

**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 (DTPM), Identity
  - \_\_\_\_\_ a. By Sheriff
  - \_\_\_\_\_ b. Other than Sheriff: Affidavit of Service, DTPM
- \_\_\_\_\_ 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 Services

**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: Continued to live separate and apart for a period of two years?
- \_\_\_\_\_ 2. ¶2: Does affidavit state marriage is irretrievably broken?
- \_\_\_\_\_ 3. ¶3: Economic claims raised?
- \_\_\_\_\_ 4. Notarized or Verification language
- \_\_\_\_\_ 4. 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)

CONTINUED ON OTHER SIDE

CAPTION:

No: \_\_\_\_\_

**F. NOTICE OF INTENTION TO REQUEST ENTRY OF §3301(d) DIVORCE      DATE SERVED:**

- \_\_\_\_\_ 1. If Defendant has filed Waiver of Notice, no notice required Pa.R.C.P. 1920.72(c)
- \_\_\_\_\_ 2. Manner of Service \_\_\_\_\_
- \_\_\_\_\_ 3. Served at least 20 days after Affidavit was served
- \_\_\_\_\_ 4. If attorney of record for opposing party: Pa.R.C.P. 1920.73(a)(1)
- \_\_\_\_\_ 5. If no attorney of record for opposing party: Pa.R.C.P. 1920.73(a)(2)(ii)
- \_\_\_\_\_ 6. Form Counter-Affidavit and proposed Praeceptum served with Notice

**G. PRAECEPTUM TO TRANSMIT RECORD      DATE FILED:**

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    - \_\_\_\_\_ d. Withdrawn: Praeceptum date: \_\_\_\_\_.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