

**GENERAL DIVORCE DOCUMENTS  
(No Property or Other Claims)**

***IT IS STRONGLY RECOMMENDED THAT YOU CONSULT AN  
ATTORNEY.  
THESE DOCUMENTS ARE \_\_\_\_\_ ONLY.***

**DISCLAIMER**

**THE STAFF IN ANY COURT OFFICE IN DELAWARE COUNTY IS UNABLE TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THIS PACKET IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENT, INCLUDING RELIANCE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE DELAWARE COUNTY LAWYER REFERRAL SERVICE AT (610) 565-6625**

## **DELAWARE COUNTY**

### **PRO SE DIVORCE - NO FAULT/CONSENSUAL/NO ECONOMIC CLAIMS**

This packet of information, instructions and convenience was developed so that you are permitted to file legal papers and represent yourself in court (pro se), **it is strongly recommended that you seek the advice of an attorney.**

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

#### **DEFINITIONS OF TERMS USED IN DIVORCE**

**PLAINTIFF** - - the person who starts a lawsuit

**DEFENDANT** - - the person who is being sued

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

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

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

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

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

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

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

#### **EXPLANATION OF FORMS USED IN DIVORCE ACTIONS**

**DIVORCE COMPLAINT** - - a legal document that sets out specific information about the

Plaintiff, the Defendant and the marriage. It also asks the court to grant a divorce. Your Complaint will be assigned a docket number by the Office of Judicial Support. This number must be used on any document either party files with the court which relates to the divorce.

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

**ACCEPTANCE OF SERVICE** - - a form that your spouse can sign indicating that he or she accepted service of the “Complaint” and “Notice to Defend and Claim Rights.” This is then filed with the Office of Judicial Support and becomes part of the official file.

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

**WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE**

**DECREE** - - a document that must be signed and filed in the Office of Judicial Support no earlier than ninety (90) days after the Complaint is SERVED. **BOTH PARTIES** must file this form waiving notice of a request for entry of the divorce decree.

**PRAECIPE TO TRANSMIT RECORD** - - a form that asks the Office of Judicial Support to send the file to the Court Administrator’s Office for assignment to a judge for review and entry of a Divorce Decree.

**DECREE** - - an Order from the court granting the divorce.

**GENERAL INFORMATION REGARDING DIVORCE**

In 1980, the Pennsylvania divorce law changed to allow a married couple to get a divorce without regard to fault. The law also allows for alimony and a fair division of marital property.

The law provides for No-Fault Divorces. Couples can now get a divorce without regard to fault. You need only show that the marriage is “irretrievably broken” - - which means that there are problems in the marriage and it is not likely that the couple will get back together. In some cases both parties must sign a written consent to the divorce.

THE TWO TYPES OF NO-FAULT DIVORCES IN PENNSYLVANIA ARE AS FOLLOWS:

1. **No-Fault Consent Divorce** - - A divorce that requires the consent of both husband and wife.

2. **Irretrievable breakdown** - - A divorce without your spouse consenting if you have lived separate and apart for two (2) years or more.

**NOT INCLUDED WITH THESE FORMS ARE THE DOCUMENTS NECESSARY TO FILE FOR CUSTODY, ALIMONY PENDENTE LITE, ALIMONY AND/OR EQUITABLE DISTRIBUTION OF MARITAL PROPERTY. THESE AREAS INVOLVE COMPLEX ISSUES. If you wish to file for custody, alimony pendente lite, alimony, and/or equitable distribution of marital property, you will be unable to do so using these forms and it is strongly recommended that you seek the advice of an attorney to be sure no critical economic rights are waived.**

**AGAIN, THIS INFORMATION IS PROVIDED ONLY FOR A NO-FAULT CONSENT DIVORCE WHEN NEITHER PARTY WISHES TO REQUEST CUSTODY, ALIMONY PENDENTE LITE, ALIMONY, OR THE EQUITABLE DISTRIBUTION OF MARITAL PROPERTY. THE INFORMATION AND FORMS ARE NOT FOR YOU IF ANY OF THE FOLLOWING PERTAIN TO YOU:**

1. If you have not been a resident of Pennsylvania for at least six (6) months.
2. If you want to request any kind of alimony.
3. If you have marital property that needs to be divided because you and your spouse cannot agree on how to split it up.
4. If you wish to request attorney's fees or court costs.
5. If your spouse is in the military service.
6. If you wish to pursue custody as part of the divorce. (However, a separate action for custody or visitation can be filed before or after a divorce case.)

### **GENERAL PROCEDURE**

1. The Complaint with the attached Notice to Defendant and Claim Rights should be taken to the Office of Judicial Support for filing (this will start the divorce action). The Office of Judicial Support is located on the first floor of the Delaware County Courthouse. The Office of Judicial Support charges a filing fee which must be paid at the time of filing of the complaint by cash, certified check, or money order (made payable to the Office of Judicial Support). The current fee may be obtained by calling the Office of Judicial Support or visiting [www.co.delaware.pa.us](http://www.co.delaware.pa.us). If you think that you cannot afford to pay the filing fee, you may file a Petition to Proceed in Forma Pauperis (IFP).
2. Affidavit of Service: to be filed with the Office of Judicial Support when service has been

made. Service means that your spouse has properly received the Divorce Complaint. (See pages 9-10).

3. Forms to be filed with the Office of Judicial Support together, **ninety (90)** days from date of service: **DO NOT SIGN, DATE OR FILE THE AFFIDAVITS OF CONSENT OR THE WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF DIVORCE DECREE BEFORE NINETY (90) DAYS HAVE ELAPSED FROM THE DATE OF SERVICE OF THE DIVORCE COMPLAINT.**
  - a. Praecipe to Transmit Record.
  - b. Decrees (Prepare three (3) proposed “Divorce Decrees”.)
  - c. Affidavit of Consent: each spouse must sign an Affidavit of Consent **no earlier than 90 days** after the Complaint is SERVED on the Defendant. Both Affidavits of Consent must be filed **within 30 days** after they are signed by the parties.
  - d. Waivers of Notice of Intention to Request Divorce Decree: each spouse must sign a Waiver **no earlier than 90 days** after the Divorce Complaint is served. Both Waivers of Notice of Intention to Request Divorce Decree must be filed **within 30 days** after they are signed by the parties.

## **INSTRUCTIONS**

### **INSTRUCTIONS FOR COMPLETING A DIVORCE COMPLAINT AND A NOTICE TO DEFENDANT AND CLAIM RIGHTS**

#### **A. Completing the Caption**

The caption is the top part of page one (1) of the Complaint and on each legal document required for the divorce. The names of the parties, the docket number, the type of Complaint, and the court’s name are found here.

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

The Defendant is your spouse (husband or wife). Fill in the Defendant’s full legal name, including middle initial, above the word “Defendant” in the Complaint and Notice to Defend and Claim Rights.

YOU MUST COMPLETE THE CAPTION ON EVERY FORM YOU FILE. THE DOCKET NUMBER WILL BE PROVIDED TO YOU BY THE OFFICE OF JUDICIAL SUPPORT WHEN YOU FILE THE COMPLAINT AND MUST BE INCLUDED IN EVERY CAPTION.

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

1. Fill in your full, legal name including middle initial and your full mailing address (street, number, route, box number, town, county, state and zip code).
2. Fill in the Defendant's full, legal name including the middle initial and the Defendant's full mailing address (street, number, route, box number, town, county, state and zip code).
3. There is nothing to complete in this paragraph. It is a statement claiming that you or your spouse have resided in Pennsylvania for at least six months before filing the divorce Complaint. This statement, like all others on these forms, **MUST BE TRUE**.
4. Fill in the complete date of your marriage (month, date and year).
5. If there has never been another divorce filed during this 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.).
6. Indicate if defendant is or is not in military service.
7. There is nothing to complete in this paragraph.
8. There is nothing to complete in this paragraph. It simply states that counseling is available.
9. There is nothing to complete in this paragraph. It simply requests a decree of divorce.
10. Sign the Complaint using your full, legal name and enter the date.

**INSTRUCTIONS FOR FILING THE COMPLAINT**

You will need to file the Divorce Complaint with the Notice to Defendant and Claim Rights attached to the front of the Divorce Complaint with the Delaware County Office of Judicial Support. You can file for your divorce in Delaware County if one of the following applies:

1. you live in Delaware County;
2. your spouse lives in Delaware County; or
3. you and your spouse agree in writing to file for Divorce in Delaware County. (You need to attach a statement to the complaint which reads: “The Plaintiff, your name, and the Defendant, your spouse’s name, agree that this Divorce action should be filed in Delaware County.” Both you and your spouse must sign and date the statement.)

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

Once you complete the Notice to Defendant and Claim Rights and the Complaint, you will have to make two (2) copies of the completed Notice to Defend and Claim Rights and two (2) copies of the Complaint. You must attach a Notice to Defend and Claim Rights to the front of each Complaint you have just completed. Be sure the caption on all copies of each form is completed.

You will then be ready to file your papers. Take all copies of the Complaint and Notice to Defend and Claim Rights (a total of three (3)) to the Delaware County Office of Judicial Support which is located on the first floor of the Delaware County Courthouse, 201 North Front Street, Media, PA. The Office of Judicial Support will put a docket number on each Notice to Defendant and Claim Rights and Complaint and will keep the original for filing. The Office of Judicial Support will date-stamp the documents and will return two (2) copies of the Complaint and Notice to Defendant and Claim Rights to you. Be sure the docket number is on each copy of the Notice to Defend and Claim Rights and the Complaint.

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

### **INSTRUCTIONS FOR SERVING THE DIVORCE COMPLAINT**

“Service” means that the Defendant received the Notice to Defend and Claim Rights and the Divorce Complaint. Service must be made within thirty (30) days of the filing of the Complaint. Service can be made in a number of ways.

1. **Personal service** - - this is accomplished by an adult, **other than you**, by personally handling the Notice to Defend and Claim Rights and the Complaint to the Defendant. The person who handed the papers to the Defendant must sign an Affidavit of Service which is included in the forms.
  
2. **Service by Certified Mail** - - This can be accomplished by sending a copy of the “Notice to Defendant and Claim Rights” and the “Divorce Complaint” to the Defendant **certified mail, return receipt requested, restricted delivery**. **The Defendant is the only person who is permitted to sign for the delivery of the Notice to Defend and Claim Rights and the Divorce Complaint.**
  1. Prepare an envelope with the other party’s name and address, using your own address as the return address.
  2. Print the words “Restricted Delivery” on the lower left hand corner of the envelope. It is best to do this with red ink.
  3. Take the envelope to the Post Office and tell the postal worker that you want to send it “**certified mail, return receipt requested, restricted delivery.**”
  4. Someone at the post office can help you complete the cards properly, but here are the instructions for your information:
    - a. Fill in the other party’s name and address on the backside of the green card. There are boxes on this side for you to check the type of delivery you want.
    - b. Check the box that indicates you want a return receipt and the box that indicates the item should be delivered **only** to the person named on the envelope.
    - c. Fill in your name and address on the reverse side so the green card will be returned to you after the other party has signed for the envelope.
    - d. There will also be a green and white paper slip that is numbered which you need to complete. Fill in the other party’s name and address.
  5. There is a list of blanks indicating fees for mailing. Someone at the post office will help you complete this part if you are not sure which costs apply.
  6. The reverse side of the green part of this slip will have adhesive on it. Wet it and

attach it to the top of the envelope allowing room for the postage. The number from this slip of paper will be filled in on the green card where indicated.

7. MAKE SURE YOU KEEP THE RECEIPT FROM THIS SLIP.
8. **WHEN YOUR GREEN CARD IS RETURNED TO YOU, YOU MUST ATTACH BOTH THE GREEN CARD AND THE WHITE SLIP TO A PIECE OF PAPER. THEN ATTACH THE PIECE OF PAPER TO THE COMPLETED 'AFFIDAVIT OF SERVICE' AND FILE IT WITH THE COURT. (See the instructions on completing the 'Affidavit of Service'.)**

**If the green card is not returned to you within two weeks, contact the post office where you mailed the envelope. Caution: if the complaint is not served within thirty (30) days from filing, you will have to reinstate the Complaint. If the other party does not sign for the envelope you should proceed with either of these alternative methods:**

9. **Acceptance of Service** - - if you are on cordial terms with your spouse, an easy alternative to formal service is to mail or hand-deliver the 'Notice to Defendant and Claim Rights' and the 'Divorce Complaint' to your spouse and have him or her complete the 'Acceptance of Service' form. If you are sending this by mail, send a self-addressed stamped envelope along with the packet. The only time you are permitted to hand-deliver the packet to your spouse is if you have him or her complete the 'Acceptance of Service' form. If you obtain the completed 'Acceptance of Service' form, file this with the Office of Judicial Support.
10. **Sheriff** - - The safest way to ensure that service is accomplished is to use the Delaware County Sheriff's Office. The Sheriff's Office is located on the first floor of the Delaware County Courthouse, 201 North Front Street, Media, PA 19063. You need to bring the copy of the 'Notice to Defend and Claim Rights' and the 'Divorce Complaint' to the Sheriff's Office. Acceptable forms of payment are cash, certified check, and money order.

### **INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF SERVICE**

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

1. **First Blank** - - If your spouse was served by certified mail, print your name. If your spouse was served personally, print the name of the person who handed the Notice to Defend and Claim Rights and the Complaint to your spouse. **A THIRD PARTY MUST PERSONALLY SERVE YOUR SPOUSE. YOU CANNOT PERSONALLY SERVE YOUR SPOUSE.**
2. **Second Blank** - - Fill in the date on which service was made (either the date your

spouse signed the green card or was handed the Notice to Defend and Claim Rights and the Complaint).

If you served your spouse by certified mail, check the first paragraph and fill in the date your spouse signed the green card. Then sign and date the Affidavit of Service. Be sure to put the “docket number” on the caption and write the same year that is on the Complaint. Staple the green card and receipt to a piece of plain paper and attach it to the Affidavit of Service. Take the Affidavit with attached paper to the Office of Judicial Support for filing.

If your spouse was personally served, check the second paragraph and fill in the location where your spouse was served, and the date and time of service. The person who made personal service must sign and date the Affidavit of Service. Take the Affidavit to the Office of Judicial Support for filing.

### **INSTRUCTIONS FOR COMPLETING THE AFFIDAVIT OF CONSENT**

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

- a. Make sure you complete the caption of each Affidavit of Consent.
- b. Paragraph 1 - - print the date on which the Complaint was filed on both Affidavits (the date the Office of Judicial Support stamped on your copy of the Complaint).
- c. Date and sign the form for Plaintiff with your full, legal name, including middle initial.
- d. The second Affidavit of Consent must be dated and signed by your spouse. Mail your spouse a copy of the Affidavit of Consent or contact him or her personally.
- e. YOU AND YOUR SPOUSE MUST FILE YOUR AFFIDAVITS OF CONSENT WITHIN THIRTY (30) DAYS AFTER THEY HAVE BEEN SIGNED. For example, you cannot sign your Affidavit of Consent one day and file it 45 days later.

File both Affidavits of Consent with the Office of Judicial Support within 30 days after they are signed and dated. Remember, when you file both Affidavits of Consent, you should also file both Waivers of Notice of Intention to Request Entry of a Divorce Decree, the Praecipe to Transmit Record and the Decrees.

**INSTRUCTIONS FOR COMPLETING THE WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE DECREE**

When you file your Affidavit of Consent forms, you must also file both copies of the “Waiver of Notice of Intention to Request Entry of a Divorce Decree.” One must be signed by you, and the other must be signed by your spouse.

- a. Make sure you complete the caption on each “Waiver”.
- b. Date and sign the form for Plaintiff with your full, legal name, including middle initial.
- c. The second “Waiver” must be dated and signed by your spouse. Mail your spouse a copy of the “Waiver” or contact him or her personally.

You should file both copies of the Waiver of Notice of Intention to Request Entry of a Divorce Decree at the same time that you file the Affidavits of Consent, the Praecepte to Transmit Record, and the Decrees.

**INSTRUCTIONS FOR COMPLETING THE PRAEPCIPE TO TRANSMIT RECORD**

Again, make sure you complete the caption.

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

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

Paragraph 3 – Print the date you signed the Affidavit of Consent in the first blank and the date your spouse signed the Affidavit of Consent in the second blank.

Paragraph 4 – Print the word “None”.

Paragraph 5 – Print the date on which you filed the Waiver of Notice of Intention to Request Entry of Divorce Decree for yourself. Print the date on which you filed the Waiver of Notice of Intention to Request Entry of Divorce Decree signed by your spouse.

Date and sign your full legal name.

After you complete the Praeipice to Transmit Record, file it in the Office of Judicial Support along with both Affidavits of Consent, both Waivers of Notice of Intention to Request Entry of Divorce Decree, and the Decrees.

### **INSTRUCTIONS FOR COMPLETING THE DIVORCE DECREES**

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

Do not fill in any dates in the first line.

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

Take the Divorce Decrees to the Office of Judicial Support along with the Praeipice to Transmit Record, Affidavits of Consent, and both Waiver of Notice of Intention to Request Divorce Decree.

The Office of Judicial Support will forward the file to the Court Administrator's Office for review and assignment to the Motion Judge for review and signature.

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

At any time after the divorce complaint is filed, you may chose to resume your maiden name. To do this you must go to the Delaware County Office of Judicial Support and file a statement indicating that you intend to resume your maiden name. The cost is \$21.50 which has to be paid in cash, certified check, or money order made payable to the Office of Judicial Support. The Office of Judicial Support will provide you with the form.

## **FORMS**

### **DIVORCE WHERE PARTIES CONSENT TO THE DIVORCE AND NO PROPERTY NEEDS TO BE DIVIDED**

***IT IS STRONGLY RECOMMENDED THAT YOU  
CONSULT AN ATTORNEY***

## **DISCLAIMER**

**THE SELF HELP CENTER STAFF AND THE STAFF AT ANY COURT OFFICE ARE UNABLE TO GIVE YOU LEGAL ADVICE. THE INFORMATION IN THE PACKETS IS NOT A SUBSTITUTE FOR PROFESSIONAL LEGAL ADVICE. THE COURT ASSUMES NO RESPONSIBILITY AND ACCEPTS NO LIABILITY FOR ACTIONS TAKEN BY USERS OF THESE DOCUMENTS, INCLUDING RELIABLE ON THEIR CONTENTS. IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE DELAWARE COUNTY REFERRAL SERVICE AT 610-566-6625.**

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN 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 action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by an attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children

When the grounds for 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 Judicial Support at the Delaware County Courthouse, Media, Pennsylvania.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, COUNSEL FEES OR EXPENSES BEFORE THE FINAL DECREE OF DIVORCE OR ANNULMENT IS ENTERED, 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 REFERENCE SERVICE**

Delaware County Bar Association  
 Front & Lemon Streets  
 Media, PA 19063  
 (610) 566-6625

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Delaware County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least seventy-two (72) hours prior

to any hearing or business before the Court. You must attend the scheduled conference or hearing.

**COUNSELING NOTICE UNDER Pa.R.C.P. 1920.45(a)**

The Divorce Code of Pennsylvania required that you be notified of the availability of counseling where divorce is sought under any of the following grounds:

- Section 3301(a)(6) - Indignities
- Section 3301(c) - Irretrievable breakdown  
Mutual Consent
- Section 3301(d) - Irretrievable breakdown  
Two year separation where the Court determines that there is no reasonable prospect of reconciliation.

A list of qualified professionals is available for inspection in the Office of Judicial Support, Delaware County Courthouse, Front Street & Veterans Square, Media, Pennsylvania

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**Plaintiff (your name)**

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN DIVORCE

**COMPLAINT**

1. Plaintiff, \_\_\_\_\_, who currently resides at  
 (Your Complete Name)  
 \_\_\_\_\_, \_\_\_\_\_, County, Pennsylvania,  
 (Your Street Address and City) (Name of County)  
 \_\_\_\_\_.  
 Zip Code

2. Defendant, \_\_\_\_\_, who currently resides at  
 (Complete name of spouse)  
 \_\_\_\_\_, \_\_\_\_\_ County,  
 (Your Street Address and City) (Name of County)  
 Pennsylvania \_\_\_\_\_.  
 (Zip Code)

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

4. Plaintiff and Defendant were married on \_\_\_\_\_.

5. There have been no prior actions of divorce or for annulment between the parties except \_\_\_\_\_.  
 (Docket Number of Prior Divorce/Annulment Action)

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

7. This marriage is irretrievably broken.

8. 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.

9. 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 falsifications to authorities

**COUNT I - DIVORCE**  
**NO-FAULT DIVORCE UNDER SECTIONS 3301(c) AND 3301(d) OF**  
**THE DIVORCE CODE - IRRETRIEVABLE BREAKDOWN**

10. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

11. There has been an irretrievable breakdown of the marriage relationship of the parties within the meaning of The Divorce Code, 1990, Dec. 19. P.L.1240, No. 206, Section 2. (23 Pa. C.S.A. 3101 et seq).

WHEREFORE, Plaintiff requests your Honorable Court to enter a Decree in Divorce, divorcing Plaintiff and Defendant from the bonds of matrimony contracted absolutely.

DATE: \_\_\_\_\_

\_\_\_\_\_  
**Signature of Plaintiff**

**VERIFICATION**

I, \_\_\_\_\_, verify that the statements made in this \_\_\_\_\_  
Divorce Complaint \_\_\_\_\_ are true and correct. I understand that false statements herein  
are made subject to the penalties of 18 Pa. C.S.A. §4909 relating to unsworn falsification to  
authorities.

\_\_\_\_\_  
(Your Name)

Date: \_\_\_\_\_

Plaintiff (Your name) : IN THE COURT OF COMMON PLEAS  
 : DELAWARE COUNTY, PA  
 :  
 :  
 v. : NO.  
 :  
 Defendant (your spouses's name) : IN DIVORCE

AFFIDAVIT OF SERVICE

Plaintiff in the above captioned matter, being duly sworn, deposes and says:

1. That a copy of the Complaint in this case was mailed to the Defendant, \_\_\_\_\_, Certified Mail, Return Receipt, Restricted (Defendant's name) Delivery, at his address: \_\_\_\_\_ (Defendant's Address) pursuant to the Rules of Civil Procedure 1920.4(a)(ii).
2. That the Deponent received the return receipt signed by the Defendant, \_\_\_\_\_, on \_\_\_\_\_. (Defendant's Name) (Date received)
3. That the signature of the Defendant was certified by the Plaintiff, \_\_\_\_\_ (Plaintiff's name)
4. That a copy of the return receipt is attached to this Affidavit.

\_\_\_\_\_  
Signature of Plaintiff

Sworn to and Subscribed to before  
 me this            Day of            200\_.

\_\_\_\_\_  
Notary Public

**AFFIDAVIT OF SIGNATURE**

**COMMONWEALTH OF PENNSYLVANIA** :

**COUNTY OF DELAWARE** :

\_\_\_\_\_, Plaintiff in the within-captioned matter, being duly sworn  
(Your Name)  
according to law, deposes and says that from having seen the signature of the Defendant,  
\_\_\_\_\_, on several occasions, she is fully familiar with the  
(Defendant's Name)  
handwriting and signature of \_\_\_\_\_ and that the signature on the  
(Defendant's Name)  
return receipt card is the handwriting and signature of the said \_\_\_\_\_.  
(Defendant's Name)

\_\_\_\_\_  
Signature of Plaintiff

Sworn to and Subscribed before  
me this        Day of        , 200\_.

\_\_\_\_\_  
Notary Public

My commission expires:

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN DIVORCE

**AFFIDAVIT IN SUPPORT OF SERVICE BY THIRD PARTY**

\_\_\_\_\_, Plaintiff in the above captioned matter, being duly  
(Your Name)

sworn, deposes and says:

1. That a copy of the Divorce Complaint in this case was served personally on the Defendant,

\_\_\_\_\_, by personal service by \_\_\_\_\_, at:  
(Defendant's Name) (Name of Third Party)

\_\_\_\_\_,  
(Address of where Defendant was served)

pursuant to the Rules of Civil Procedure 1920.4(a)(ii).

2. That a copy of the Affidavit of Service is attached to this Affidavit.

\_\_\_\_\_  
Signature of Plaintiff

Sworn to and Subscribed to before me this  
day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public

Plaintiff (Your name) : IN THE COURT OF COMMON PLEAS  
: DELAWARE COUNTY, PA  
:  
:  
v. : NO.  
:  
Defendant (your spouses's name) : IN DIVORCE

**ACCEPTANCE OF SERVICE**

I, \_\_\_\_\_, accepted service of the Complaint in Divorce on the  
(Defendant's name)  
\_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, the Complaint being filed on \_\_\_\_\_.  
(Date of filing of Complaint)

---

Defendant's Signature

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
v.	:	NO.
	:	
Defendant (your spouses' s name)	:	IN DIVORCE

**AFFIDAVIT OF CONSENT**

1. A Complaint in Divorce under Section 3301(c) of the Divorce Code of 1990 was filed on \_\_\_\_\_.  
 (Date Complaint was filed)

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

3. I consent to the entry of a final decree in divorce after service of the Notice of Intent to the entry of a Divorce Decree.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Plaintiff

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN DIVORCE

**AFFIDAVIT OF CONSENT**

1. A Complaint in Divorce under Section 3301(c) of the Divorce Code of 1990 was filed on \_\_\_\_\_.  
 (Date Complaint was filed)

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

3. I consent to the entry of a final decree in divorce after service of the Notice of Intent to the entry of a Divorce Decree.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of Defendant

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN DIVORCE

**WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY  
OF A DIVORCE DECREE UNDER §3301(c) OF THE DIVORCE CODE**

1. I consent to the entry of a final decree of divorce without notice.
2. 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.
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 with the Office of Judicial Support..

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.

\_\_\_\_\_  
Signature of Plaintiff

DATE: \_\_\_\_\_

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN DIVORCE

**WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY  
OF A DIVORCE DECREE UNDER §3301(c) OF THE DIVORCE CODE**

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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 with the Office of Judicial Support.

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.

---

Signature of Defendant

DATE: \_\_\_\_\_

Plaintiff (Your name) : IN THE COURT OF COMMON PLEAS  
 : DELAWARE COUNTY, PA  
 :  
 v. : NO.  
 :  
 Defendant (your spouses's name) : IN DIVORCE

**PRAECIPE TO TRANSMIT RECORD**

**TO THE OFFICE OF JUDICIAL SUPPORT:**

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

1. Ground for Divorce: Irretrievable Breakdown under Section 3301(c) of the Divorce Code.

2. Date and manner of service of the Complaint: \_\_\_\_\_  
 \_\_\_\_\_,

is attached hereto as Exhibit "A".

3. Date of execution of the Affidavit Under Section 3301(c) of the Divorce Code by Plaintiff, \_\_\_\_\_; by Defendant, \_\_\_\_\_. Time-stamped copies are attached hereto as Exhibit "B".

4. Related claims pending: None.

5. The parties have executed Waiver of Notice Requirements, time-stamped copies of which are attached hereto and marked as Exhibit "C".

**By:** \_\_\_\_\_  
**(Signature of Plaintiff)**



Plaintiff (Your name) : IN THE COURT OF COMMON PLEAS  
: DELAWARE COUNTY, PA  
:  
v. : NO.  
:  
Defendant (your spouses's name) : IN DIVORCE

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, Plaintiff, hereby certify that a true and correct copy of the Praecipe to Transmit and accompanying documents was served on the date below, via U.S. First Class Mail, to the following:

Name and Address for Defendant

Signature of Plaintiff By: \_\_\_\_\_

Finalize Divorce: (3301c - affidavits/waivers signed)

1. Praecipe to Transmit Record  
Attach:
  - Exhibit "A" – Affidavit of Service
  - Exhibit "B" - Affidavit's of Consent
  - Exhibit "C" – Waiver of Notice if applicable from both parties.
  
2. If no waiver signed –
  - Send defendant Notice of intent to File  
(certified if pro se)  
along with Copy of Notice, Praecipe and Decree  
**20 days after** – file the Praecipe to Transmit, etc.
  
3. Certification of Service - Affidavit of Service
  
4. Call the Office of Judicial Support for filing fee
  
5. Three copies
  
6. Decree

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN DIVORCE

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

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

1. The parties to this action separated on \_\_\_\_\_ and have continued to live separate and apart for a period of at least two years.
2. The marriage is irretrievably 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.
4. 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. Section 4904 relating to unsworn falsification to authorities.

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Signature of Plaintiff**

Plaintiff (Your name) : IN THE COURT OF COMMON PLEAS  
 : DELAWARE COUNTY, PA  
 :  
 v. : NO.  
 :  
 Defendant (your spouses's name) : IN DIVORCE

**COUNTER-AFFIDAVIT UNDER SECTION 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) or both:

(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. [ ]

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

(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.

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

**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.**

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN DIVORCE

**AFFIDAVIT IN SUPPORT OF SERVICE OF PLAINTIFF'S 3301(d) AFFIDAVIT**

I, \_\_\_\_\_, Plaintiff, hereby certify that on \_\_\_\_\_, a  
(Date of Service)  
copy of the Plaintiff's Affidavit Under Section 3301(d) of the Divorce Code as filed with the court  
was sent by first class mail to Defendant as addressed as follows. A copy of said transmittal letter  
is attached hereto.

Defendant's name and address

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN DIVORCE

**WAIVER OF NOTICE TO FILE PRAECIPE TO TRANSMIT**

\_\_\_\_\_, Plaintiff, and \_\_\_\_\_, Defendant, hereby waives his and her right, pursuant to Pa.R.C.P. 1920.42; Pa.R.C.P. 1920.73, to notice of a party's intent to file a Praecipe to Transmit the Record. By so waiving his or her right to notice, each party hereby acknowledges and agrees that either may submit the appropriate documentation and a Praecipe to Transmit and the Court may issue a divorce decree without further notice.

\_\_\_\_\_  
Signature of Plaintiff

\_\_\_\_\_  
Signature of Defendant

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN DIVORCE

**AFFIDAVIT UNDER SOLDIERS' AND SAILORS'  
CIVIL RELIEF ACT OF 1940 AS AMENDED**

STATE OF PENNSYLVANIA	)	
	)	SS:
COUNTY OF DELAWARE	)	

\_\_\_\_\_, Plaintiff, being duly sworn according to law deposes and says that the above named, \_\_\_\_\_, Plaintiff, is not in the military service of the United States of America as defined by the Soldiers' and Sailors' Civil Relief Act of 1940 as amended; that said plaintiff is over 21 years of age \_\_\_\_\_ years of age and is sui juris.

\_\_\_\_\_  
**Signature of Plaintiff**

Plaintiff (Your name)	:	IN THE COURT OF COMMON PLEAS
	:	DELAWARE COUNTY, PA
	:	
v.	:	NO.
	:	
Defendant (your spouses's name)	:	IN DIVORCE

**PRAECIPE TO TRANSMIT RECORD**

**TO THE OFFICE OF JUDICIAL SUPPORT:**

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

1. Ground for Divorce: Irretrievable Breakdown under Section 3301(d) of the Divorce Code.

2. Date and manner of service of the Complaint: \_\_\_\_\_ on DATE, 200\_\_\_. A true and correct copy of the Affidavit of Service is attached hereto as Exhibit "A".

3(a) Date of execution of the Affidavit Under Section 3301(d) of the Divorce Code by Plaintiff, DATE, 200\_\_ and filed with the Court on DATE, 200\_\_. A time-stamped copy is attached hereto as Exhibit "B".

(b) Date of Service of Affidavit upon Defendant is DATE, 200\_\_, a copy of the Certificate of Service is attached hereto as Exhibit "C".

4. Related claims pending:

5. Date and manner or service of Notice of Intention to File Praecipe to Transmit Record, a copy of which is attached as Exhibit "D" and incorporated herein as if set forth in full, was served

on Defendant at Defendant's last known address on DATE, 2003.

**By:** \_\_\_\_\_  
**Signature of Plaintiff**

Praecipe to Transmit - 3301d

1. Praecipe to Transmit
  - Exhibit "A" - Acceptance of Service
  - Exhibit "B" - Time-stamped copy of Affidavit
  - Exhibit "C" - Certificate of Service of Affidavit
  - Exhibit "D" - Time-Stamped copy Notice of Intent
2. Certificate of service of Praecipe and all documents
3. Soldiers' and Sailors' Act

Call the Office of Judicial Support for filing fee

Decree

Original and two copies