

DIVORCE CHECKLIST, §3301(d)(1)

CAPTION: _____

No. : _____

A. THE COMPLAINT

DATE FILED: _____

- _____ 1. All eight sections of form - Irretrievably Broken - Pa.R.C.P.1920.12, 1920.72(a).
- _____ 2. Advised of Counseling
- _____ 3. Prior divorce actions: caption, docket no., date filed, present status: _____
- _____ 4. Economic claims
- _____ 5. Notarized or verified.

B. SERVICE OF ORIGINAL PROCESS:3 OPTIONS

DATE SERVED: _____

- _____ 1. *Personal Service:* Return of service must state date, time, place, manner of service, Identity
 - _____ a. By Sheriff
 - _____ b. Other than Sheriff: Affidavit of Service
- _____ 2. *Certified Mail:* Signature and date must be legible
 - _____ a. Signed Green Card
 - _____ b. Notarized/Verified Certificate of Service
- _____ 3. *Acceptance of Service:* Pa.R.C.P. 1930.4(d).
 - _____ a. Must say "accept service"
 - _____ b. If by attorney: "am authorized"
- _____ 4. Service timely: 30 days Pa resident: _____; 90 days Non-resident: _____
- _____ 5. Defendant: Waiver of Defects of Service

C. NON-MILITARY AFFIDAVIT (Pa.R.C.P. 1920.46)

DATE FILED: _____

- _____ 1. Has Defendant responded to complaint, if yes no need to file
- _____ 2. If language in Complaint, no need to file
- _____ 3. Notarized or Verified

D. §3301(d) AFFIDAVIT (Pa.R.C.P. 1920.72d)

EXECUTED: FILED: SERVED: _____

- _____ 1. ¶1 Date of separation—include month day and year when possible.
- _____ 2. ¶2(a) Date of separation prior to 12/5/2016, continued to live separate and apart for a period of two years?

OR

- _____ 2. ¶2(b) Date of separation on or after 12/5/2016, continued to live separate and apart for a period of one year?
- _____ 3. ¶3 Does affidavit state marriage is irretrievably broken?
- _____ 4. ¶4 Economic claims raised?
- _____ 5. Notarized or Verification language
- _____ 6. Form Counter Affidavit served

E. COUNTER-AFFIDAVIT

DATE FILED: _____

- _____ 1. Has Defendant filed within 20 days of service on the Defendant?
- _____ 2. If Defendant indicates opposition to divorce decree, must be scheduled with Divorce Master
- _____ 3. In Counter-Affidavit: "the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims." Pa.R.C.P. 1920.72(e)(2)

DIVORCE CHECKLIST, §3301(d)(1)
CAPTION: _____

No: _____

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

DATE SERVED: _____

- _____ 1. If Def. has filed Waiver of Notice, no notice required Pa.R.C.P. 1920.72(c)
- _____ 2. Served at least 20 days after Affidavit was served
- _____ 3. If attorney of record for opposing party: Pa.R.C.P. 1920.73(a)(1)
- _____ 4. If no attorney of record for opposing party: Pa.R.C.P. 1920.73(a)(2)(ii)
- _____ 5. Form Counter-Affidavit and proposed Praecipe served with Notice

G. PRAECIPE TO TRANSMIT RECORD

DATE FILED: _____

- _____ 1. 20 days or more after service of Notice of Intent
- _____ 2. Contents of Paragraphs 1-6
 - _____ ¶1 Correct section of Code indicated
 - _____ ¶2 Correct date and manner of service of Complaint: _____
 - _____ ¶3 Execution date of 3301(d) affidavit _____,
 - _____ ¶4 Date of filing: _____ Date of service: _____
 - _____ ¶5 All economic claims specifically resolved.
 - _____ a. Agreement: date of formal agreement or dictated agreement before court reporter _____
 - _____ b. Resolved by Divorce Master, Date of Master's Report: _____
 - _____ c. Claims bifurcated: Order date: _____
 - _____ d. Withdrawn: Pa.R.C.P.1920.17(b) Notice of Intent served: _____ (after 20 days) Praecipe to w/d filed: _____
 - _____ e. No economic claims raised -check Prothy file for Complaint, counterclaim, petition.
 - _____ ¶6 Date and manner of service of Notice of Intent: _____

H. SETTLEMENT AGREEMENTS

- _____ 1. Both Agreement/Stipulation and Decree state incorporated and/or not merged into the Decree.
 - _____ a. In Decree
 - _____ b. In Agreement: Paragraph: _____ Page: _____