



DIVORCE PACKET

Personal Injury Crime Divorce 3301(c)2



PREVENTION. INTERVENTION. CHANGE.

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PCADV.org

PERSONAL INJURY CRIME DIVORCE PACKET

INTRODUCTION

The purpose of this packet is to provide you with the information and documents you may need to obtain a divorce in Pennsylvania where your spouse has been convicted of committing a “personal injury crime” against you. Some examples of personal injury crimes are simple assault, terroristic threats, rape, aggravated assault, and strangulation. This packet is not meant for any divorce case involving property, support, or custody. Please look through the entire packet before completing any forms. For questions or additional assistance, please contact PA Safe Law Civil Legal Information Program at 833-727-2335 or call your local legal assistance office.

Thank you for letting us help you!

TERMS YOU NEED TO KNOW

Plaintiff - The person who files a lawsuit. You are the plaintiff if you are the one filing the divorce.

Defendant - The person who is being sued.

Docket Number - The court will give your case a number, which you will then put on any document filed that is related to the divorce,

Prothonotary - The office in the courthouse where you will file the divorce.

INSTRUCTIONS

Step 1: Filing the Complaint

You will need to fill out the following forms from this packet.

- 1) **PRAECIPE FOR PRO SE ENTRY OF APPEARANCE** - [This form](#) tells the court how to contact you and that you do not have an attorney. If you are a victim of abuse and you want your address to remain confidential do not put your address on this form. Instead write "See Confidential Information Form Abuse Victim Addendum".
- 2) **NOTICE TO DEFEND** - [This form](#) is attached to the front of the divorce complaint and tells the Defendant that they are being sued for divorce and may lose rights if they do not respond to the complaint. Ask your Prothonotary's office what address and contact information should be included on the bottom of this form.
- 3) **NOTICE OF RIGHT TO COUNSELING** - [This form](#) says that a court can order sessions with a marriage counselor if either spouse requests it. The court cannot order marriage counseling if your spouse has committed personal injury crimes against you.
- 4) **DIVORCE COMPLAINT** - [This form](#) gives the court information about the Plaintiff, Defendant, and the marriage. This form also asks the court to grant the divorce. If you are a victim of abuse and your spouse was the abuser, you do not have to list your address on these forms. Instead write "See Confidential Information Form Abuse Victim Addendum" where it asks for your address.
- 5) **CERTIFICATE OF COMPLIANCE WITH THE UJS PUBLIC ACCESS POLICY**¹ - [This form](#) certifies that you are following the court's public access policy.
- 6) **PETITION TO PROCEED IN FORMA PAUPERIS (IFP)** - Complete and file [this form](#) if you believe you cannot pay the court's filing fees. If the court grants you IFP status you will not have to pay the filing fees.
- 7) **ABUSE VICTIM ADDENDUM** - Complete [this form \(external link\)](#) if you are a victim of abuse and would like your address to remain confidential. You do not have to fill out anything in the second column other than your address. File this form with the court but **DO NOT** serve this on the other party.

Once completed, you will need to make 2 copies of forms 1-5. You will have 3 copies in total (1 original and 2 copies). If you do not have a way to make copies, you can most likely have copies made at the Prothonotary's Office in the courthouse for a small fee.

Take the documents to the Prothonotary's Office for filing. When filing the documents, keep them in the order listed above from top to bottom. You can file for divorce in the county where you live, the county where your spouse lives (if different), or in a mutually agreed upon county.

¹ Make sure to include this form with any document that you file at the Prothonotary's Office. You can find more information on the UJS Public Access Policy at this [link](#).

The Prothonotary's Office will stamp the forms to show what time they were received. The original will stay in your file at the courthouse and the 2 copies will be returned to you. One copy is for you to keep, and the other is for you to serve your spouse as described in [Step 2: Serving the Complaint](#). ****DO NOT serve your spouse with the Petition to Proceed in Forma Pauperis or the Abuse Victim Addendum****

Step 2: Serving the Complaint

"Service" means that your spouse 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 lives in Pennsylvania or ninety (90) days if the defendant lives outside of Pennsylvania. If you do not serve them with the documents in time, you will have to file a [Praecipe to Reinstate the Divorce Complaint](#) form. This document will allow you to have additional time to serve the defendant.

Service can be done in a few different ways:

By Mail

Send your spouse copies of the documents by **Certified U.S. Mail, Return Receipt Requested, Restricted Delivery**. This type of mail means that the defendant is the only person who can sign for the delivery. The Post Office can help you with this method. Make sure you keep the white slip from the certified mail that the post office gives you. When your spouse receives the documents, they will have to sign a green receipt card that will be returned to you. After you get the green receipt card back, you will complete the [Affidavit of Service by Mail](#) form and attach the green receipt card and the white slip from the post office. You must file this form within ten (10) days from the date of service.

In Person

Informal

If you feel that it is safe, you can give the documents to your spouse directly and have them sign the [Acceptance of Service](#) form. If your spouse does not sign the Acceptance of Service form handing the documents to them will not count as service. You must file the Acceptance of Service form within ten (10) days from the date of service.

Formal

Have another adult personally hand the documents to your spouse. The person who delivers the documents will then complete the [Affidavit of Service](#) form. You can use a sheriff's service, a delivery service, or any other reliable adult. You must file the Affidavit of Service within ten (10) days from the date of delivery

Step 3: The Waiting Period

After you have filed a divorce complaint and served the documents to your spouse, you must wait ninety (90) days before completing the divorce.

Step 4: Presumed Consent Divorce - 3301(c)(2)

Affidavit of Consent and Affidavit to Establish Presumption of Consent

These forms cannot be signed and filed until ninety (90) days have passed from the day you served the divorce complaint. Complete and file both the [Affidavit of Consent](#) and the [Affidavit to Establish Presumption of Consent](#). The [Affidavit of Consent](#) tells the court that you agree to the divorce. You must file this within thirty (30) days of the date you sign the form. If you miss this deadline, you will have to re-sign and date the form and file it again within 30 days. [The Affidavit to Establish Presumption of Consent](#) lets the court know that your spouse was convicted of committing a personal injury crime against you. Take both documents to the courthouse and file them.

Serve a copy of the [Affidavit of Consent](#), [Affidavit to Establish Presumption of Consent](#), and a blank [Counter Affidavit](#) form on your spouse. You must serve these documents in one of the ways described in **Step two**.

Step 5: Finalizing the Divorce

Notice of Intention and Praeipice to Transmit the Record

Do not start this step until twenty (20) days after you serve the [Affidavit to Establish Presumption of Consent](#) and [Counter-Affidavit](#). If your spouse does not respond within twenty (20) days, you will serve them with the [Notice of Intention to File the Praeipice to Transmit Record](#) along with another blank [Counter Affidavit](#). You can mail these documents to your spouse through first class mail. Then complete and file a [Certificate of Service](#) with the Prothonotary. Now you must wait another twenty (20) days to give your spouse a chance to respond.

Wait at least twenty (20) days and if your spouse does not return the [Counter-Affidavit](#) or returns the [Counter-Affidavit](#) and marks that they do not oppose the entry of a divorce you can now ask the court to finalize the divorce. You will do this by filing the [Praeipice to Transmit the Record](#) and a blank [Divorce Decree](#). Provide the court with self-addressed and stamped envelopes for you and your spouse so that the Court can mail you a copy of the final [Divorce Decree](#).

If your spouse returns the [Counter-Affidavit](#) and marks that they oppose the entry of a divorce and/or that they wish to file economic claims, the divorce cannot move forward until everything is resolved. You may need to file a Motion for the Appointment of a Divorce Master and prepare to go to court for a hearing. For more information, call an

attorney at the PA Safe Law Civil Legal Information Program (833-727-2335) or your local legal assistance office.

Optional Step 6: Resume Prior Surname

Complete this step if you changed your last name when you got married and would like to return to a previous legal name. Fill out and file the [Notice of Intent to Resume Prior Surname](#) with the Prothonotary. It can be filed before or after the final [Divorce Decree](#) is granted. There may be a small fee for filing this form. **NOTE:** Before filing, make several copies of the document and sign each individually. When you file the Prothonotary's office will timestamp these copies. You can then use those documents as proof of your name change with organizations (social security, PennDOT, banks, etc.).

FORMS

LIST OF DOCUMENTS

- 1) [Praecepte for Pro Se Entry of Appearance](#)
- 2) [Notice to Defend](#)
- 3) [Notice of Right to Counseling](#)
- 4) [Divorce Complaint](#)
- 5) [Certificate of Compliance with the UJS Public Access Policy](#)²
- 6) [Petition to Proceed in Forma Pauperis](#)
- 7) [Affidavit of Service](#)
- 8) [Acceptance of Service](#)
- 9) [Affidavit of Service by Mail](#)
- 10) [Certificate of Service](#)³
- 11) [Praecepte to Reinstate the Divorce Complaint](#)
- 12) [Affidavit of Consent](#)
- 13) [Affidavit to Establish Presumption of Consent](#)
- 14) [Counter-Affidavit](#)
- 15) [Notice of Intention to File the Praecepte to Transmit Record](#)
- 16) [Counter-Affidavit](#)
- 17) [Praecepte to Transmit the Record](#)
- 18) [Divorce Decree](#)
- 19) [Notice to Resume Prior Surname](#)

² Make sure to include this form with any document that you file at the Prothonotary's Office. You can find more information on the UJS Public Access Policy at this [link](#).

³ With the exception of the Divorce Complaint, you will include this form with any document that you file with the court to demonstrate you sent or gave a copy to your spouse.

_____,
Plaintiff
v.
_____,
Defendant

: In the Court of Common Pleas
: _____ County, Pennsylvania
:
: Docket No. _____
:
: Divorce

PRAECIPE FOR PRO SE ENTRY OF APPEARANCE

TO THE PROTHONOTARY:

Please enter my appearance in the above-captioned matter as a self-represented party. I understand that I am under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record. All pleadings and legal papers can be served on me at the address listed below, which may or may not be my home address pursuant to Pa.R.C.P. 1930.8.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____	:	In the Court of Common Pleas
Plaintiff	:	_____ County, Pennsylvania
v.	:	
	:	Docket No. _____
_____	:	
Defendant	:	Divorce

NOTICE TO DEFEND

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. 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 judgement 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 of divorce is indignities or irretrievable breakdown of marriage, you may request marriage counseling, a list of marriage counselors is available in the office of the Prothonotary at: _____.

If you do not file a claim for alimony, division of property, lawyers' 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, 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.

_____,
Plaintiff

v.

_____,
Defendant

: In the Court of Common Pleas
: _____ County, Pennsylvania
:
: Docket No. _____
:
: Divorce

NOTICE OF AVAILABILITY OF COUNSELING

You are one of the parties in the above-captioned action in divorce. Pursuant to 23 Pa.C.S. §3302, whenever indignities, irretrievable breakdown with mutual consent or irretrievable breakdown of the marriage after one-year separation are ground(s) for the divorce under Section 3301 (a), (b), (c) or (d) of the Divorce Code, counseling may be available to the parties upon request. *However*, the Court may not order counseling over the objection of a party that has an enforceable protection from abuse order against the other party, or where the objecting party was a victim of a personal injury crime for which the other party was convicted or has entered into an Accelerated Rehabilitative Disposition program.

Accordingly, if you desire counseling, please contact the Prothonotary's office at the local county courthouse for a list of qualified professionals.

_____,
Plaintiff : In the Court of Common Pleas
v. _____ County, Pennsylvania
:
: Docket No. _____
_____,
Defendant :
: Divorce

**COMPLAINT FOR DIVORCE UNDER
SECTION 3301(c) or 3301(d) OF THE DIVORCE CODE**

1. Plaintiff is _____, (Name) who currently resides at
_____, (Address) _____, (City)
_____ (County) _____ (State) since _____. (Date)

2. Defendant is _____, (Name) who currently resides at
_____, (Address) _____, (City)
_____ (County) _____ (State) since _____. (Date)

3. Plaintiff has been a bona fide resident of the Commonwealth of Pennsylvania for
at least six months immediately prior to the filing of this Complaint.

4. Plaintiff and Defendant were married on _____(Date) at
_____ (City) _____ (State/County).

5. There have been no prior actions of divorce or for annulment between the
parties.

6. The marriage is irretrievably broken.

7. Plaintiff has been advised that counseling is available and that Plaintiff may have
the right to request that the court require the parties to participate in counseling.

8. Plaintiff requests the court to enter a decree of divorce.

I verify that the statements made in this Complaint 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.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____,
Plaintiff
v.
_____,
Defendant

: In the Court of Common Pleas
: _____ County, Pennsylvania
:
: Docket No. _____
:
: Divorce

CERTIFICATE OF COMPLIANCE

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.

Submitted by: _____

Signature: _____

Name: _____

Attorney No. (if applicable): _____

_____, : In the Court of Common Pleas
Plaintiff : _____ County, Pennsylvania
v. :
: Docket No. _____
_____, :
Defendant : Divorce

PETITION TO PROCEED IN FORMA PAUPERIS

1. I am the plaintiff in the above matter and because of my financial condition am unable to pay the fees and costs of prosecuting or defending the action or proceeding.
2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:
 - a. If Employed
 - i. Name of Employer: _____
 - ii. Address of Employer: _____
 - iii. Salary/Wage: _____
 - iv. Type of Work: _____
 - b. If Unemployed
 - i. Date of Last Employment: _____
 - ii. Name of Employer: _____
 - iii. Address of Employer: _____
 - iv. Salary/Wage: _____
 - v. Type of Work: _____
 - c. Other Income in the Last 12 Months
 - i. Self-Employment Income: _____
 - ii. Interest: _____
 - iii. Dividends: _____

- iv. Pension and/or Annuities: _____
- v. Social Security Benefits: _____
- iv. Support Payments: _____
- v. Disability Payments: _____
- vi. Unemployment Compensation: _____
- vii. Worker's Compensation: _____
- viii. Public Assistance: _____
- ix. Other: _____

d. Other Contributions to Household Support

- i. Spouse's Name: _____
- ii. Spouse's Employer: _____
- iii. Spouse's Salary/Wage: _____
- iv. Type of Work: _____
- v. Contributions from Parents: _____
- vi. Contributions from Children: _____
- vii. Other Contributions: _____

e. Property Owned

- i. Cash: _____
- ii. Checking Account: _____
- iii. Savings Account: _____
- iv. Certificates of Deposit: _____
- v. Real Estate: _____
- vi. Motor Vehicle: _____
- vii. Stocks and Bonds: _____
- viii. Other: _____

f. Debts and Obligations

- i. Mortgage: _____
- ii. Rent: _____
- iii. Loans: _____

- iv. Other: _____
- g. Persons Dependent Upon You for Support
 - i. Spouse: _____
 - ii. Child(ren): _____

4. I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which 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 made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____,
Plaintiff
v.
_____,
Defendant

: In the Court of Common Pleas
: _____ County, Pennsylvania
:
: Docket No. _____
:
: Divorce

AFFIDAVIT OF SERVICE BY PERSONAL SERVICE
Pursuant to 1930.4

I, _____, hereby depose and say that I am 18 years or older, and am not a party to the action, nor an employee or relative of a party.

On _____ I personally served the defendant by handing to them a:

Complaint in Divorce, Notice to Defend and Claim Rights, and Notice of Availability of Counseling.

I verify that the statements in this document are true and correct to the best of my knowledge, information, and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Date: _____

Signature of Person who Served Defendant
(Not Plaintiff)

_____,
Plaintiff
v.
_____,
Defendant

: In the Court of Common Pleas
: _____ County, Pennsylvania
:
: Docket No. _____
:
: Divorce

ACCEPTANCE OF SERVICE

I hereby affirm that I have accepted service of the Complaint in Divorce in the above-captioned matter. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904, relating to unsworn falsification to authorities.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____,
Plaintiff : In the Court of Common Pleas
v. : _____ County, Pennsylvania
: Docket No. _____
_____,
Defendant : Divorce

AFFIDAVIT OF SERVICE BY MAIL PURSUANT TO PA.R.CIV.P1920.4

_____, being duly sworn according to law,
deposes and says that they representing themselves pro se, mailed a copy of the Complaint
in Divorce filed in this matter by certified mail, return receipt requested, addressee only, to
the Defendant at _____,
on _____, 20____.

[Check one below]

[] The return receipt signed by the Defendant is evidence of delivery to them and is
attached hereto along with the Certified Mail receipt as Exhibit "B."

[] The Defendant refused to sign the receipt. However, Defendant was also served via
regular mail and said regular mail was not returned within fifteen (15) days. The Certified Mail
receipt and Certificate of Mailing for regular mail is attached hereto as Exhibit "B."

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____,
Plaintiff
v.
_____,
Defendant

: In the Court of Common Pleas
: _____ County, Pennsylvania
:
: Docket No. _____
:
: Divorce

CERTIFICATE OF SERVICE

I hereby certify that on this date, I did serve a true and correct copy of the foregoing document upon Defendant via first class U.S. Mail addressed as follows:

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____,
Plaintiff

v.

_____,
Defendant

: In the Court of Common Pleas
: _____ County, Pennsylvania

:
: Docket No. _____

:
: Divorce

PRAECIPE TO REINSTATE THE DIVORCE COMPLAINT

TO THE PROTHONOTARY:

Please reinstate the Divorce Complaint filed in the above-captioned matter on

_____.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____	:	In the Court of Common Pleas
Plaintiff	:	_____ County, Pennsylvania
v.	:	
	:	Docket No. _____
_____	:	
Defendant	:	Divorce

AFFIDAVIT OF CONSENT

1. A Complaint in Divorce pursuant to Section 3301(c) of the Divorce Code was filed on _____, 20__ and served on the defendant on _____, 20__.

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.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____, : In the Court of Common Pleas
 Plaintiff : _____ County, Pennsylvania
 v. :
 : Docket No. _____
 _____, :
 Defendant : Divorce

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within 20 days after this affidavit has been served on you or the statements will be admitted.

AFFIDAVIT TO ESTABLISH PRESUMPTION OF CONSENT UNDER SECTION 3301(c)(2) OF THE DIVORCE CODE

1. I am the victim of a personal injury crime as defined in 23 Pa.C.S. §3103.

2. My spouse was convicted of the crime averred in Paragraph 1 on _____
 in the Court of Common Pleas of _____ County. The docket number(s) is/are
 _____.

3. The personal injury crime(s) for which my spouse was convicted:

Check all that apply:

- 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 relating 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)

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.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____, : In the Court of Common Pleas
Plaintiff : _____ County, Pennsylvania
v. :
: Docket No. _____
_____, :
Defendant : Divorce

COUNTER-AFFIDAVIT
UNDER §3301(c)(2) 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) I have not been convicted of a personal injury crime as defined in 23 Pa.C.S. §3103.

(ii) My spouse was not the victim of a personal injury crime for which I have been convicted.

2. Check (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 or expenses if I do not claim them before a divorce is granted.

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

I UNDERSTAND THAT IN ADDITION TO CHECKING (b) ABOVE, I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE PROTHONOTARY IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO REQUEST DIVORCE DECREE, THE DIVORCE DECREE MAY BE ENTERED

WITHOUT FURTHER NOTICE TO ME, AND I SHALL BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

(c) Economic claims have been raised and are not 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.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

_____,
Plaintiff : In the Court of Common Pleas
: _____ County, Pennsylvania
v. :
: Docket No. _____
_____,
Defendant :
: Divorce

**NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD
UNDER SECTION 3301(c)(2) or SECTION 3301(d) OF THE DIVORCE CODE**

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 Affidavit to Establish Presumption of Consent under Section 3301(c)(2) of the Divorce Code or the Affidavit under Section 3301(d) of the Divorce Code. 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 grounds for divorce as indicated on the proposed Praecipe to Transmit Record, which is attached.

If you do not file an answer with your signature notarized or verified by the above date, the court can enter a final decree in divorce or, if there are unresolved ancillary claims, an order approving grounds for divorce.

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, 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.

_____, : In the Court of Common Pleas
Plaintiff : _____ County, Pennsylvania
v. :
: Docket No. _____
_____, :
Defendant : Divorce

COUNTER-AFFIDAVIT
UNDER §3301(c)(2) 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) I have not been convicted of a personal injury crime as defined in 23 Pa.C.S. §3103.

(ii) My spouse was not the victim of a personal injury crime for which I have been convicted.

2. Check (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 or expenses if I do not claim them before a divorce is granted.

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

I UNDERSTAND THAT IN ADDITION TO CHECKING (b) ABOVE, I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE PROTHONOTARY IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO REQUEST DIVORCE DECREE, THE DIVORCE DECREE MAY BE ENTERED

WITHOUT FURTHER NOTICE TO ME, AND I SHALL BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

(c) Economic claims have been raised and are not 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.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE OR ORDER APPROVING GROUNDS FOR DIVORCE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

_____, : In the Court of Common Pleas
Plaintiff : _____ County, Pennsylvania
v. :
: Docket No. _____
_____, :
Defendant : Divorce

WAIVER OF NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT RECORD

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 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.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____,
Plaintiff
v.
_____,
Defendant

: In the Court of Common Pleas
: _____ County, Pennsylvania
:
: Docket No. _____
:
: Divorce

PRAECIPE TO TRANSMIT THE RECORD

TO THE PROTHONOTARY:

Transmit the record, together with the following information, to the Court for entry of a divorce decree:

1. Check the applicable section of the Divorce Code.

Grounds for divorce: irretrievable breakdown under:

§3301(c)(1)

§3301(c)(2)

§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 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: _____.

Defendant: _____.

(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: _____.

(2) Defendant's Waiver: _____.

Respectfully submitted,

Dated: _____

Printed Name

Signature

Address

City, State, Zip Code

_____,
Plaintiff
v.
_____,
Defendant

: In the Court of Common Pleas
: _____ County, Pennsylvania
:
: Docket No. _____
:
: Divorce

DECREE IN DIVORCE

AND NOW, _____, 20_____, it is ordered, and decreed that

(your name), Plaintiff,
and _____
(your spouse's 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 hereafter be deemed an order for alimony
pendente lite if any economic claims remain pending.

By the Court,

_____ J.

_____,
Plaintiff
v.
_____,
Defendant

: In the Court of Common Pleas
: _____ County, Pennsylvania
:
: Docket No. _____
:
: Divorce

NOTICE TO RESUME PRIOR SURNAME

Notice is hereby given that the Plaintiff / Defendant in the above matter,
____ prior to the entry of a Final Decree in Divorce, or
____ after the entry of a Final Decree in Divorce dated _____, hereby
elects to resume the prior surname of _____, and gives
this written notice avowing his / her intention pursuant to the provisions of 54 P.S. § 704.

Signature

Signature of name being resumed

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF _____

On the _____ day of _____, _____, before me, the
Prothonotary or a Notary Public, personally appeared the above affiant known to me to be the
person whose name is subscribed to the within document and acknowledged that he / she
executed the foregoing for the purpose therein contained.

In Witness Whereof, I have hereunto set my hand and official seal.

Prothonotary or Notary Public