DIVORCE INSTRUCTIONS/FORMS

"PACKET D"

SECTION 3301(D) DIVORCE

USE "PACKET D" INSTRUCTIONS AND FORMS WHEN YOUR SPOUSE WILL NOT SIGN A CONSENT TO THE ENTRY OF A DIVORCE, BUT YOU AND YOUR SPOUSE HAVE BEEN SEPARATED FOR AT LEAST TWO YEARS AND NO PROPERTY MUST BE DIVIDED AND NO SUPPORT ISSUES MUST BE ADDRESSED.

IT IS STRONGLY RECOMMENDED THAT YOU CONTACT "ATTORNEY CONNECTIONS" AT (717) 854-8755 FOR A LOW-COST INITIAL CONSULTATION WITH AN ATTORNEY BEFORE PROCEEDING FURTHER.

Packet D Contents

General Instructions 3

Specific Instructions

Step 1 – Starting the Action 4

Step 2 – Filing the Initial Documents 6

Step 3 – Serving the Initial Documents 7

Step 4 – Establishing Grounds for Divorce 9

Step 5 – Finalizing the Divorce 10

Step 6 (Optional) – Resume prior name 13

Forms Checklist 14

PACKET D – INSTRUCTIONS

GENERAL INSTRUCTIONS

Use this packet to obtain a no-fault divorce in York County based on a separation lasting for two or more years. To be able to file your divorce action in York County, either you or your spouse must live in York County. In addition, this packet is **NOT** appropriate for you if **ANY** of the following pertain to you:

1. You have not been a resident of Pennsylvania for at least six months.
2. You want to request alimony, alimony pendente lite, equitable distribution of property, counsel fees, costs, expenses or any other type of economic relief.
3. Your spouse is on active duty in the military.
4. You wish to include custody and/or child support as part of the divorce action. However, a separate custody action can be filed at any time before or after the filing of the Divorce Complaint. A child support action can also be commenced at any time before or after the filing of the Divorce Complaint by going to the York County Domestic Relations Office located at the York County Judicial Center.
5. Your spouse will consent to the entry of a divorce decree, in which case, you should use "Packet C" Instructions/Forms.
6. You have not lived separate and apart from your spouse for at least two years. You do not have to reside in separate households to be considered separated. "Separate and apart" is defined as the "cessation of cohabitation, whether living in the same residence or not." 23 Pa.C.S.A. §3103.

IMPORTANT: All forms are available on-line in portable document format (pdf). You will need Adobe Acrobat© or Adobe Reader© to open the forms. You can download and install Adobe Reader© for free at http://get.adobe.com/reader/. A link to each form appears in the instructions for that form, below. Just click on the name of the form and it will open in a separate window. The forms are "interactive." That means you can fill in the blanks on the forms using your computer, and then print the form. You will NOT be able to save the filled-in version of the form unless you have Adobe Acrobat©. Use Adobe Reader© "Help" for instructions on how to fill in forms. Use the checklist on the last page of these instructions to keep track of the forms you use.

SPECIFIC INSTRUCTIONS

Take the following steps to obtain a no-fault divorce decree based on a separation of two years or longer (Section 3301(d) Divorce)**:**

Step 1. Starting the Action.

Complete the following forms (form numbers correspond to the checklist that appears at the end of these instructions):

Form 1.1, Notice to Defend

Form 1.2, Divorce Complaint

Form 1.3, Section 3301(d) Affidavit of Separation and form Counter Affidavit

Form 1.4, Social Security Information Sheet; and

Form 1.5, Divorce Information Sheet.

YOU MUST ATTACH A "NOTICE TO DEFEND" TO YOUR COMPLAINT. THE NOTICE TO DEFEND MUST BE PROVIDED IN ENGLISH AND SPANISH UNDER YORK COUNTY'S RULES OF CIVIL PROCEDURE, REGARDLESS OF YOUR OR YOUR SPOUSE'S PRIMARY LANGUAGE.

A. **Completing the Caption on the Notice to Defend (Form 1.1).**

1. The caption is the top part of the first page of the Notice to Defend and the first page of the Divorce Complaint. The names of the parties, the docket number (which will be assigned by the Prothonotary when the document is filed), the type of document and the court's name are contained in the caption.
2. You are "the Plaintiff" since you are filing this action. Print your full legal name, including middle initial, above the word "Plaintiff" in the caption of the Notice to Defend and the Complaint.
3. Your spouse is "the Defendant" (husband or wife). Print your spouse's full legal name, including middle initial, above the word "Defendant" in the caption of the Notice to Defend and the Complaint.

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 NOTICE TO DEFEND AND THE COMPLAINT. YOU MUST FILL IN THE DOCKET NUMBER IN THE CAPTION OF ALL FORMS THAT YOU FILE AFTER THE NOTICE TO DEFEND AND THE COMPLAINT.

B. **Completing the Caption on the Divorce Complaint (Form 1.2).**

Fill in the caption on the Divorce Complaint the same way you completed the caption on the Notice to Defend.

C. **Completing the numbered paragraphs of the Complaint (Form 1.2).**

1. Fill in your full legal name, including the middle initial, your full street address (number and street, route, box number, town, county, state and zip code), and the month and year you began living at this address, where indicated. If you receive your mail at a post office box, insert the P.O. Box address at the end of the paragraph as follows: "The Plaintiff's mailing address is: (insert full mailing address including P.O. Box number)."
2. Fill in your spouse's full legal name, including his/her middle initial, his/her full street address (number and street, route, box number, town, county, state and zip code), and the month and year your spouse began living at this address, where indicated. If your spouse receives his/her mail at a post office box, insert the P.O. Box address at the end of the paragraph as follows: "The Defendant's mailing address is: (insert full mailing address including P.O. Box number)."
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 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) and the city, county, and state (or foreign country) in which you were married.
5. If there has never been another divorce filed during the marriage, write the word "none." If there was an action filed in the past, write the docket number, the county in which the Divorce Complaint was filed, who filed the action, and what happened with the action (withdrawn, dismissed, etc.). If the action was not filed in Pennsylvania, also indicate the state or foreign country (if applicable) in which the action was filed.
6. There is nothing to complete in this paragraph. It is a statement claiming that your spouse is not a member of the Armed Forces of the United States of America or any of its Allies. This statement, like all others on these forms, must be true.

7. There is nothing to complete in this paragraph. It is a statement claiming that your marriage is irretrievably broken.
8. Fill in the date you and your spouse separated, where indicated.
9. There is nothing to complete in this paragraph. It states that counseling is available.
10. There is nothing to complete in this paragraph. It requests that a divorce decree be entered.

Sign and date. Sign and date the Complaint where indicated. Print your name, address, and telephone number under your signature.

D. **Completing the Section 3301(d) Affidavit of Separation and form Counter Affidavit (Form 1.3)**

1. Complete the caption. The docket number will be provided by the Prothonotary at the time of filing.
2. Fill in the date you and your spouse separated in Paragraph #1.
3. Sign and date the Affidavit and insert your telephone number, where indicated.
4. If you used the "fill-in" forms on a computer, the caption on the form Counter Affidavit should have been filled in automatically. If not, fill it in the same way you filled in the Section 3301(d) Affidavit of Separation.

E. **Completing the Social Security Information Sheet (Form 1.4).**

1. Fill in the blanks with the information requested. The docket number will be provided by the Prothonotary at the time of filing. If your spouse will not disclose his/her social security number, contact the office of the Prothonotary at (717) 771-9611 for guidance.
2. **The Court will not sign a Divorce Decree unless this form has been completed and filed.**

F. **Completing the Divorce Information Sheet (Form 1.5).**

1. Fill in the blanks with the information requested, except for the docket number and the "Date of Decree." The docket number will be provided by the Prothonotary at the time of filing. The Court will fill in the date of the decree when it issues your Divorce Decree.

2. **The Court will not sign a Divorce Decree unless this form has been completed and filed.**

G. **Completing the Entry of Appearance as a Self-Represented Party form.**

1. Complete the caption as you did on the other forms. In paragraph #1, print your name and indicate whether you are the plaintiff or the defendant in this case.
2. If you previously had an attorney in this case but are now choosing to represent yourself, you must complete one of the two parts of paragraph #2, then complete #3.
3. If you have never had an attorney in this case, then skip to paragraph #3 and complete your current mailing address and other requested information.
4. Sign and date the form.

Step 2. Filing the Initial Documents.

File the Notice to Defend, Complaint, Section 3301(d) Affidavit of Separation and form Counter Affidavit, Social Security Information Sheet, Divorce Information Sheet, and Entry of Appearance as a Self-Represented Party with the Prothonotary. The Prothonotary is the keeper of the civil court records. The Prothonotary's Office is located on the first floor of the York County Judicial Center.

NOTE: TO BE ABLE TO FILE FOR DIVORCE IN YORK COUNTY, YOU OR YOUR SPOUSE MUST LIVE IN YORK COUNTY.

A. Make 2 copies of the entire completed Notice to Defend, Complaint, Section 3301(d) Affidavit of Separation and form Counter Affidavit, and the Entry of Appearance. Make 1 copy of the Social Security Information Sheet & the Divorce Information Sheet.

B. Take the original & copies of the Notice to Defend, Complaint, Section 3301(d) Affidavit of Separation and form Counter Affidavit, Entry of Appearance, Social Security Information Sheet, and Divorce Information Sheet to the York County Prothonotary's Office located on the 1st floor of the Judicial Center along with the filing fee in cash, credit card, certified check, money order, travelers check payable to the Prothonotary of York County." The amount of the filing fee can be obtained by calling the Prothonotary's Office at (717) 771-9611.

C. The Prothonotary's staff will place a docket number on each form. The Prothonotary's staff will date-stamp each document and return the copies to you.

D. One of the date-stamped copies of each document is for you to keep for your records. One of the date-stamped copies of the Notice to Defend, one of the date-stamped

copies of the Complaint and one of the date-stamped copies of the Section 3301(d) Affidavit of Separation and form Counter Affidavit must be served on the Defendant (your spouse) within thirty days after the filing of the Complaint.

Step 3. Serving the Initial Documents.

You must complete "service" of the Notice to Defend, the Complaint, the Section 3301(d) Affidavit of Separation and form Counter Affidavit, and the Entry of Appearance form. "Service" means that the Defendant received the Notice to Defend, the Complaint, the Section 3301(d) Affidavit of Separation and form Counter Affidavit, and Entry of appearance form. Service must be made **within thirty days** after the filing of the Complaint. You must file a document with the court to prove that you completed service. Service can be accomplished in any one of the following ways:

A. **Acceptance of Service (use Form 3.1).** 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, the Complaint, the Section 3301(d) Affidavit of Separation and form Counter Affidavit, and Entry of Appearance to your spouse and have him/her, in the presence of a notary, sign, date, and return to you the Acceptance of Service Form (Form 3.1). Before sending the Acceptance of Service Form to your spouse, fill in the caption, including the docket number and the date that the Notice to Defend, the Complaint and the Section 3301(d) Affidavit of Separation and form Counter Affidavit were filed. Instruct your spouse to fill in the date he/she received the Notice to Defend, Complaint, Section 3301(d) Affidavit of Separation and form Counter Affidavit, Entry of Appearance, his/her mailing address and telephone number and to have his/her signature notarized. Once your spouse has returned the signed form to you, make a copy and take the original form and the copy to the Prothonotary's Office for filing. The Prothonotary's staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

B. **Service by Certified Mail (use Form 3.2).** Service of the Notice to Defend, the Complaint, and the Section 3301(d) Affidavit of Separation and form Counter Affidavit can be accomplished by sending the extra date-stamped copies of each to the Defendant **by 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, the Complaint and the Section 3301(d) Affidavit of Separation and form Counter Affidavit. To accomplish service by Certified Mail, do the following:

1. Prepare an envelope with your spouse's name and mailing address, using your own address as the return address.
2. Insert the date-stamped copies of the Notice to Defend, the Complaint and the Section 3301(d) Affidavit of Separation and form Counter Affidavit, and Entry of Appearance into the envelope and seal.
3. Print the words "Restricted Delivery" on the lower left hand corner of the envelope. It is best to do this with red ink.
5. 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."
6. The postal worker will help you complete the "green card" and attach it to your envelope.
7. The postal worker will provide you with a receipt after you have paid the fee for mailing. MAKE SURE YOU KEEP THIS RECEIPT. You will need to attach it to your Affidavit of Service by Certified Mail (See # 7, below).
8. When the green card is returned to you, completely fill out and sign the Affidavit of Service by Certified Mail (Form 3.2) and attach the receipt and the green card to it. Make a copy of the completed Affidavit of Service by Certified Mail and take the original and the copy to the Prothonotary's Office for filing. The Prothonotary's staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

C. **Personal Service (use Form 3.3).** Service can also be accomplished by an adult, other than you, personally handing the date-stamped copy of the Notice to Defend, the Complaint and the Section 3301(d) Affidavit of Separation and form Counter Affidavit to your spouse. The adult who handed the papers to your spouse must fill out and sign the Affidavit of Personal Service (Form 3.3) after you have filled in the caption and docket number on the Affidavit of Personal Service. Make a copy of the completed Affidavit of Personal Service and take the original and the copy to the

Prothonotary's Office for filing. The Prothonotary's staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

D. **Service by York County Sheriff.** The most certain way to ensure service is to pay the York County Sheriff's Office to serve the Notice to Defend, the Complaint and the Section 3301(d) Affidavit of Separation and form Counter Affidavit, and Entry of Appearance. Take the date-stamped copy of the Notice to Defend, the Complaint, and the Section 3301(d) Affidavit of Separation and form Counter Affidavit, and Entry of Appearance form to the Sheriff's Office located on the first floor of the York County Judicial Center. You will need to pay the Sheriff's fee in advance. After the Sheriff has served the forms, he/she will file his/her affidavit of service in the Prothonotary's Office and provide you with a copy for your records.
Note: It is your responsibility to make sure the Sheriff lists all three documents (the Complaint, the 3301(d) Affidavit of Separation and the form Counter Affidavit) in the Sheriff's affidavit of service.

Step 4. Establishing Grounds for Divorce.

Before the court will issue a decree in divorce, you must demonstrate that you meet the requirements of the Divorce Code. You can do this by completing, filing, and serving the Notice of Intention to Request Entry of a Divorce Decree (Form 4.1), form Counter-Affidavit Under §3301(d) of the Divorce Code,and form Proposed Praecipe to Transmit Record.

A. After at least twenty days have passed since your spouse was served with the Notice to Defend, the Complaint, and the Section 3301(d) Affidavit of Separation and form Counter Affidavit, you should complete, file, and serve the Notice of Intention to Request Entry of a Divorce Decree with form Counter-Affidavit Under §3301(d) of the Divorce Code and form Praecipe to Transmit the Record attached (Form 4.1).

B. **Page 1 of the Notice of Intention to Request Entry of a Divorce Decree with attached form Counter Affidavit and form Praecipe to Transmit (Form 4.1).** Fill in the caption on the Notice of Intention to Request Entry of a Divorce Decree. In the

first paragraph, insert a date that is at least twenty days after the date this notice will be delivered or mailed to your spouse.

C. **Pages 2 and 3 of the Notice of Intention to Request Entry of a Divorce Decree with attached form Counter Affidavit and form Praecipe to Transmit (Form 4.1).** Pages 2 and 3 are the "form Counter Affidavit." If you used the "fill-in" forms on a computer, the necessary information on these pages should have been filled in automatically. If not, fill in the caption on Page 2 the same way you filled in the caption on Page 1. Leave the rest of this page and all of Page 3 blank for your spouse to fill out.

D. **Page 4 of the Notice of Intention to Request Entry of a Divorce Decree with attached form Counter Affidavit and form Praecipe to Transmit (Form 4.1).**

1. Page 4 is the "form Praecipe to Transmit." If you used the "fill-in" forms on a computer, the necessary information in the caption should have been filled in automatically. If not, fill in the caption on this page the same way you filled in the caption on Page 1.
2. **Paragraph 2.** In the first blank, if the Complaint was served by certified mail, insert the date your spouse signed the green card; if the Complaint was served personally by another adult or by Sheriff, fill in the date the Complaint was delivered to your spouse; and if your spouse accepted service of the Complaint, then insert the date the Acceptance of Service was signed. In the second blank, if the Complaint was served by certified mail, print "Service by Certified Mail, Restricted Delivery, Return Receipt Requested"; if the Complaint was served personally by another adult or by a Sheriff, fill in the location of service, and the name of the person/Sheriff who served the Complaint; and if your spouse accepted service of the Complaint then print "Defendant accepted service of the Complaint by signing an Acceptance of Service."
3. **Paragraph 3.** Print the date you signed the Section 3301(d) Affidavit of Separation.

4. **Paragraph 4.** Print the date you filed the Section 3301(d) Affidavit of Separation with the Prothonotary's Office (the date stamped on the document by the Prothonotary) in the first blank and print the date you served your spouse with the Section 3301(d) Affidavit of Separation and form Counter Affidavit in the second blank.
5. **Paragraph 5.** You do not need to fill in this paragraph since it simply states that there are no related economic claims, such as alimony and equitable distribution pending before the court. Like all other statements you make in your documents, this statement must be true.
6. **Paragraph 6.** Do not fill in this paragraph, since you have not yet served this document on your spouse.
7. DO NOT DATE AND SIGN THIS PAGE AT THIS TIME.

E. **Filing.** Make two copies of the Notice of Intention to Request Entry of a Divorce Decree with attached form Counter-Affidavit Under §3301(d) and form Praecipe to Transmit the Record. Make another copy of the form Praecipe to Transmit the Record (Page 4) and set it aside. You will need it later in Step 5. Take the original and the copies of the Notice of Intention to Request Entry of a Divorce Decree with attached form Counter-Affidavit Under §3301(d) and form Praecipe to Transmit the Record to the Prothonotary's Office for filing. The Prothonotary's staff will date-stamp the original and the copies, keep the original and return the copies to you. One copy of each document is for you to keep for your records and one copy of each document is to be served (delivered) to your spouse.

F. **Service.** Service of the Notice of Intention to Request Entry of a Divorce Decree with attached form Counter-Affidavit Under §3301(d) of the Divorce Code and form Praecipe to Transmit the Record can be accomplished by any one of the following methods:

1. **Acceptance of Service (use Form 4.3a).** Service can be accomplished by your spouse signing and returning the Acceptance and Acknowledgment of Service Form (Form 4.3a). If this method is utilized, fill in the caption of the form, have your spouse fill out the remainder of the form, sign the

form in the presence of a notary and return it to you. Make a copy of the form, and take the original and the copy to the Prothonotary's Office. The Prothonotary's staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

2. **Service by mail (use Form 4.3b).** Service can be accomplished by mailing a copy of the Notice of Intention to Request Entry of a Divorce Decree, with attached form Counter-Affidavit Under §3301(d) of the Divorce Code and form Praecipe to Transmit Record to your spouse by regular first class mail. If this method is utilized, fill out the Certificate of Service by First Class Mail Form (Form 4.3b). Make a copy of the form, and take the original and the copy to the Prothonotary's Office. The Prothonotary's staff will date-stamp the original and copy, keep the original and return the copy to you for your records.
3. **Personal Service (use Form 4.3c).** Service can be accomplished by having an adult, other than yourself, personally deliver the Notice of Intention to Request Entry of a Divorce Decree, with attached form Counter-Affidavit Under §3301(d) of the Divorce Code and form Praecipe to Transmit Record to your spouse. If this method is utilized, fill in the caption of the Affidavit of Service Form (Form 4.3c), have the person who delivered the documents to your spouse fill in the remainder of the form and sign it. Make a copy of the form, and take the original and the copy to the Prothonotary's Office. The Prothonotary's staff will date-stamp the original and copy, keep the original and return the copy to you for your records.

Step 5. Finalizing the Divorce.

You must wait at least twenty days after service (delivery) of the Notice of Intention to Request Entry of a Divorce Decree with attached form Counter-Affidavit Under §3301(d) of the Divorce Code and form Praecipe to Transmit the Record before you can proceed to finalize your divorce as follows:

A. If your spouse files the "Counter-Affidavit" with the Prothonotary and indicates that he/she opposes the entry of the divorce decree and/or that he/she wishes to file economic claims, the divorce cannot be finalized until those issues are resolved. **In that event, you should immediately obtain an attorney to represent you in resolving these issues and finalizing your divorce.** In the alternative, if you decide to proceed without the recommended assistance of counsel, proceed to the York County Divorce Master's Website at www.yorkcountypa.gov/Divorce/forms.htm and follow the instructions for appointing a divorce master for the appropriate issue. **You can contact the Prothonotary's Office at (717) 771-9611 to see if your spouse filed a Counter-Affidavit. You should allow three days after the deadline for the filed document to be entered in the docket**.

B. If your spouse does not file the "Counter-Affidavit" with the Prothonotary by the date indicated on the Notice of Intention to Request Entry of a Divorce Decree or files the "Counter-Affidavit" with the indication that he/she does not oppose the entry of the divorce decree and does not wish to file economic claims, you can finalize your divorce by completing and filing a Praecipe to Transmit Record and two copies of the Rule 236 Notice of Decree in Divorce (Form 5.2).

Praecipe to Transmit Record (Form 5.1). You already filled in the form Praecipe to Transmit Record in Step 4. Start with the photocopy that you made of this form. Review the form to make sure that all of the information you filled in before is accurate, using the following checklist. If you do not still have the form from Step 4, you can make a new one using Form 5.1.**Paragraph 1.** You do not need to fill in this paragraph since it simply states that the ground for divorce is irretrievable breakdown (no-fault) under §3301(d) of the divorce code (two-year or more separation).

Paragraph 2. In the first blank, if the Complaint was served by certified mail, insert the date your spouse signed the green card; if the Complaint was served personally by another adult or by Sheriff, fill in the date the Complaint was

delivered to your spouse; and if your spouse accepted service of the Complaint, then insert the date the Acceptance of Service was signed. In the second blank, if the Complaint was served by certified mail, print "Service by Certified Mail, Restricted Delivery, Return Receipt Requested"; if the Complaint was served personally by another adult or by a Sheriff, fill in the location of service, and the name of the person/Sheriff who served the Complaint; and if your spouse accepted service of the Complaint then print "Defendant accepted service of the Complaint by signing an Acceptance of Service."

Paragraph 3. Print the date you signed the Section 3301(d) Affidavit of Separation.

Paragraph 4. Print the date you filed the Section 3301(d) Affidavit of Separation with the Prothonotary's Office (the date stamped on the document by the Prothonotary) in the first blank and print the date you served your spouse with the Section 3301(d) Affidavit of Separation and form Counter Affidavit in the second blank.

Paragraph 5. You do not need to fill in this paragraph since it simply states that there are no related economic claims, such as alimony and equitable distribution pending before the court. Like all other statements you make in your documents, this statement must be true.

Paragraph 6. Print the date on which you served the Notice of Intention to Request Entry of a Divorce Decree with attached form Counter-Affidavit Under §3301(d) of the Divorce Code, and form Praecipe to Transmit the Record on your spouse and attach a date-stamped copy of the Notice of Intention to the Praecipe to Transmit Record.

Sign and date. Sign and date the Praecipe to Transmit Record.

Rule 236 Notice of Decree in Divorce (Form 5.2).

Name and address. Fill in your spouse's name and correct mailing address in the blank lines in the upper left-hand corner of the form.

Docket number. Fill in the docket number in the blank after the word "No:" on the right side of the form.

Caption. Fill in the caption of the Rule 236 Notice of Decree in Divorce (Form 5.2) with the name of the plaintiff in the space after the word "RE," and the name of the defendant in the blank after the word "VS".

Signature Block. Fill in your name, address and telephone number in the "Attorney or Filing Party" spaces. DO NOT FILL IN ANY OF THE DATE SPACES BECAUSE THE PROTHONOTARY WILL FILL IN THESE SPACES WHEN THE DIVORCE DECREE IS FILED.

Make one copy of the Praecipe to Transmit Record and two copies of the Rule 236 Notice. Take the originals and copies of both documents to the Prothonotary's Office for filing along with two stamped envelopes, one addressed to your spouse and one addressed to yourself. The Prothonotary's Office will keep the envelopes and the original documents and one copy of the Rule 236 Notice and return the other date-stamped copies to you for your records.

The Prothonotary's Office will forward your file to the appropriate judge for review and signature.

If all documents have been filed and served correctly, you should receive your signed divorce decree promptly. Your spouse will receive a Rule 236 Notice that the divorce decree has been entered. Your spouse can obtain a certified copy of the decree from the Prothonotary for a fee. If everything was not prepared properly, you will receive correspondence from the reviewing judge detailing the deficiencies and what needs to be done to correct any errors.

Step 6 (optional). Resuming a prior surname (use Form 6.1).

At any time after the Complaint has been filed, the spouse that changed his/her name upon marriage may choose to resume his/her prior surname (last name) by filling out the Notice to Resume Prior Surname (Form 6.1), filing it with the Prothonotary's Office and paying a filing fee. The filing fee can be obtained by calling the Prothonotary's office at (717) 771-9611.

A. **Caption.** Fill out the caption with the names of the parties and the docket number of the divorce action.

B. **First line.** Check the appropriate box to show whether you were the Plaintiff or Defendant in the divorce action.

C. **Lines 3 and 4.** Check the box to show whether the divorce decree has been entered yet. If the decree has been entered, fill in the date of the decree in the blank after the word "dated" near the end of line 4.

D. **Date.** Fill in the date that you are signing the form.

E. **Signature block and Notary block**. Take the unsigned form to a Notary Public. In the presence of the notary, sign your name as it appears in the caption on the first line, and print that name underneath the signature. Sign your name as it will appear after it has been changed on the third line. The Notary Public will fill in the notary block and return the document to you. The Notary Public will charge a fee for this service. If you choose to sign the form in front of the Prothonotary instead of a Notary Public, you will need to provide proof of your prior surname.

F. **File the document.** Take the signed form to the Prothonotary's Office and pay the filing fee.

Packet D – Checklist

ALL FORMS MUST BE FILED WITH THE PROTHONOTARY

Step 1 Forms - Starting the Action:

1.1 ☐ Notice to Defend

1.2 ☐ Divorce Complaint

1.3 ☐ Affidavit of Separation under Section 3301(d) of the Divorce Code & Form Counter Affidavit

1.4 ☐ Social Security Information Sheet

1.5 ☐ Divorce Information Sheet

1.6 ☐ Entry of Appearance as a Self-Represented Party

Step 2 – Starting the Action - Filing and Paying:

☐ Pay Filing Fee

Step 3 Forms – Proof of Service Forms (only 1 form needed):

3.1 ☐ Acceptance of Service, **or**

3.2 ☐ Affidavit of Service by Certified Mail, **or**

3.3 ☐ Affidavit of Personal Service

Step 4 Forms – Establishing Grounds for Divorce:

4.1 ☐ Notice of Intention to Request Entry of §3301(d) Divorce Decree with attached form Counter-Affidavit under §3301(d) of the Divorce Code and proposed form to Transmit Record

Proof of Service Forms (only 1 form needed):

4.3a ☐ Acceptance and Acknowledgement of Service, **or**

4.3b ☐ Affidavit of Service by Mail, **or**

4.3c ☐ Affidavit of Service by Personal Service

Step 5 Forms – Finalizing the Divorce:

5.1 ☐ Praecipe to Transmit Record

5.2 ☐ Rule 236 Notice in Decree in Divorce (2 copies required)

Step 6 (Optional) Form – Resuming Prior Surname:

6.1 ☐ Notice to Resume Prior Surname (use only if a party desires to resume his/her prior last name)

☐ Payment of Filing Fee Required

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	:	**No.**
PLAINTIFF (Your Name)	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION – LAW**
DEFENDANT (Your Spouse's Name)		

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 or visitation 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 at the York County Judicial Center, 45 North George Street, York, Pennsylvania 17401.

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 OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

Lawyer Referral Service of the
York County Bar Association
York County Bar Center
137 East Market Street
York, Pennsylvania 17401
Telephone (717) 854-8755

AVISO PARA DEFENDER Y RECLAMAR DERECHOS

USTED HA SIDO DEMANDADO EN LA CORTE. Si desea defenderse de las quejas expuestas en las páginas siguientes, debe tomar acción con prontitud. Se le avisa que si no se defiende, el caso puede proceder sin usted y un decreto de divorcio o anulamiento puede ser emitido en su contra por la Corte. Una decisión puede también ser emitida en su contra por cualquier otra queja o compensación reclamados por el demandante en estos papeles. Usted puede perder dinero, o propiedades u otros derechos importantes para usted, incluyendo custodia o visitas de sus hijos.

Cuando la base para el divorcio es indignidades o rompimiento irreparable del matrimonio, usted puede solicitar consejo matrimonial Una lista de consejeros matrimoniales esta disponible en la oficina del Prothonotary, en la York County Judicial Center, 45 North George Street, York, Pennsylvania 17401.

SI USTED NO RECLAMA PENSIÓN ALIMENTICIA, PROPIEDAD MARITAL, HONORARIOS DE ABOGADO U OTROS GASTOS ANTES DE QUE EL DECRETO FINAL DE DIVORCIO O ANULAMIENTO SEA EMITIDO, USTED PUEDE PERDER EL DERECHO A RECLAMAR CUALQUIERA DE ELLOS.

USTED DEBE LLEVAR ESTE PAPEL A UN ABOGADO DE INMEDIATO. SI NO TIENE RECURSOS PARA PAGAR UN ABOGADO VAYA 0 LLAME A LA OFICINA INDICADA ABAJO PARA AVERIGUAR DONDE PUEDE OBTENER ASISTENCIA LEGAL.

Lawyer Referral Service of the
York County Bar Association
York County Bar Center
137 East Market Street
York, Pennsylvania 17401
Teléfono (717) 854-8755

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____ **No._____-FC-_____-02**

PLAINTIFF (Your Name)

VS. **ACTION IN DIVORCE**

_____ **CIVIL ACTION - LAW**

DEFENDANT (Your Spouse's Name)

COMPLAINT UNDER 3301(d) OF THE DIVORCE CODE

1. Plaintiff is _____, who currently resides at
(Your Complete Name)

_____ _____, _____ County,
(Street Address) (City) (Name of County)

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

2. Defendant is _____, who currently resides at
(Complete Name of Spouse)

_____ _____, _____ County,
(Street Address) (City) (Name of County)

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

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

4. The Plaintiff and Defendant were married on _____,
(Date of Marriage)

at _____.
(City, State, and Foreign Country, if applicable, where marriage took place)

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

_____.
(Docket Number of Prior Divorce/Annulment Action and Place of Filing of Prior Divorce/Annulment Action)

6. Defendant is not a member of the Armed Forces of the United States of America or any of Its Allies.

7. This marriage is irretrievable broken.

8. The parties to this action separated on _____ and have
(Date of Separation)

continued to live separate and apart for at least two (2) years.

9. 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.

10. Plaintiff requests the court 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 falsifications to authorities.

Date: _____

_____
Signature of Plaintiff

_____
Print Name

_____
Street Address

_____ _____ _____
City State Zip Code

_____
Telephone Number

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	**No._____-FC-_____-02**
PLAINTIFF (Your Name)	
VS.	**ACTION IN DIVORCE**
_____	**CIVIL ACTION - LAW**
DEFENDANT (Your Spouse's Name)	

NOTICE

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

AFFIDAVIT OF SEPARATION UNDER SECTION 3301(d) OF THE DIVORCE CODE

1. The parties to this action separated on _____ and have continued to
   (Date of Separation)

   live separate and apart for a period of at least two (2) years.

2. The marriage is irretrievable broken.

3. I understand that I may lose rights concerning alimony, division of property, lawyer's fees, or expenses if I do not claim them before a divorce is granted.

I verify that the statements made in this 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 falsifications to authorities.

Date: _____ Signature: _____

Print Name: _____

Telephone Number: _____

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____	:	**No. _____-FC-_____02**
PLAINTIFF	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION - LAW**
DEFENDANT		

COUNTER-AFFIDAVIT UNDER § 3301(d) OF THE DIVORCE CODE

1. Check either (a) **or** (b):

   ☐ (a) I do not oppose the entry of a divorce decree.

   ☐ (b) I oppose the entry of a divorce decree because (**Check (i), (ii), (iii) or all**):

   ☐ (i) The parties to this action have not lived separate and apart for a period of at least two years.

   ☐ (ii) The marriage is not irretrievably broken.

   ☐ (iii) There are economic claims pending.

2. Check either (a), (b) or (c):

   ☐ (a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees 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.

Date: _____ Signature of Defendant _____

Print Name _____

NOTICE: If you do not wish to oppose the entry of a divorce decree and you do not wish to make any claim for economic relief, you should not file this counter-affidavit.

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF YORK :

On the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

_____
Notary Public

SOCIAL SECURITY INFORMATION SHEET

PURSUANT TO 23 Pa.C.S.A. SECTION 4304.1(a)(3) ALL DIVORCES MUST INCLUDE THE PARTIES' SOCIAL SECURITY NUMBERS.

PLEASE FILL IN THE APPROPRIATE INFORMATION AND RETURN TO THE PROTHONOTARY'S OFFICE.

DATE: _____

DOCKET NUMBER: _____

PLAINTIFF / PETITIONER'S SS#: _____

NAME: _____

DEFENDANT / RESPONDENT'S SS#: _____

NAME: _____

DIVORCE INFORMATION SHEET

PURSUANT TO ACT 2001-82, VITAL STATISTIC FORMS ARE NOT REQUIRED BY THE STATE EFFECTIVE JANUARY 1, 2002. THE PROTHONOTARY IS REQUESTING THIS INFORMATION IN LIEU OF THE VITAL STATISTICS FORM.

PLEASE FILL IN THE APPROPRIATE INFORMATION AND RETURN TO THE PROTHONOTARY'S OFFICE.

DOCKET NUMBER: _____

PLAINTIFF'S NAME: _____

PLAINTIFF'S ADDRESS: _____

_____, _____, _____

DEFENDANT'S NAME: _____

DEFENDANT'S ADDRESS: _____

_____, _____, _____

DATE OF MARRIAGE: _____

DATE OF DECREE: _____

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____	:	Case No. _____
Plaintiff	:	
	:	Case Type: Custody ⊙ Divorce
v.	:	Paternity ( ) Support
	:	( ) Protection from Abuse
_____	:	( ) Other: _____
Defendant		

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

1. I, _____ (printed name), represent myself as the ◯ Plaintiff or ◯ Defendant in this case.

2. REMOVAL OR WITHDRAWAL OF COUNSEL OF RECORD (if applicable)

   ( ) Remove _____, Esq. as my attorney in this case.

   or

   ( ) Withdraw my appearance for the filing party in this case. My client has been provided with all orders requiring any action to be taken by the client. I hereby certify that this change is not intended to, nor will it, delay this proceeding to the best of my knowledge, information and belief.

   Printed Name: _____, Esq. Attorney ID No.: _____

   Signature: _____ Date Signed: _____

3. All pleadings and legal papers can be served on me at the address listed below:

   Address Line 1: _____

   Address Line 2: _____

   City, State, Zip: _____

   Telephone: _____ FAX: (_____)_____

   Email Address: _____

4. I understand that I have a continuing obligation to provide current contact information to the Court, to other self-represented parties, and to attorneys of record in this case.

   Signature: _____ Date Signed: _____

THE PARTY FILING THIS ENTRY OF APPEARANCE MUST PROVIDE NOTICE BY SENDING A COPY TO ALL PARTIES AND ATTORNEYS, INCLUDING ANY ATTORNEY REMOVED FROM THE CASE IN SECTION 2 ABOVE.

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	:	**No. _____-FC-_____-02**
PLAINTIFF	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION – LAW**
DEFENDANT		

ACCEPTANCE OF SERVICE

I, _____, accept service of the
(Name of Defendant)

Divorce Complaint, Affidavit of Separation, and form Counter Affidavit filed on _____.
(Date of Filing)

_____
Date of Receipt

_____
Signature of Defendant

_____
Mailing Address of Defendant

_____
City, State and Zip Code

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF YORK :

On the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

_____
Notary Public

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	:	**No. _____-FC-_____-02**
PLAINTIFF	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION – LAW**
DEFENDANT		

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

I, _____, hereby verify that
(Name of Plaintiff)

on _____ day of _____,20____, Defendant was served with a true and correct copy
(Date) (Month)

of the Divorce Complaint, Affidavit of Separation, and form Counter Affidavit by the following method:

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 (postal green card)
(Date) (Month)

signed by **Defendant** and the receipt from the Post Office are attached hereto.

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 falsifications to authorities.

_____ _____
Date Signature of Plaintiff

_____
Print Name

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	:	**No. _____-FC-_____-02**
PLAINTIFF	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION – LAW**
DEFENDANT		

AFFIDAVIT OF PERSONAL SERVICE

I, _____, hereby verify that
(Name of Person who Served Divorce Complaint and Affidavit of Separation)

on _____ day of _____,20____, Defendant was served with a true and correct copy
(Date) (Month)

of the Divorce Complaint, Affidavit of Separation, and form Counter Affidavit by the following method:

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:

_____
(Location of Service)

on the _____day of _____,20____, at _____ o'clock.
(Date) (Month) (Time)

(PERSONAL SERVICE CAN NOT BE MADE BY PLAINTIFF)

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 falsifications to authorities.

_____ _____
Date Signature of the Person Who Made Service

_____
Print Name

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____ **No._____-FC-_____-02**
PLAINTIFF (Your Name)

VS. **ACTION IN DIVORCE**

_____ **CIVIL ACTION - LAW**
DEFENDANT (Your Spouse's Name)

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

TO: DEFENDANT

You have been sued in an action for divorce. You have failed to answer the Complaint or file a Counter-Affidavit to the § 3301 (d) Affidavit. Therefore, on or after _____ the other party can request the
(Date Which Is At Least 20 Days From the Date of Service of This Notice)

court to enter a final Decree in Divorce.

If you do not filed with the Prothonotary of the court an Answer with your signature notarized or verified or a Counter-Affidavit by the above date, the court can enter a final Decree in Divorce. A Counter-Affidavit, which you may file with the Prothonotary of the court, is attached to this notice.

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date or the court may grant the divorce and you will lose forever the right to ask for economic relief. 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, 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 INFORMAITNO ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCE FEE OR NO FEE.

Lawyer Referral Service of the York County Bar Association
York County Bar Center
137 East Market Street
York, Pennsylvania 17401
Telephone (717) 854-8755

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

_____	:	**No. _____-FC-_____02**
PLAINTIFF	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION - LAW**
DEFENDANT		

COUNTER-AFFIDAVIT UNDER § 3301(d) OF THE DIVORCE CODE

1. Check either (a) **or** (b):

   ☐ (a) I do not oppose the entry of a divorce decree.

   ☐ (b) I oppose the entry of a divorce decree because (**Check (i), (ii), (iii) or all**):

   ☐ (i) The parties to this action have not lived separate and apart for a period of at least two years.

   ☐ (ii) The marriage is not irretrievably broken.

   ☐ (iii) There are economic claims pending.

2. Check either (a), (b) or (c):

   ☐ (a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees 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.

Date: _____ Signature of Defendant _____

Print Name _____

NOTICE: If you do not wish to oppose the entry of a divorce decree and you do not wish to make any claim for economic relief, you should not file this counter-affidavit.

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF YORK :

On the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

_____
Notary Public

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	:	**No. _____-FC-_____-02**
PLAINTIFF	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION – LAW**
DEFENDANT		

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a Divorce Decree:

1. Ground for divorce: irretrievable breakdown under §3301(d) of the Divorce Code.

2. Date and manner of service of Complaint: _____
(Date of Service)
_____.
(Manner of Service – must say "Acceptance of Service," "Certified Mail," "Personal Service," or "Service by Sheriff")

3. Date of execution of the Affidavit of Separation required by §3301(d) of the Divorce Code:
_____.
(Date of execution of Affidavit of Separation)

4. Date of filing of the Plaintiff's Affidavit of Separation with form Counter Affidavit attached and date it was served on the Defendant:
_____ and _____.
(Date of Filing of Affidavit of Separation) (Date of Service of Affidavit of Separation and form Counter Affidavit)

5. Related claims pending: No economic claims were raised by either party.

6. Date and manner of service of the Notice of Intention to Request Divorce Decree with form Counter Affidavit, and proposed Praecipe to Transmit the Record attached:
_____
(Date of Service)
_____.
(Manner of Service of Notice of Intention to Request Divorce Decree – See Item 2, above, for options)

Date: _____ _____
Signature of Party/Attorney filing this document

_____
Name of the Party or Attorney

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	:	**No. _____-FC-_____-02**
PLAINTIFF	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION – LAW**
DEFENDANT		

ACCEPTANCE AND ACKNOWLEDGMENT OF SERVICE

I, _____, Defendant in the above-
(Name of Defendant)

captioned proceeding accept and acknowledge service of the Notice of Intention to Request Entry of a Divorce Decree required by Pa.R.C.P. 1920.42(d) together with a form Counter Affidavit as required by Pa.R.C.P. 1920.42(a) with a copy of the proposed Praecipe to Transmit the Record attached as required by Pa.R.C.P. 1920.42(d).

Date: _____

_____
Signature of Defendant

_____
Print Name

_____
Street Address

_____
City, State and Zip Code

_____
Telephone Number

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF YORK :

On the _____ day of _____, 20____, before me, the undersigned officer, personally appeared _____ known to me (or satisfactorily proven) to be the person whose name is subscribed to the within document, and acknowledged that he/she executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

_____
Notary Public

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	:	**No. _____-FC-_____-02**
PLAINTIFF	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION – LAW**
DEFENDANT		

CERTIFICATE OF SERVICE BY FIRST CLASS MAIL

The undersigned hereby certifies that on this date, a true and correct copy of the Notice of Intention to Request Entry of a Divorce Decree required by Pa.R.C.P. 1920.42(d) together with a form Counter Affidavit as required by Pa.R.C.P. 1920.42(a) with a copy of the proposed Praecipe to Transmit the Record attached as required by Pa.R.C.P. 1920.42(d).were served by first class U.S. mail to the following:

_____
Name

_____
Street Address

_____
City, State and Zip Code

Date: _____ By: _____
Signature

_____
Print Name

_____
Street Address

_____
City, State and Zip Code

_____
Telephone Number

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	**No. _____-FC-_____-02**
PLAINTIFF	
VS.	**ACTION IN DIVORCE**
_____	**CIVIL ACTION – LAW**
DEFENDANT	

AFFIDAVIT OF PERSONAL SERVICE OF NOTICE OF INTENTION TO REQUEST ENTRY OF §3301(d) DIVORCE DECREE

I, _____, hereby verify that
(Name of Person who Served Notice of Intention to Request Entry of §3301(d) Divorce Decree)

on _____ day of _____, 20___, I served the Defendant with a true
(Date) (Month) (Year)

and correct copy of the Notice of Intention to Request a Divorce Decree required by Pa.R.C.P.1920.42(d) together with a form Counter Affidavit as required by Pa.R.C.P.1920.42(a) with a copy of the proposed Praecipe to Transmit the Record attached as required by Pa.R.C.P.1920.42(d) by the following method:

The Defendant was personally served with a true and correct copy of the above documents by hand-delivering the same to the Defendant. Personal service was made at the following location and time:

_____
(Address at which documents were presented to Defendant)

On the _____ day of _____, 20____, at _____ o'clock.

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 18Pa.C.S.§4904 relating to unsworn falsification to authorities.

Date: _____ _____
Signature of Person Who Made Service

_____
Print Name of Person Who Made Service

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	:	**No. _____-FC-_____-02**
PLAINTIFF	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION – LAW**
DEFENDANT		

PRAECIPE TO TRANSMIT RECORD

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of a Divorce Decree:

1. Ground for divorce: irretrievable breakdown under §3301(d) of the Divorce Code.

2. Date and manner of service of Complaint: _____
(Date of Service)
_____.
(Manner of Service – must say "Acceptance of Service," "Certified Mail," "Personal Service," or "Service by Sheriff")

3. Date of execution of the Affidavit of Separation required by §3301(d) of the Divorce Code:
_____.
(Date of execution of Affidavit of Separation)

4. Date of filing of the Plaintiff's Affidavit of Separation with form Counter Affidavit attached and date it was served on the Defendant:
_____ and _____.
(Date of Filing of Affidavit of Separation) (Date of Service of Affidavit of Separation and form Counter Affidavit)

5. Related claims pending: No economic claims were raised by either party.

6. Date and manner of service of the Notice of Intention to Request Divorce Decree with form Counter Affidavit, and proposed Praecipe to Transmit the Record attached:
_____
(Date of Service)
_____.
(Manner of Service of Notice of Intention to Request Divorce Decree – See Item 2, above, for options)

Date: _____ _____
Signature of Party/Attorney filing this document

_____
Name of the Party or Attorney

OFFICE OF THE PROTHONOTARY

Of York County

Pamela S. Lee
Prothonotary
2004 -

Billie Jo Bones
Chief Deputy

Gregory Gettle
Solicitor

York County Courthouse
28 East Market Street
York, Pennsylvania 17401
Telephone (717) 771-9611

_____

_____ Date: _____

_____

_____ No: _____

RE: _____, Plaintiff

VS: _____, Defendant

Notice is given that a Decree in Divorce in the above captioned matter has been entered against you on _____.

Pamela S. Lee
PROTHONOTARY OF YORK COUNTY

By: _____
Clerk or Deputy

If you have any questions concerning the above case, please contact:

_____
Attorney or Filing Party

_____

_____

_____

Phone # _____

(PA Rule of Civil Procedure 236, as revised)

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA
FAMILY LAW DIVISION

_____	:	**No. _____-FC-_____-02**
PLAINTIFF	:	
vs.	:	**ACTION IN DIVORCE**
	:	
_____	:	**CIVIL ACTION – LAW**
DEFENDANT		

NOTICE TO RESUME PRIOR SURNAME

Notice is hereby given that the ☐ Plaintiff / ☐ Defendant in the above matter, {select one by marking "X"}

☐ 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 provision of 54 P.S. 704.

Date: _____

_____
Signature

_____
Name

_____
Signature of name being resumed

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF YORK :

On the _____ day of _____, 20____, before me, the Prothonotary or a Notary Public, personally appeared the above affiant known to me (or satisfactorily proven) 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