

# *County of Susquehanna*

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Self-Help/Pro-Se Packet

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## **DIVORCE PACKET**

This packet is to be used to obtain a simple no-fault Divorce Decree in Susquehanna County.

If you wish to pursue a divorce on fault grounds, or if you wish to make claims for equitable distribution of marital property, alimony, costs and expenses, and other economic claims, you cannot use these forms to obtain a divorce and are strongly encouraged to seek legal assistance from a licensed attorney.

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### **DISCLAIMER**

Court and Prothonotary's Office staff are not able to give you legal advice or help you fill out/complete these forms. 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 documents, including reliance on their contents. Even if you fully complete and submit these forms, this does not mean that the court will decide the case in your favor. If you want to obtain the services of an attorney but do not know whom to contact, please call North Penn Legal Services (570) 265-6127. A list of Attorneys Practicing in Susquehanna County Available for Consultation can be obtained by inquiring with the Prothonotary.

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## Introduction

A divorce is a way to legally end your marriage. Although a divorce is usually obtained through the assistance of an attorney, these forms may be used to obtain a simple no-fault divorce in Susquehanna County without an attorney. It is recommended, however, that you speak to an attorney so that you may be advised of your legal rights. If you choose to represent yourself (proceed *pro se*), you will be held to the same standards as those required for attorneys, and you must follow all local and state Rules and Procedures.

**Please remember that Court and Prothonotary staff cannot give you legal advice and cannot fill out the forms for you. Please read all directions carefully before proceeding.**

### Types of Divorce

No-Fault. There are two types of no-fault divorce in Pennsylvania:

1. No-Fault Consent Divorce under Section 3301(c) of the Divorce Code. A divorce under Section 3301(c) of the Divorce Code **requires the consent of both parties**. After filing and serving the Divorce Complaint, both parties must wait a **minimum of 90 days** before completing the divorce.
2. Irretrievable Breakdown under Section 3301(d) of the Divorce Code. A divorce under Section 3301(d) of the Divorce Code **does not require the consent** of the other party. However, the parties **must be separated** for at least one year (for separation that began **on or after** December 5, 2016) or two (2) years (if separation began **before** December 5, 2016) before a divorce can be obtained. Being separated for one or two years means that the parties must have lived separate and apart for at least one or two years. There are limited exceptions to the general rule where the parties may continue to reside together, but are living "separate and apart." For more information, consult an attorney.

Fault. A party may also obtain a divorce based on "fault" grounds, by proving that the other party did something wrong. **The forms in this packet cannot be used for a fault divorce** and you must obtain the assistance of an attorney to pursue a fault divorce.

### Who May File

If either party has been a **resident** of Pennsylvania **for at least six (6) months** prior to filing the Divorce Complaint, then you may file for a divorce in Pennsylvania. Venue in Susquehanna County (or the ability to bring the action in Susquehanna County) is proper if 1) at least one party resides in Susquehanna County, or 2) both parties consent to venue in Susquehanna County.

### How Much Does It Cost

There is a filing fee associated with obtaining a divorce. Contact the Prothonotary's Office for information about filing fees. If you cannot afford to pay the filing fee, you may ask the Court to be excused from paying by filing a petition to proceed *In Forma Pauperis* (IFP). The In Forma Pauperis Packet can be obtained in the Prothonotary's Office in the Self-Help Forms/Pro-Se area.

## Economic Issues



Equitable Distribution. Upon the dissolution of a marriage, all marital property must be divided between the spouses. This division of the property is called equitable distribution, and can be done either by an independent agreement between the parties, or by the assistance of the Court. **IF YOU REQUIRE THE COURT'S INTERVENTION IN DIVIDING MARITAL PROPERTY, THEN YOU CANNOT USE THESE FORMS TO OBTAIN A DIVORCE, AND YOU ARE STRONGLY ENCOURAGED TO SEEK LEGAL COUNSEL.**

Spousal Support and APL. The amount for spousal support and alimony pendente lite (APL) is set according to each spouse's respective ability to provide support under State guidelines. Spousal support is support received by one spouse during the marriage. APL is support paid by one spouse to the other **during** the divorce proceedings, and terminates when all claims in the divorce are finalized. The purpose of APL is to give the dependent spouse the opportunity to litigate a divorce on equal grounds with the other spouse. Spousal Support and APL cannot be awarded at the same time. **If you wish to seek APL, you must have a divorce action filed. The APL petition must be filed in the Court where the divorce action was filed. This packet includes a petition for APL. Please refer to the enclosed instructions.**

Alimony. Alimony is money paid by one ex-spouse to the other *after* the Divorce Decree is granted. **If you wish to seek Alimony, then you may not use these forms to obtain a divorce, and you are strongly encouraged to seek legal assistance.**

## Rules for Reference

State Rules pertaining to divorce can be found in the Pennsylvania Rules of Civil Procedure (Pa.R.C.P), specifically Rule No. 1920.1 through Rule No. 1920.92 at:  
<https://www.pacode.com/secure/data/231/chapter1920/chap1920toc.html>

State Rules pertaining to domestic relations matters generally can be found in the Pennsylvania Rules of Civil Procedure, specifically Rule No. 1930.1 through 1930.9, and Rule No. 1931 at: <https://www.pacode.com/secure/data/231/chapter1930/chap1930toc.html>



## **Procedure for filing a simple no-fault divorce under Section 3301(c) of the Divorce Code, if both parties consent to the divorce.**

### **STEP ONE: Notice to Defend and Claim Rights, Complaint, and Verification.**

A divorce case is started with the filing of a Notice to Defend and Claim Rights, Complaint for Divorce, and Verification, all of which can be found in Form #1. Form #1 and all documents filed in your case must be filed in the Prothonotary's Office along with at least two completed copies. Upon filing, the Prothonotary will assign a case number to your case, and you must include this case number on all future filings. You must pay the Prothonotary a filing fee; however, if you cannot afford to pay the filing fee, you may ask the Court to be excused from paying the filing fee by filing an In Forma Pauperis Petition. Reference the In Forma Pauperis Packet for information on how to be excused from paying the filing fee. You must file the completed original Form #1, **plus two** completed copies of Form #1, in the Prothonotary's Office. The Prothonotary will timestamp the original and copies, and will retain the original and will return the two copies to you; one for you to keep and one for you to serve upon the Defendant. **Complete Form #1 in its entirety. If information is omitted or wrong, the Court cannot proceed with your divorce, and Form #1 will need to be re-executed and re-served.** Reference Pa.R.C.P. 1920.12. *(For all forms, you, as the filing party, are the "Plaintiff" and your spouse is the "Defendant.")*

**Form #1, Page 1** - Fill in Plaintiff and Defendant lines but leave Case No. space blank (the Prothonotary's Office will give you a docket number). Fill in full name and address of your spouse.

#### **Form #1, Page 2:**

1. Under Paragraph 1, include **your name** and **your address** and circle "**3301(c)**".
2. Under Paragraph 2, include your **spouse's name** and your **spouse's address**, including county.
3. Under Paragraph 4, include your **date of marriage**, and **city, county** and **state** of marriage.
4. Under Paragraph 5, circle "(have not)" if there have been **no prior actions** of divorce or for annulment **between the parties**. Circle "(have)" if there **have been prior actions** of divorce or for annulment, and provide information regarding the Court, Case Number, and its relationship to this action in the space provided.
5. Under Paragraph 7, include the **date of separation** of the parties.
6. Sign and date both the Complaint and the Verification.

Entry of Appearance of Self-Represented Party. You must complete Form #18, the Entry of Appearance of Self-Represented Party, and file it **when you file** the completed Form #1. Reference Pa.R.C.P. 1930.8.

### **STEP TWO: Service of the Complaint (Getting a timestamped copy to your spouse)**

How to Serve the Complaint. You must serve a timestamped copy (meaning a copy timestamped by the Prothonotary) of the completed Form #1 (Notice to Defend and Claim Rights, Complaint for Divorce, and Verification) on your spouse. This may be done in one of three ways:

1. Personal Service – an adult, other than you, personally hands the timestamped copy of Form #1 to the Defendant. The person who hands the papers to the Defendant must sign a completed Affidavit of Service, Form #2a.



2. Acceptance of Service – the Defendant may complete and sign Form #2b stating that he/she personally accepts service of Form #1.
3. Service by Certified Mail – a timestamped copy of Form #1 may be mailed to the Defendant by certified mail, return receipt requested, restricted delivery. When you receive the signed green card back from the Post Office, complete Form #2c and attach the signed green card.

Timing. A timestamped copy of Form #1 (Notice to Defend and Claim Rights, Complaint for Divorce, and Verification) must be served upon your spouse **within thirty (30) days** after the filing of Form #1 if the Defendant resides in Pennsylvania and within ninety (90) days after the filing of Form #1 if the Defendant resides outside Pennsylvania. Reference Pa.R.C.P. 1930.4(e) and Pa.R.C.P. 1930.4(f). File the completed proof of service (Form #2a, 2b, or 2c).

Reinstatement. If service is not timely completed, the Complaint must be reinstated by filing a Praecipe to Reinstate Complaint in the Prothonotary's Office (Form # 19), having your original and copies of Form #1 stamped as reinstated, and then serving the reinstated copy of Form #1 upon your spouse within thirty (30) days if the Defendant resides in Pennsylvania and within ninety (90) days if the Defendant resides outside Pennsylvania, in accordance with Pa.R.C.P. 1930.4(g). There is a small fee associated with filing the Praecipe, and you will need to supply the Prothonotary with your copies of Form #1 to be reinstated when you file the Praecipe. If you are requesting reinstatement by mail, you will also need to include a self-addressed and stamped envelope for the return of your reinstated copies.

### **STEP THREE: Wait at least ninety (90) Days.**

The Pennsylvania Rules of Civil Procedure require both parties to wait at least ninety (90) days from the date of service of the Complaint before any more documents can be signed and filed.

### **STEP FOUR: Affidavit of Consent and Waiver of Notice of Intention to Request Entry of Divorce Decree.**

The Forms. After ninety (90) days have passed from the date the Complaint was served upon the other spouse **and both parties agree** to the divorce, both parties must sign, date, and file an Affidavit of Consent (Form #3) and Waiver of Notice of Intention to Request Entry of Divorce Decree (Form #4). Complete the caption exactly as it appears on the Complaint, including the docket number. Reference Pa.R.C.P. 1920.72(b) and Pa.R.C.P. 1920.72(c).

Timing. The Affidavit of Consent (Form # 3) and the Waiver of Notice of Intention to Request Entry of Divorce Decree (Form # 4) **must be filed within thirty (30) days after they are signed and dated.** If they are not filed within thirty (30) days of the date they are signed, new documents must be signed and dated, and filed within thirty (30) days of signing.



## **STEP FIVE: Praecept to Transmit Record**

Praecept to Transmit Record. Upon the filing of both parties' Affidavits of Consent and Waivers of Notice of Intention to Request Entry of Divorce Decree with the Court, the divorce may be concluded by either party filing with the Court a Praecept to Transmit Record (Form #6). Reference Pa.R.C.P. 1920.73(b). Check your records for the exact dates necessary to complete the form.

1. Under Paragraph 1, **circle "3301(c)"** to designate that it is a consent no-fault divorce under **Section 3301(c)**.
2. Under Paragraph 2, include both the **date and manner of service** of the Complaint. The date of service is the date the Defendant received the Complaint, which is the same date as the date you indicated on the proof of service (Form #2a, 2b, or 2c). The manner of service is either Personal Service, Acceptance of Service, or by Certified Mail.
3. Under Paragraph 3(a), include the **dates** both parties **signed** the Affidavits of Consent. (Leave 3(b) blank).
4. Under Paragraph 5(b), include the **dates** both parties **filed** the Waivers of Notice. (Leave 5(a) blank).

You must also provide the Court with self-addressed and stamped envelopes for you and your spouse in order for the Court to mail you a final Divorce Decree.

## **STEP SIX: Divorce Decree.**

The Divorce Decree will be mailed to both parties after filing the above forms, presuming everything has been completed properly. If corrections need to be made to the paperwork, a final Divorce Decree will not be entered until the Court has received the corrected paperwork. You will be notified by the Court of any corrections that need to be made.

### ***NOTE: Name Change.***

Upon the filing of a Complaint for Divorce you may resume your maiden name by filing the Notice of Intention to Resume Prior Name (Form #16) in the Prothonotary's Office. This form can be filed any time after the Complaint for Divorce is filed, even after the granting of a final Divorce Decree. There is a small additional fee associated with filing this form.



## Checklist for Consent Divorce under Section 3301(c)

*(This checklist is for your convenience only, you do not need to file this document!)*

**NOTE: Keep copies of ALL FORMS FILED for your records!**

- \_\_\_\_\_ Form #1 (Notice to Defend and Claim Rights, Complaint for Divorce, Verification) completed in its entirety, and original and copies filed with Prothonotary.
- \_\_\_\_\_ Entry of Appearance (Form #18) completed and filed with Prothonotary.
- \_\_\_\_\_ Service of filed, timestamped copy of Form #1 upon other party completed within 30 days after date Complaint filed, or 90 days if other party does not reside in Pennsylvania.
- \_\_\_\_\_ Date Served: \_\_\_\_\_ Manner of Service: \_\_\_\_\_
- \_\_\_\_\_ Proof of service (Form #2a, 2b, or 2c) filed with the Prothonotary.
- \_\_\_\_\_ Wait at least 90 days from date of service before proceeding.
- \_\_\_\_\_ Date Served: \_\_\_\_\_ Date at least 90 Days later: \_\_\_\_\_
- \_\_\_\_\_ After at least 90 days from date of service of the Divorce Complaint, Plaintiff signed Affidavit of Consent and Waiver of Notice of Intention to Request Entry of Divorce Decree (Forms #3, 4). File these documents within 30 days of date of signing them.
- \_\_\_\_\_ Date Signed: \_\_\_\_\_ Date Filed: \_\_\_\_\_ (File within 30 days of signing)
- \_\_\_\_\_ After at least 90 days from date of service of the Divorce Complaint, Defendant signed Affidavit of Consent and Waiver of Notice of Intention to Request Entry of Divorce Decree (Forms #3, 4). File these documents within 30 days of date of signing them.
- \_\_\_\_\_ Date Signed: \_\_\_\_\_ Date Filed: \_\_\_\_\_ (File within 30 days of signing)
- \_\_\_\_\_ Praecipe to Transmit Record (Form #6) completed in its entirety and filed with the Prothonotary (check your records for exact dates and manner of service). **NOTE: remember to circle 3301(c) in the first paragraph.**
- \_\_\_\_\_ Self-addressed stamped envelopes provided to the Prothonotary.  
(Must be provided any time before, or simultaneously with, the filing of the Praecipe to Transmit Record).
- \_\_\_\_\_ Divorce Decree Received. Date Received: \_\_\_\_\_



## **Procedure for filing a simple no-fault divorce under Section 3301(d) of the Divorce Code, if one party does not consent.**

### **STEP ONE: Notice to Defend and Claim Rights, Complaint, and Verification.**

**Be sure to read all instructions several times before starting.**

A divorce case is started with the filing of a Notice to Defend and Claim Rights, Complaint for Divorce, and Verification, all of which can be found in Form #1. Form #1 and all documents filed in your case must be filed in the Prothonotary's Office along with at least two completed copies. Upon filing, the Prothonotary will assign a case number to your case, and you must include this case number on all future filings. You must pay the Prothonotary a filing fee; however, if you cannot afford to pay the filing fee, you may ask the Court to be excused from paying the filing fee by filing an In Forma Pauperis Petition. Reference the In Forma Pauperis Packet for information on how to be excused from paying the filing fee. You must file the completed original Form #1, plus two completed copies of Form #1, in the Prothonotary's Office. The Prothonotary will timestamp the original and copies, and will retain the original and will return the two copies to you; one for you to keep and one for you to serve upon the Defendant. **Complete Form #1 in its entirety. If information is omitted or wrong, the Court cannot proceed with your divorce, and Form #1 will need to be re-executed and re-served.** Reference Pa.R.C.P. 1920.12.

1. Print your name on the Plaintiff line (if you are the one filing for the divorce), and your spouse's name on the Defendant line. Make sure to include first, middle, and last name.
2. Under Paragraph 1, include **your name** and **your address** and circle "3301(d)."
3. Under Paragraph 2, include your **spouse's name** and your **spouse's address**, including county.
4. Under Paragraph 4, include your **date of marriage**, and **city, county** and **state** of marriage.
5. Under Paragraph 5, circle "(have not)" if there have been **no prior actions** of divorce or for annulment between the parties. Circle "(have)" if there **have been prior actions** of divorce or for annulment, and provide information regarding the Court, Case Number, and its relationship to this action in the space provided.
6. Under Paragraph 7, include the **date of separation** of the parties.
7. Sign and date both the Complaint and the Verification.

Entry of Appearance of Self-Represented Party. You must complete Form #18, the Entry of Appearance of Self-Represented Party, and file it when you file the completed Form #1. Reference Pa.R.C.P. 1930.8.

### **STEP TWO: Service of the Complaint (Getting a timestamped copy to your spouse)**

How to Serve the Complaint. You must serve a timestamped copy (meaning a copy timestamped by the Prothonotary) of the completed Form #1 (Notice to Defend and Claim Rights, Complaint for Divorce, and Verification) on your spouse. This may be done in one of three ways:



1. **Personal Service** – an adult, other than you, personally hands the timestamped copy of Form #1 to the Defendant. The person who hands the papers to the Defendant must sign a completed Affidavit of Service, Form #2a.
2. **Acceptance of Service** – the Defendant may complete and sign Form #2b stating that he/she personally accepts service of Form #1.
3. **Service by Certified Mail** – a timestamped copy of Form #1 may be mailed to the Defendant by certified mail, return receipt requested, restricted delivery. When you receive the signed green card back from the Post Office, complete Form #2c and attach the signed green card.

**Timing.** A timestamped copy of Form #1 (Notice to Defend and Claim Rights, Complaint for Divorce, and Verification) must be served upon your spouse within thirty (30) days after the filing of Form #1 if the Defendant resides in Pennsylvania and within ninety (90) days after the filing of Form #1 if the Defendant resides outside Pennsylvania. Reference Pa.R.C.P. 1930.4(e) and Pa.R.C.P. 1930.4(f). File the completed proof of service (Form #2a, 2b, or 2c).

**Reinstatement.** If service is not timely completed, the Complaint must be reinstated by filing a Praecipe to Reinstate Complaint in the Prothonotary's Office (Form # 18), having your original and copies of Form #1 stamped as reinstated, and then serving the reinstated copy of Form #1 upon your spouse within thirty (30) days if the Defendant resides in Pennsylvania and within ninety (90) days if the Defendant resides outside Pennsylvania, in accordance with Pa.R.C.P. 1930.4(g). There is a small fee associated with filing the Praecipe, and you will need to supply the Prothonotary with your copies of Form #1 to be reinstated when you file the Praecipe. If you are requesting reinstatement by mail, you will also need to include a self-addressed and stamped envelope for the return of your reinstated copies.

### **STEP THREE: Wait one (1) year.**

For divorces commenced **after December 5, 2016**, The Pennsylvania Rules of Civil Procedure require the parties **to be separated for one (1) year** before proceeding with a non-consent no-fault divorce. This means that the parties must live separate and apart for one year. If the parties were separated for a time period before the filing of the Complaint, that time is included in the one year requirement.

### **STEP FOUR: Affidavit under Section 3301(d) of the Divorce Code and Counter-Affidavit**

**The Forms.** Pursuant to Pa.R.C.P. 1920.42(a)(2), after one (1) year of separation of the parties has passed, either party may sign an Affidavit under Section 3301(d) of the Divorce Code (Form #9). The party must file an original and two copies of the completed Form #9 and an original and two copies of the blank Counter-Affidavit (Form #10) in the Prothonotary's Office, and serve a timestamped copy of Form #9 and Form #10 on the other spouse.



Service. Service of the Affidavit (Form #9) and Counter-Affidavit (Form #10) may be made by first class mail. If the other party has an attorney, a copy must be served on the other party's attorney as well. File the completed Certificate of Service form (Form #11) in the Prothonotary's Office.

**STEP FIVE: Wait twenty (20) days.**

The Pennsylvania Rules of Civil Procedure require that at least twenty (20) days elapse between the date of service of the Affidavit under Section 3301(d) and the next step.

**STEP SIX: Notice of Intention to Request Entry of Divorce Decree and Counter-Affidavit**

The Forms. Complete the Notice of Intention to Request Entry of Divorce Decree (Form #12). Then, both the Notice of Intention to Request Entry of Divorce Decree and the blank Counter-Affidavit (Form #13) must be filed in the Prothonotary's Office (remember to file the original and two copies of each), and timestamped copies must be served on the other party. The date that goes on the second line of the Notice of Intention to Request Entry of Divorce Decree (Form #12) is the date twenty (20) days after the date the Notice of Intention to Request Entry of Divorce Decree is *served*, which is the date twenty (20) days after it is mailed to the other party. For example: If you mail (and therefore serve) this form today, please fill in the date that it will be in twenty (20) days.

Service. Service of the Notice of Intention (Form #12), and Counter-Affidavit (Form #13) may be made by first class mail. If the other party has an attorney, a copy must be served on the other party's attorney as well. File the completed Certificate of Service form (Form #14) in the Prothonotary's Office.

**STEP FIVE: Wait twenty (20) days.**

The Pennsylvania Rules of Civil Procedure require that at least twenty (20) days elapse between the date of service of the Notice of Intention to Request Entry of Divorce Decree and the date of filing of the Praecipe to Transmit Record.

**STEP SIX: Praecipe to Transmit Record, Divorce Information Sheet, Report of Social Security Numbers Form, Rule 236 Form.**

Praecipe to Transmit Record. Once twenty (20) days have elapsed from the filing and service of the Notice of Intention to Request Entry of Divorce Decree, the divorce may be concluded by filing a Praecipe to Transmit Record (Form #6). Reference Pa.R.C.P. 1920.73(b). Check your records for the exact dates necessary to complete the form.

1. Under Paragraph 1, **circle "3301(d)"** to designate that it is a non-consent no-fault divorce under **Section 3301(d)**.
2. Under Paragraph 2, include both the **date and manner of service** of the Complaint. The date of service is the date the Defendant received the Complaint, which is the same date as the date you indicated on the proof of service (Form #2a, 2b, or 2c). The

manner of service is either Personal Service, Acceptance of Service, or by Certified Mail.

3. Under Paragraph 3(b), include the **date** the party **signed** the Affidavit under Section 3301(d), the **date** the Affidavit was **filed** with the Prothonotary, **and the date of service**. (Leave 3(a) blank).
4. Under Paragraph 5(a), include the **date** the party **served** the Notice of Intention, and the **manner of service**. (Leave 5(b) blank).

**NOTE:** There is no Form 5, 7, 8 or 17 in this packet.

**STEP SEVEN: Divorce Decree.**

**You must provide the Prothonotary with self-addressed and stamped envelopes for you and your spouse at the time you file the Praeceptum to Transmit Record (Form #6).** The Divorce Decree will be mailed to both parties after filing the above forms, presuming everything has been completed properly. If corrections need to be made to the paperwork, a final Divorce Decree will not be entered until the Court has received the corrected paperwork. You will be notified by the Court of any corrections that need to be made.

**NOTE- Name Change:** Upon the filing of a Complaint for Divorce you may resume your maiden name by filing the Notice of Intention to Resume Prior Name (Form #16) in the Prothonotary's Office. This form can be filed any time after the Complaint for Divorce is filed, even after the granting of a final Divorce Decree. There is a small additional fee associated with filing this form.



## Checklist for Non-Consent Divorce under Section 3301(d)

*(This checklist is for your convenience only, you do not need to file this document!)*

**NOTE: Keep copies of ALL FORMS FILED for your records!**

- \_\_\_\_\_ Form #1 (Notice to Defend and Claim Rights, Complaint for Divorce, Verification) completed in its entirety, and original and copies filed with Prothonotary.
- \_\_\_\_\_ Entry of Appearance (Form #18) completed and filed with Prothonotary.
- \_\_\_\_\_ Service of filed, timestamped copy of Form #1 upon other party completed within 30 days after date Complaint filed, or 90 days if other party does not reside in Pennsylvania.
- \_\_\_\_\_ Date Served: \_\_\_\_\_ Manner of Service: \_\_\_\_\_
- \_\_\_\_\_ Proof of service (Form #2a, 2b, or 2c) filed with the Prothonotary.
- \_\_\_\_\_ Parties separated for one (1) year.
- \_\_\_\_\_ Date Separated: \_\_\_\_\_ Date one year after separation: \_\_\_\_\_
- \_\_\_\_\_ Either party completed and filed original and copies of Affidavit under Section 3301(d) (Form #9) and filed original and copies of blank Counter-Affidavit (Form #10).
- \_\_\_\_\_ Date Form #9 signed: \_\_\_\_\_ Date documents filed: \_\_\_\_\_
- \_\_\_\_\_ Either party served timestamped copies of the Affidavit under Section 3301(d) (Form #9) and blank Counter-Affidavit (Form #10) on other party.
- \_\_\_\_\_ Date Served: \_\_\_\_\_ Manner of Service: \_\_\_\_\_
- \_\_\_\_\_ Certificate of Service (Form #11) filed with the Prothonotary.
- \_\_\_\_\_ Wait 20 days from date of service of Affidavit under Section 3301(d).
- \_\_\_\_\_ Date Served/Date Mailed: \_\_\_\_\_ Date 20 days later: \_\_\_\_\_
- \_\_\_\_\_ After 20 days, party completed and filed original and copies of Notice of Intention to Request Entry of Divorce Decree (Form #12) and filed original and copies of blank Counter-Affidavit (Form #13).
- \_\_\_\_\_ Party served timestamped copies of the Notice of Intention (Form #12) and blank Counter-Affidavit (Form #13) on other party.
- \_\_\_\_\_ Date Served: \_\_\_\_\_ Manner of Service: \_\_\_\_\_
- \_\_\_\_\_ Certificate of Service (Form #14) filed with the Prothonotary.
- \_\_\_\_\_ Wait 20 days from date of service of the Notice of Intention.
- \_\_\_\_\_ Date Served/Date Mailed: \_\_\_\_\_ Date 20 days later: \_\_\_\_\_
- \_\_\_\_\_ After 20 days, Praecept to Transmit Record (Form #6) completed in its entirety and filed with the Prothonotary. (Check your records for exact dates and manner of service).  
NOTE: remember to circle 3301(d) in the first paragraph.
- \_\_\_\_\_ Self-addressed stamped envelopes must be provided to the Prothonotary. (Must be provided any time before, or simultaneously with, the filing of the Praecept to Transmit Record)
- \_\_\_\_\_ Divorce Decree Received. Date Received: \_\_\_\_\_



## Procedure for filing for Alimony Pendente Lite

### **STEP ONE: The Divorce Complaint.**

Alimony Pendente Lite (APL) is support paid by one spouse to the other during the divorce proceedings, and APL terminates when the Divorce Decree is granted. A party may not request APL until a divorce proceeding has been commenced. A divorce proceeding is initiated by the filing and service of the Complaint for Divorce (Form #1). After the Complaint has been filed and served, a party may request APL in the county in which the Complaint was filed.

### **STEP TWO: Petition for Alimony Pendente Lite.**

The Forms. Complete the Petition for Alimony Pendente Lite in its entirety (pages 2 and 3 of Form #15). A blank proposed Order (page 1 of Form #15) must be attached to the front of the Petition.

Copies. Make two copies of the first three pages of Form #15.

Filing. File the completed Petition for Alimony Pendente Lite, the blank proposed Order, and the two copies you made with the Prothonotary (original and two copies of pages 1, 2 and 3 of Form #15). There is a small filing fee for filing a Petition for Alimony Pendente Lite and for the APL count. You will be required to pay the filing fee and the count fee at the time the Petition is filed, unless you have previously been excused by the Court from paying court costs in your divorce case. The Prothonotary will timestamp the documents, and will send the original to the Court for review. Once the Order is signed by the Court, the Order and Petition will be returned to the Prothonotary's Office. After the Prothonotary receives the signed Order back from the Court, you may pick up timestamped copies of the signed Order and Petition from the Prothonotary's Office. Keep one copy for your records, and serve the other copy on the other party. See instructions regarding service, below.

Domestic Relations. After filing the Petition with the Prothonotary and serving the timestamped copy of the Petition and signed Order on the other party, nothing else needs to be done by the filing party. The Prothonotary will forward the Petition and signed Order to the Susquehanna County Domestic Relations Section for processing. The Domestic Relations Section will contact the parties regarding further proceedings.

### **STEP THREE: Service.**

Service of the Petition for Alimony Pendente Lite may be made by first class mail. If the other party has an attorney, a copy must be served on the other party's attorney as well. After service is completed, file the completed Certificate of Service Form (page 4 of Form #15) with the Prothonotary.



**IN THE COURT OF COMMON PLEAS OF SUSQUEHANNA COUNTY,  
PENNSYLVANIA CIVIL ACTION – LAW**

Name	v.	Plaintiff	:	Case No. _____
			:	
			:	
			:	
Name		Defendant	:	

**NOTICE TO DEFEND AND CLAIM RIGHTS**

To: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 of your children.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S 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, CALL THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

North Penn Legal Services  
213 Main Street, Towanda, PA 18848  
(570) 265-6127



\_\_\_\_\_,  
**Name** **v.** **Plaintiff**  
 \_\_\_\_\_,  
**Name** **Defendant**

**Case No.** \_\_\_\_\_

1. Plaintiff is \_\_\_\_\_ who currently resides at \_\_\_\_\_  
Your Name Your Address (Street, City, County, State, Zip)  
 \_\_\_\_\_ is seeking a divorce under Section 3301(c) / 3301(d) of the  
 Divorce Code. (Circle either 3301(c) or (d))

**2.** Defendant is \_\_\_\_\_ who currently resides at \_\_\_\_\_  
                                 Spouse's Name   Spouse's Address (Street,  
 \_\_\_\_\_  
 City, County, State, Zip)

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

4. The Plaintiff and Defendant were married on \_\_\_\_\_ in \_\_\_\_\_  
Date of Marriage City, County, and State of Marriage

5. There (have) - (have not) been prior actions of divorce or for annulment between the parties.

Circle one of the above

If Plaintiff has participated in or has information of other litigation, then provide information regarding the Court, Case Number, and its relationship to this action.

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6. The marriage is irretrievably broken.

7. The parties have lived separate and apart since \_\_\_\_\_



9. Plaintiff requests the Court to enter a decree of divorce.

WHEREFORE, Plaintiff respectfully requests that the Court enter a decree of divorce.

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

Signature: \_\_\_\_\_  
Plaintiff

### VERIFICATION

I verify that the statements in the foregoing Complaint in Divorce 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: \_\_\_\_\_  
Plaintiff

Name		Plaintiff	:	
	v.		:	Case No. _____
			:	
			:	
Name		Defendant	:	

Form #2a – Affidavit of Service  
Page 1 of 1



Name \_\_\_\_\_ Plaintiff  
v.  
Name \_\_\_\_\_ Defendant

:  
:  
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:

Case No. \_\_\_\_\_

Form #2b – Acceptance of Service  
Page 1 of 1

Name \_\_\_\_\_, :  
v. Plaintiff : Case No. \_\_\_\_\_  
Name \_\_\_\_\_, :  
Defendant :

Form #2c – Affidavit of Service by Certified Mail  
Page 1 of 1



\_\_\_\_\_,  
**Name** **v.** **Plaintiff**  
 \_\_\_\_\_,  
**Name** **Defendant**

**Case No.** \_\_\_\_\_

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

Signature: \_\_\_\_\_  
**Plaintiff**

\_\_\_\_\_, :  
**Name** **Plaintiff** : **Case No.** \_\_\_\_\_  
 v. :  
 \_\_\_\_\_, :  
**Name** **Defendant** :

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

2. The marriage of Plaintiff and Defendant is irretrievably broken and ninety (90) days have elapsed from the date of filing and service of the Complaint.

3. I consent to the entry of a final decree of divorce, and have signed a Waiver of Notice of Intention to Request Entry of 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: \_\_\_\_\_  
**Defendant**



Name \_\_\_\_\_, :  
v. Plaintiff : Case No. \_\_\_\_\_  
: :  
: :  
: :  
Name \_\_\_\_\_, :  
Defendant :

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 Prothonotary.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
Plaintiff

\_\_\_\_\_, :  
**Name** **v.** **Plaintiff** : **Case No.** \_\_\_\_\_  
 \_\_\_\_\_, :  
**Name** **Defendant** :

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 Prothonotary.

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

Form #4 – Defendant's Waiver of Notice  
Page 1 of 1



\_\_\_\_\_, :  
**Name** **v.** **Plaintiff** : **Case No.** \_\_\_\_\_  
 \_\_\_\_\_, :  
**Name** **Defendant** :  
 \_\_\_\_\_, :  
 \_\_\_\_\_ :

Form #6 – Praeipce to Transmit Record  
Page 1 of 2

4. Related claims pending: (None)

5. Complete either paragraph (a) or (b).

(a) Date and manner of service of the Notice of Intention to file Praecipe, a copy of  
of which is attached: \_\_\_\_\_  
Date of Service of Notice of Intention and Manner of Service

(b) Date Waiver of Notice was filed with the Prothonotary:

Date filed by Plaintiff: \_\_\_\_\_  
Date Plaintiff's Waiver of Notice filed

Date filed by Defendant: \_\_\_\_\_  
Date Defendant's Waiver of Notice filed

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_  
( ) Plaintiff  
( ) Defendant



**IN THE COURT OF COMMON PLEAS  
OF SUSQUEHANNA COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW**

Name	v.	Plaintiff	:	Case No. _____
			:	
			:	
			:	
Name		Defendant	:	

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

1. The parties to this action separated on \_\_\_\_\_.
2. Check (a) or (b):  
\_\_\_\_\_(a)The date of separation was prior to December 5, 2016, and the parties have continued to live separate and apart for a period of at least two years.  
\_\_\_\_\_(b)The date of separation was on or after December 5, 2016, and the parties have continued to live separate and apart for a period of at least one year.
3. The marriage is irretrievably broken.
4. 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 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: \_\_\_\_\_

\_\_\_\_\_  
**Plaintiff/Defendant**

Name	:	Case No. _____
v.	:	
Name	:	
Plaintiff	:	
Defendant	:	

## Page 1 of 1



\_\_\_\_\_,  
**Name** **v.** **Plaintiff**  
 \_\_\_\_\_,  
**Name** **Defendant**

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**Case No.** \_\_\_\_\_

The undersigned hereby certifies that on \_\_\_\_\_, true and correct  
Date of Service (Date of mailing)  
 timestamped copies of the foregoing Affidavit under Section 3301(d), Form #9, and Counter-  
 Affidavit, Form #10, which were previously filed with the Court, were served by first class mail  
 to the following:

Address of person served

By: \_\_\_\_\_  
Signature of Plaintiff/Defendant

\_\_\_\_\_,  
**Name** **Plaintiff**  
 v.  
 \_\_\_\_\_,  
**Name** **Defendant**

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**Case No.** \_\_\_\_\_

**TO:** \_\_\_\_\_  
Name  
\_\_\_\_\_  
Address  
\_\_\_\_\_

Page 1 of 1



\_\_\_\_\_,  
**Name** **Plaintiff**  
 v.  
 \_\_\_\_\_,  
**Name** **Defendant**

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Case No. \_\_\_\_\_

## Page 1 of 1

Name \_\_\_\_\_, :  
v. Plaintiff : Case No. \_\_\_\_\_  
Name \_\_\_\_\_, :  
Defendant :

The undersigned hereby certifies that on \_\_\_\_\_, true and correct  
Date of Service (Date of mailing)  
 timestamped copies of the foregoing Notice of Intention to Request Entry of Divorce Decree,  
 Form #12, and Counter-Affidavit, Form #13, which were previously filed with the Court, were  
 served by first class mail to the following:

Name of person served

Address of person served

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

By: \_\_\_\_\_  
Signature of Plaintiff/Defendant



Name \_\_\_\_\_, :  
v. Plaintiff : Case No. \_\_\_\_\_  
: :  
: :  
: :  
Name \_\_\_\_\_, :  
Defendant :  
:

**J.**

Name \_\_\_\_\_, :  
v. Plaintiff : Case No. \_\_\_\_\_  
Name \_\_\_\_\_, :  
Defendant :

Form #15 – Order and Petition for Alimony Pendente Lite  
Page 2 of 4



### VERIFICATION

I verify that the statements made in the foregoing Petition for Alimony Pendente Lite 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.

\_\_\_\_\_  
☐ Plaintiff  
☐ Defendant

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

\_\_\_\_\_,  
**Name** **Plaintiff**  
 v.  
 \_\_\_\_\_,  
**Name** **Defendant**

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 :

**Case No.** \_\_\_\_\_

Name of Other Party

Address of Other Party

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

Form #15 – Order and Petition for Alimony Pendente Lite  
Page 4 of 4



Name \_\_\_\_\_, :  
v. Plaintiff : Case No. \_\_\_\_\_  
Name \_\_\_\_\_, :  
Defendant :

Form #16 – Resume Prior Surname  
Page 1 of 1

**IN THE COURT OF COMMON PLEAS  
OF SUSQUEHANNA COUNTY, PENNSYLVANIA  
CIVIL ACTION – LAW**

\_\_\_\_\_  
Name Plaintiff

v.

\_\_\_\_\_  
Name Defendant

:  
:  
:  
:  
:  
:

Case No. \_\_\_\_\_

**ENTRY OF APPEARANCE OF SELF-REPRESENTED PARTY  
PURSUANT TO Pa.R.C.P. 1930.8**

To the Prothonotary:

Please enter my appearance as a self-represented party.

1. I am the ☐ Plaintiff, ☐ Defendant, or ☐ Other in the above captioned action. (select one)
2. This is a ☐ custody, ☐ divorce, ☐ support, ☐ protection from abuse, or ☐ paternity case. (select one)
3. Select from one of the following three options, a, b, or c:
  - a. ☐ I do not currently have an attorney representing me, I have decided not to hire an attorney to represent me, and I am representing myself in this case.
  - b. ☐ \_\_\_\_\_ is my attorney of record and I want to terminate the services of my attorney and proceed as a self-represented party. I will provide notice to my attorney.
  - c. ☐ I am entering my appearance as a self-represented party (sign) \_\_\_\_\_, and my attorney acknowledges his/her withdrawal as my attorney of record in this case. (Attorney signature)  
\_\_\_\_\_
4. NOTE: You must provide the Court with an address where you agree that pleadings and other legal papers may be served, and a telephone number through which you may be contacted. The address and phone number that you provide need not be your home address and phone number. If this is a protection from abuse (PFA) case or other case where the confidentiality of your home address and phone number is essential, please use an alternate address and phone number where you may be served by mail and contacted by telephone.

Papers may be served at the address set forth below:

\_\_\_\_\_  
Name of Party

\_\_\_\_\_  
Home Phone Number – include area code

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Cell Phone Number – include area code

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Fax Number (optional) – include area code

5. I understand that I must file this form in the Prothonotary's Office and that I must file a new form every time my address or telephone number changes. Please see Pennsylvania Rule of Civil Procedure 1930.8 for more information.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE



IN THE COURT OF COMMON PLEAS OF  
SUSQUEHANNA COUNTY, PENNSYLVANIA

\_\_\_\_\_  
**PLAINTIFF** (your full name)

**vs.**

\_\_\_\_\_  
**DEFENDANT** (spouse's full name)

**CIVIL ACTION – LAW**

**No. \_\_\_\_\_ - \_\_\_\_\_ CP**

**IN DIVORCE**

**PRAECIPE TO REINSTATE THE COMPLAINT**

To the Prothonotary:

Please reinstate the Complaint for Divorce Under Section 3301(c) or 3301(d) of  
the Divorce Code filed in the above-captioned matter.

Respectfully submitted,

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

\_\_\_\_\_  
Plaintiff's Signature