and Claim Rights and the Complaint within the time permitted for service, the person attempting service shall promptly complete an "Affidavit of No Service."

1. **First Blank** – If you attempted to serve your spouse by certified mail, print your name. If you attempted to serve your spouse by personal service, print the name of the person who attempted service to your spouse. A THIRD PARTY MUST PERSONALLY SERVE YOUR SPOUSE. YOU CAN NOT PERSONALLY SERVE YOUR SPOUSE.

2. **Second Blank** -- Fill in the date on which service was attempted.

If you attempted to serve your spouse by certified mail, check the first paragraph and fill in the date you sent the certified mail. Then sign and date the Affidavit of No Service.

If someone else attempted to serve your spouse by personal service, check the second paragraph and fill in the location where service was attempted, and the date and time of service. The person who attempted personal service must sign and date the Affidavit of No Service.

The "Affidavit of No Service" must be filed with the Prothonotary within ten (10) days after the expiration of time permitted for service. Time permitted for service is thirty (30) days within the Commonwealth and ninety (90) days outside of the Commonwealth.

If you are unable to serve the defendant by personal service, certified mail or by the sheriff, you should consult an attorney. The process for service by publication is very complex and this packet does not contain any forms or instructions on how to accomplish service by this method.

INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF CONSENT

There are two (2) Affidavits of Consent included in this packet, one for you and one for your spouse. **THE AFFIDAVITS OF CONSENT CANNOT BE SIGNED AND FILED UNTIL NINETY (90) DAYS HAVE PASSED FROM THE DAY YOU SERVED THE COMPLAINT.**

a. Make sure you complete the caption of each Affidavit of Consent.

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b. Paragraph 1 -- print the date on which the Complaint was filed on both Affidavits (the date the Prothonotary's Office stamped on your copy of the Complaint) and date of service.

c. Date and sign the form for Plaintiff with your full, legal name, including middle initial.

d. The second Affidavit of Consent must be dated and signed by your spouse. Mail your spouse a copy of the Affidavit of Consent or contact him or her personally.

e. **YOU AND YOUR SPOUSE MUST FILE YOUR AFFIDAVITS OF CONSENT WITHIN THIRTY (30) DAYS AFTER THEY HAVE BEEN SIGNED.** For example, you cannot sign your Affidavit of Consent one day and file it 45 days later.

File both Affidavits of Consent with the Prothonotary's Office within 30 days after they are signed and dated. Remember, when you file both Affidavits of Consent, you should also file both Waivers of Notice of Intention to File the Praecipe to Transmit Record, the Dauphin County Divorce Information Sheet, the Praecipe to Transmit Record and the Decrees.

INSTRUCTIONS FOR COMPLETING THE WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD

When you file your Affidavit of Consent forms, you must also file both copies of the "Waiver of Notice of Intention to File the Praecipe to Transmit Record." One must be signed by you, and the other must be signed by your spouse.

a. Make sure you complete the caption on each "Waiver."

b. Check the appropriate box. If you are requesting that the file be sent to the Court for review and entry of the divorce decree, check the final decree box. If either party has raised economic claims, check the box asking that an order approving the grounds for divorce be entered.

c. Date and sign the form for Plaintiff with your full, legal name, including middle initial.

d. The second "Waiver" must be dated and signed by your spouse. Mail your spouse a copy of the "Waiver" or contact him or her personally.

You should file both copies of the Waiver of Notice of Intention to File the Praecipe to Transmit Record at the same time that you file the Affidavits of Consent, the Dauphin County Divorce Information Sheet, the Praecipe to Transmit Record, and the Decrees.

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INSTRUCTIONS FOR COMPLETING THE NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD AND COUNTER-AFFIDAVIT

If your spouse does not sign the Waiver of the Notice of Intention to File the Praecipe to Transmit Record under Section 3301(c)(1) of the Divorce Code, you must compete the Notice of Intention to File the Praecipe to Transmit Record and the Counter-Affidavit under Section 3301(c)(1) of the Divorce Code and serve both forms on the other party by either certified mail, restricted delivery, return receipt requested, personal service other than by the party or by the sheriff. See service instructions found on pages 9-10.

a. Complete the caption.

b. Enter name of applicable party.

c. Enter the date twenty (20) days after the date of filing with the Prothonotary.

d. Attach the counter-affidavit to the notice.

e. File both the Notice and the Counter-Affidavit with the Prothonotary and the Prothonotary will give you date-stamped copies. Serve a date-stamped copy on the applicable party.

DO NOT FILE THE NOTICE OF INTENTION TO FILE PRAECIPE TO TRANSMIT RECORD AND THE COUNTER-AFFIDAVIT IF THE OTHER PARTY SIGNED THE WAIVER OF NOTICE OF INTENTION TO FILE PRAECIPE TO TRANSMIT RECORD.

INSTRUCTIONS FOR DAUPHIN COUNTY DIVORCE INFORMATION SHEET

23 Pa. C. S. § 4304.1(a)(3) requires that parties to a divorce provide social security numbers to the Prothonotary's Office before the divorce decree is entered. **This information is sealed by the Prothonotary and kept in a confidential file.**

1. Write in the docket number.

2. Write in the Plaintiff's (your) name.

3. Write in the Plaintiff's (your) social security number.

4. Write in the Defendant's (spouse's) name.

5. Write in the Defendant's (spouse's) social security number.

6. Check the box next to the correct years for length of marriage.

You should file the Dauphin County Divorce Information Sheet at the same time as you file both copies of the Waiver of Notice of Intention to File the Praecipe to Transmit Record, Affidavits of Consent, the Praecipe to Transmit Record and the Decrees. After this form is filed, the Prothonotary seals the document which means that no one except for court personnel can see this document.

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INSTRUCTIONS FOR COMPLETING THE PRAECIPE TO TRANSMIT RECORD

Again, make sure you complete the caption.

Check the appropriate box. If neither party filed any claims for economic relief, you should check the divorce decree box.

Paragraph 1 – Check the applicable section of the Divorce Code.

Section 3301(c)(1) – both parties consent to the divorce.

Section 3301(c)(2) – consent of the defendant is presumed because this spouse was convicted of a personal injury crime defined in 23 Pa.C.S. Section 3103 and the plaintiff was the victim.

Section 3301(d) – the parties have lived separate and apart for two (2) years or more if the date of separation was before December 5, 2016 or you have lived separate and apart for one (1) year or more if the date of separation was on or after December 5, 2016.

Paragraph 2 – If the complaint was served by certified mail, print "Service by Certified Mail, Restricted Delivery, Return Receipt Requested" then, insert the date your spouse signed the green card (this date will also be on the Affidavit of Service).

If the Complaint was served personally, fill in the date, the location of service, and the name of the person who served the Complaint.

Paragraph 3 – **(a)** Print the date you signed the Affidavit of Consent in the first blank and the date your spouse signed the Affidavit of Consent in the second blank. If you are filing under section 3301(c)(2), answer questions 1 and 2.

(b) If you are filing under section 3301(d), answer parts 1 and 2. Part 1 – write the date the Affidavit under Section 3301(d) was signed. Part 2 – List the date of filing and manner of service of the Affidavit under Section 3301(d) and the blank Counter-Affidavit were served on the other party.

Paragraph 4 – Are there any economic claims pending? If there are none, print the word "None."

Paragraph 5 – Complete **either** (a) or (b).

(a) If you filed the Notice of Intention to File the Praecipe to Transmit Record, enter the date served in paragraph 1 and the manner of service in paragraph 2.

(b) If both parties signed the Waiver of Notice of Intention to File the Praecipe to Transmit Record, enter the date that you filed the parties' Waiver of Notice of Intention to File the Praecipe to Transmit Record. Paragraph 1 is the date the Plaintiff's waiver was filed and paragraph 2 is the date the defendant's waiver was filed with the Prothonotary.

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Date and sign your full legal name and complete the certification.

After you complete the Praecipe to Transmit Record, file it in the Prothonotary's Office along with both Affidavits of Consent, both Waivers of Notice of Intention to File the Praecipe to Transmit Record, the Dauphin County Divorce Information Sheet and the Decrees.

INSTRUCTIONS FOR COMPLETING THE DIVORCE DECREES

Complete the caption as on all forms, including the docket number and year.

Do not fill in any dates in the first line.

Print or type your full, legal name in the blank on the second line and the full, legal name of your spouse in the blank on the third line.

FILING

Take the Divorce Decrees to the Prothonotary's Office along with the Praecipe to Transmit Record, both Affidavits of Consent, both Waivers of Notice of Intention to File the Praecipe to Transmit Record, and the Dauphin County Divorce Information Sheet.

The Prothonotary's Office will forward the file to the Court Administrator's Office for review and assignment to a Judge for review and signature.

If all documents have been filed and served correctly, you may receive your signed divorce decree in as soon as one (1) week. If everything was not prepared properly, you may receive an order from the court detailing the deficiencies and what needs to be done to correct any errors.

At any time after the divorce complaint is filed, you may choose to resume your maiden name. To do this you must go to the Dauphin County Prothonotary's office and file a statement indicating that you intend to resume your maiden name. There is a fee. See: Prothonotary's Fee Bill. The fee must be paid in cash, certified check, or money order made payable to the Dauphin County Prothonotary. The Prothonotary's Office will provide you with the form.

SELF-REPRESENTED PARTY ENTRY OF APPEARANCE

This form must be filed with the Prothonotary every time you change your address.

1. Complete the caption as you did for the divorce complaint. Check whether you are the plaintiff or the defendant. Check the box marked 'divorce'.

2. There are three options in this section. **MARK ONLY ONE BOX.**

- If this is a new action, mark the first box and that this is a new case. Move on to question 3.

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- If this is not a new action and you have always been self-represented, mark the first box and the box indicating that this is not a new case and move on to question 3.

- If this is not a new case and you had an attorney represent you in your most recent action, mark the second box of question two and print the name of your attorney. Write the address that you have used to mail this form to your prior attorney.

- If this is not a new case and you had an attorney represent you in your most recent action and you now want to be self-represented, you can enter your appearance as a self-represented party and sign your name and your attorney can simultaneously withdraw his/her appearance by signing his/her name. Check the third box found in question two.

3. Check the appropriate box.

   If you checked that you are the victim of abuse and the other party was the abuser, complete **the CIF Abuse Victim Addendum.**

   If you checked that you are not the victim of abuse, complete the address where you would like notices and scheduling orders to be sent.

4. Check the appropriate box.

   If you checked that you are the victim of abuse and the other party was the abuser, complete **the CIF Abuse Victim Addendum.**

   If you checked that you are not the victim of abuse, list your telephone number and email address.

5. I understand that I must file a new form and confidential information for abuse victim addendum (if applicable) every time my address or telephone number changes.

6. Check the appropriate box.

   If you provided a copy of the Self-Represented Entry of Appearance form to attorneys or self-represented parties list the name and address.

   If you are a victim of abuse, you acknowledge your understanding that the Confidential Information Form Abuse Victim Addendum **should not** be sent to any attorney or self-represented party but that the Self-Represented Entry of Appearance Form should be sent to any attorney or self-represented party.

SIGN AND DATE the form and file this at the same time you file your divorce complaint.

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PRIOR COURT INVOLVEMENT STATEMENT

- Complete the caption as you did for the divorce complaint.

- If you have another family law case (custody, support, paternity or Protection from Abuse action) in Dauphin County, please check the appropriate box(es) and list the docket number(s), the name of the judge who heard this matter and check whether it resulted in a contested hearing and if an agreement was reached without a hearing before a judge.

- Follow the directions found on this form.

SIGN AND DATE the form and file this at the same time you file your divorce complaint.

CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM

- Check the divorce, annulment, dissolution of marriage box.
- List the full name of the abuse victim.
- List the address of the abuse victim.
- List the telephone number and email address of the abuse victim under AV other contact information.

If you print out the packet from the Self Help Center page of the Dauphin County website, the Confidential Information Form and the Confidential Information Form Abuse Victim Addendum are not included. You must print out these forms in accordance with the instructions appearing on the webpage.
SIGN AND DATE the form and file this at the same time you file your divorce complaint.
DO NOT SEND THIS FORM TO THE OTHER PARTY.

YOU ARE STRONGLY ENCOURAGED TO SEEK THE ADVICE OF AN ATTORNEY. THE DIVORCE PROCESS IS VERY COMPLEX.

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FORMS

DIVORCE UNDER SECTION 3301(C)(1) OF THE DIVORCE CODE

(TO BE USED WHEN THE FILING PARTY CONSENTS TO THE DIVORCE AND DOES NOT REQUEST ALIMONY, DIVISION OF PROPERTY, ATTORNEY'S FEES, AND COSTS AND EXPENSES)

IT IS STRONGLY RECOMMENDED THAT YOU CONSULT AN ATTORNEY

DISCLAIMER

THE SELF HELP CENTER STAFF AND THE STAFF OF ANY COURT OFFICE ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THE PACKETS IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIANCE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE DAUPHIN COUNTY LAWYER REFERRAL SERVICE AT (717) 232-7536.

Revised 10-1-19
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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

NOTICE TO DEFEND AND CLAIM RIGHTS

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 irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the office of the Prothonotary on the first floor of the Dauphin County Courthouse, 101 Market Street, Harrisburg, Dauphin County, PA.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR 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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE
213 N. Front St., Harrisburg, PA 17101 -- (717) 232-7536

The Court of Common Pleas of Dauphin County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator at (717) 780-6630. All arrangements must be made at least 72 hours prior to any hearing or business before the Court.

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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

COMPLAINT UNDER § 3301(c)(1) OF THE DIVORCE CODE

If you are an abuse victim and do not want to reveal your contact information, you are not required to list your address, telephone number and email address but you must complete a Confidential Information Form (CIF) Abuse Victim Addendum and file this form with the Prothonotary at the same time you file the Complaint. Write "See CIF Abuse Victim Addendum" on the paragraph instead of listing this information. When you serve the Defendant, do not include the CIF Abuse Victim Addendum. The information contained on the CIF Abuse Victim Addendum will only be available to the Court and Court staff.

1. Plaintiff is _____, who currently resides at
(Your Complete Name)
_____, _____ County,
(Your Street Address and City) or write "See CIF Abuse Victim Addendum" (Name of County)

Pennsylvania, _____ since _____.
(Zip Code) (Date Moved to Current Address)

2. Defendant is _____, who currently resides at
(Complete Name of Spouse)
_____, _____ County,
(Your Spouse's Street Address and City) (Name of County)

Pennsylvania, _____ since _____.
(Zip Code) (Date Spouse Moved to Current Address)

3. Plaintiff and/or Defendant have been bona fide residents in the Commonwealth for at least six months immediately previous to the filing of this Complaint.

4. The Plaintiff and Defendant were married on _____, at
(Date of Marriage)
_____.
(City and State Where Marriage Took Place)

5. Check the correct box.

☐ There has not been a prior divorce or annulment action filed involving these parties.

☐ There has been a prior divorce or annulment action filed involving these parties. Docket Number: _____ County/State _____.

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6. Defendant is/is not a member of the Armed Forces of the United States of
(Circle One)
America or any of its Allies.

7. This marriage is irretrievably broken.

8. Plaintiff knows that counseling is available and that Plaintiff has the right to request the court to require the parties to participate in counseling.

9. Plaintiff requests the court to enter a Decree of Divorce.

Date: _____ _____
Signature of Plaintiff

_____
Print Name

VERIFICATION

I, _____, verify that the facts
(Name of Plaintiff)

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

_____ _____
Date SIGNATURE OF PLAINTIFF

_____
Print Name of Plaintiff

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CERTIFICATION

I, _____, certify that this Complaint in Divorce complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____
Date SIGNATURE OF PLAINTIFF

_____
Print Name of Plaintiff

BEFORE YOU FILE THIS DIVORCE COMPLAINT, MAKE SURE YOU HAVE COMPLETED THE FOLLOWING FORM:

- Self-Represented Party Entry of Appearance.
- Confidential Information Form Abuse Victim Addendum if you are an abuse victim and you do not want to disclose your contact information to anyone but the Court.
- Prior Court Involvement Statement.

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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

AFFIDAVIT OF SERVICE

I, _____, verify that on _____ day of
(Your Name or Name of Person who Served Divorce Complaint)
_____, 20____, I served the Defendant with a true and correct copy of the
(Month)
Divorce Complaint by the following method:

(CHECK ONE)

☐ Service was made by **United States Postal Service**, first class mail, postage prepaid, certified, **restricted delivery**, return receipt requested to the Defendant, on the _____ day of _____, 20__. The return receipt signed by the **Defendant** is attached hereto.

☐ The Defendant was personally served with a true and correct copy of the above pleading by hand-delivering the same to the Defendant by **someone other than the Plaintiff**. Personal service was made at the following location and time: _____ on the _____ day of _____, 20__, at _____ o'clock.

PERSONAL SERVICE CANNOT BE MADE BY PLAINTIFF.

THIS FORM MUST BE FILED WITH THE PROTHONOTARY WITHIN TEN (10) DAYS FROM THE DATE OF SERVICE)

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:_____

_____
Signature of the Person who Made Service
(Plaintiff if Defendant was served by United States Postal Service OR Person other than Plaintiff who accomplished personal service upon Defendant.)

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CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____
Date SIGNATURE

_____
Print Name

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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

AFFIDAVIT OF NO SERVICE

I, _____, verify that on the _____ day
(Your Name or Name of Person who Attempted Service of Divorce Complaint)

of _____, 20____, I attempted to serve the Defendant with a true and correct copy of the Divorce Complaint by the following method:

(CHECK ONE)

☐ Service was attempted by **United States Postal Service**, first class mail, postage prepaid, certified, **restricted delivery**, return receipt requested to the above-captioned Defendant, _____, on the _____ day of
(Name of Defendant)

_____, 20___. The certified mail was returned unclaimed/not returned by the United States Postal Service.

☐ Service was attempted upon the above-captioned Defendant,_____,
(Name of Defendant)
by **someone other than the above-captioned Plaintiff**. Personal service was attempted at the following location: _____
on this date: _____, 20___, at this time: _____ _____M.

AN ATTEMPT AT PERSONAL SERVICE CANNOT BE MADE BY THE ABOVE-CAPTIONED PLAINTIFF.

THIS FORM MUST BE FILED WITH THE PROTHONOTARY WITHIN TEN (10) DAYS OF THE EXPIRATION OF TIME ALLOWED FOR SERVICE.

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:_____ _____
Signature of the Person who Attempted Service
(Plaintiff if service was attempted by United States Postal Service, OR
Person other than Plaintiff who attempted personal service upon Defendant)

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CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____

Date SIGNATURE

_____

Print Name

Revised 10-1-19

© Dauphin County Court of Common Pleas

_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

ACCEPTANCE OF SERVICE

If you are an abuse victim, you need not list your address but you must complete a Confidential Information Form and file at the same time as you file the Complaint. Write "See Confidential Information Form" on the applicable line.

I accept service of the Divorce Complaint with the Notice to Defend and Claim Rights.

_____
Date of Receipt

_____
Signature of Defendant

_____
Mailing Address of Defendant

_____
City, State and Zip Code

CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____
Date

_____
SIGNATURE

_____
Print Name

Revised 10-1-19
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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

AFFIDAVIT OF CONSENT (PLAINTIFF)

1. A complaint in divorce under Section 3301(c) of the Divorce Code was filed on _____ and served on the defendant on _____.
(Date Divorce Complaint was filed). (Date of Service)

2. The marriage of Plaintiff and Defendant is irretrievably broken and 90 days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce after service of the Notice of Intention to File Praecipe to Transmit Record.

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:_____ _____
Signature of Plaintiff

CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____
Date SIGNATURE

_____
Print Name

Revised 10-1-19
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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

AFFIDAVIT OF CONSENT (DEFENDANT)

1. A complaint in divorce under Section 3301(c) of the Divorce Code was filed on _____ and served on the defendant on _____.
(Date Divorce Complaint was filed). (Date of Service)

2. The marriage of Plaintiff and Defendant is irretrievably broken and 90 days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce after service of the Notice of Intention to File Praecipe to Transmit Record.

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:_____ _____
Signature of Defendant

CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____
Date SIGNATURE

_____
Print Name

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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

COUNTER-AFFIDAVIT UNDER SECTION 3301(c)(1) OF THE DIVORCE CODE

1. I wish to claim economic relief, which may include alimony, division of property, lawyer's fees, costs and expenses, or other important rights.

2. **I UNDERSTAND THAT I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS 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 FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY 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 statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date:_____ _____
Signature of Plaintiff

CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____
Date SIGNATURE

_____
Print Name

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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

COUNTER-AFFIDAVIT UNDER SECTION 3301(c)(1) OF THE DIVORCE CODE

1. I wish to claim economic relief, which may include alimony, division of property, lawyer's fees, costs and expenses, or other important rights.

2. **I UNDERSTAND THAT I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS 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 FILE THE PRAECIPE TO TRANSMIT RECORD, THE DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I MAY 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 statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date:_____ _____
Signature of Defendant

CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____
Date SIGNATURE

_____
Print Name

Revised 10-1-19
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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD (PLAINTIFF)

1. Without further notice, I consent to the entry of:

   ☐ a final decree of divorce; or

   ☐ an order approving grounds for divorce.

2. I understand that I may lose rights concerning alimony, equitable division of property, lawyer's fees, costs and expenses, or other important rights 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.

I verify that the statements made in this waiver 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: _____ _____

Signature of Plaintiff

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CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____

Date SIGNATURE

_____

Print Name

Revised 10-1-19

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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD (DEFENDANT)

1. Without further notice, I consent to the entry of:

   ☐ a final decree of divorce; or

   ☐ an order approving grounds for divorce.

2. I understand that I may lose rights concerning alimony, equitable division of property, lawyer's fees, costs and expenses, or other important rights 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.

I verify that the statements made in this waiver 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: _____ _____

Signature of Defendant

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CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____

Date SIGNATURE

_____

Print Name

Revised 10-1-19

© Dauphin County Court of Common Pleas

_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD UNDER SECTION 3301(c)(1) OF THE DIVORCE CODE

TO: _____

☐ **Plaintiff** ☐ **Defendant (check one)**

You have signed an Affidavit of Consent under Section 3301(c) of the Divorce Code consenting to the entry of a divorce decree. Therefore, on or after _____, 20____, the other party can request the court to enter a final decree in divorce or, if there are unresolved ancillary claims, an order approving the grounds for divorce as indicated on the proposed Praecipe to Transmit Record, which is attached.

Unless you have already filed with the court a written claim for economic relief, you must do so by the date in the paragraph above, or the court may grant the divorce, or if there are unresolved ancillary claims, an order approving grounds for divorce and you may lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

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. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY BAR ASSOCIATION LAWYER REFERRAL SERVICE
213 N. Front St., Harrisburg, PA 17101 -- (717) 232-7536

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CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____

Date SIGNATURE

_____

Print Name

Revised 10-1-19

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_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

TO THE PROTHONOTARY, FILE AND SEAL THE FOLLOWING:

DIVORCE INFORMATION SHEET

Please complete the appropriate information and file with the Prothonotary.

DOCKET NUMBER							
PLAINTIFF'S NAME							
PLAINTIFF'S SOCIAL SECURITY NUMBER							
DEFENDANT'S NAME							
DEFENDANT'S SOCIAL SECURITY NUMBER							
YEARS MARRIED	<5	5-9	10-14	15-19	20-24	25-29	>30
	☐	☐	☐	☐	☐	☐	☐

CERTIFICATION

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_____ Date

_____ SIGNATURE

_____ Print Name

Revised 10-1-19

© Dauphin County Court of Common Pleas

_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of (check one of the following):

☐ a divorce decree;

☐ a divorce decree with marital settlement agreement attached;

☐ a bifurcated divorce decree with the Court retaining jurisdiction over unresolved ancillary claims; or

☐ an order approving grounds for divorce with the Court retaining jurisdiction over unresolved ancillary claims.

1. Check the applicable section of the Divorce Code.

   Grounds for divorce: irretrievable breakdown under:

   ☐ Section 3301(c)(1)

   ☐ Section 3301(c)(2)

   ☐ Section 3301(d)

2. Service of the Complaint:

   (a) Date served: _____

   (b) Manner of service: _____

3. Complete either paragraph (a) or (b).

   (a) **Section 3301(c)(1) or (2) of the Divorce Code –** Insert the date each party signed the Affidavit of Consent, and **if the ground for divorce is**

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under Section 3301(c)(2) of the Divorce Code, insert the date the spouse was convicted of the personal injury crime identified in 23 Pa.C.S. §3103 next to the appropriate party and complete (1) and (2).

Plaintiff _____
Date Affidavit of Consent was signed.

Defendant _____
Date Affidavit of Consent was signed.

(1) The date the party signed the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code:

_____

(2) The date of filing and manner of service of the Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code and a blank Counter-Affidavit under Section 3301(c)(2) upon the other party:

_____.

(b) **Section 3301(d) of the Divorce Code:**

(1) The date the Affidavit under Section 3301(d) of the Divorce Code was signed: _____;

(2) Date of filing and manner of service of the Affidavit under Section 3301(d) of the Divorce Code and blank Counter-Affidavit under Section 3301(d) of the Divorce Code upon the other party:

_____

4. Related ancillary claims pending: _____

5. Complete **either** (a) or (b).

(a) Notice of Intention to File the Praecipe to Transmit Record:

(1) Date served: _____.

(2) Manner of service: _____.

(b) The date of filing of the party's Waiver of Notice of Intention to File the Praecipe to Transmit Record:

(1) Plaintiff's Waiver: _____.

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(2) Defendant's Waiver: _____.

Date: _____ _____

Signature

CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____

Date SIGNATURE

_____

Print Name

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_____
PLAINTIFF

vs.

_____
DEFENDANT

IN THE COURT OF COMMON PLEAS

DAUPHIN COUNTY, PENNSYLVANIA

NO. _____

SELF-REPRESENTED PARTY ENTRY OF APPEARANCE

1. I am the ☐ Plaintiff ☐ Defendant in the above-captioned **(MARK ONE)** ☐ custody, ☐ divorce, ☐ support, ☐ protection from abuse, ☐ paternity case.

2. ☐ This **(MARK ONE)** ☐ is ☐ is not a new case and I am representing myself in this case and have decided not to hire an attorney to represent me.

OR (check only one box)

☐ This is **NOT** a new case and _____
(Name of Attorney)
previously represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case.

I have provided a copy of this form to that attorney listed above at the following address:

_____

☐ I am entering my appearance as a self-represented party (sign) _____

My attorney acknowledges his/her withdrawal as my attorney in this case.

(Attorney signature) _____, Esq.

3. Check one box.

☐ I am a victim of abuse and the other party to this action was the abuser. My address is listed on the Confidential Information Form Abuse Victim Addendum filed along with this Self-Represented Party Entry of Appearance.

☐ I am not an abuse victim and my address for the purpose of receiving all future pleadings and other legal notices is:
_____. I understand that this address will be the only address to which notices and pleadings in this case will be sent, and that I am responsible to regularly check my mail at this address to ensure that I do not miss important deadlines or proceedings.

4. Check one box.

☐ I am a victim of abuse and the other party to this action was the abuser. My telephone number and email address are listed on the Confidential Information Form Abuse Victim Addendum filed along with this Self-Represented Party Entry of Appearance.

☐ I am not the victim of abuse and my telephone number where I can be reached during normal business hours (8:00 a.m. – 4:30 p.m. Monday – Friday) is
_____. My email address is _____

5. I UNDERSTAND I MUST FILE A NEW FORM AND CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM (IF APPLICABLE) EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

6. **Check one box.**

☐ I have provided a copy of this form to all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

_____	_____
Name	Address
_____	_____
Name	Address

☐ I am a victim of abuse and the other party to this action was the abuser. I understand that I should only provide a copy of this form to all other attorneys or self-represented parties **BUT THAT I SHOULD NOT PROVIDE A COPY OF THE CONFIDENTIAL INFORMATION FORM ABUSE VICTIM ADDENDUM TO ANYONE EXCEPT TO THE COURT BY FILING THAT FORM WITH THE APPROPRIATE FILING OFFICE (PROTHONOTARY OR DOMESTIC RELATIONS).**

7. ***I fully understand that by deciding to represent myself, the Court will hold me to the same standards of knowledge regarding the statutory law, evidence law, Local and State Rules of Procedure and applicable case law as a Pennsylvania licensed attorney, and that I must be fully prepared to meet those responsibilities.***

I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities which could result in a fine and/or prison term.

.

_____	_____
Date	Signature (Your Signature)

CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____	_____
Date	Signature (Your Signature)

_____	: IN THE COURT OF COMMON PLEAS
Plaintiff (Your Complete Name)	: DAUPHIN COUNTY, PENNSYLVANIA
	:
v.	: NO. _____ CV _____ DV
	:
_____	: IN DIVORCE
Defendant (Complete Name of Spouse)	:

DECREE

AND NOW, _____, 20___, it is ordered and decreed that _____ (Your Complete Name), Plaintiff, and _____ (Your Spouse's Complete Name), Defendant, are divorced from the bonds of matrimony.

The court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered.

Any existing spousal support order shall be deemed an order for alimony pendente lite if any economic claims remain pending.

BY THE COURT:

_____
JUDGE

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_____ Plaintiff v. _____ Defendant	IN THE COURT OF COMMON PLEAS DAUPHIN COUNTY, PENNSYLVANIA NO. _____ CIVIL ACTION - LAW

PRIOR COURT INVOLVEMENT STATEMENT

The following lists all cases involving one or more of the same parties and indicates if a prior matter involved a Conference or a Contested Hearing before a Judge or if an agreed order was entered.

Check all that Apply	Action	Docket Number	Judge	Contested Hearing or Pretrial Conference	Agreement Reached and No Hearing Before a Judge Required
☐	Custody				
☐	Divorce				
☐	Support or APL				
☐	Paternity				
☐	PFA				
☐	This is the first Family Law Matter Filed in Dauphin County involving the above-captioned parties and children.				

_____ _____
Signature (Your Signature) Date

_____
Name (Print your Name)

CERTIFICATION

I, _____, certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

_____ _____
Date Signature