

County of Northumberland

DIVORCE PACKET

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Disclaimer

Court staff is 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 assume no responsibility and accept no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, please call the Pennsylvania Lawyer Referral Service at 1-800-692-7375. A list of Attorneys Practicing in Northumberland County Available for Consultation On Filling Out Self-Help Custody and Divorce Forms can be obtained by inquiring with the Prothonotary, Law Library, Northumberland County Children and Youth Services, Northumberland County Domestic Relations Office, or the Office of the Court Administrator.

Last Updated: July 27, 2012

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 can be used to obtain a simple no-fault divorce in Northumberland County. However, it is recommended that you speak to an attorney so you know your legal rights. If you choose to represent yourself (pro se), you will be held to the same standard required for attorneys, and must follow all local and state Rules and Procedures.

Please remember that court staff cannot give you legal advice and cannot fill out the forms for you. Please read all the 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 § 3301(c) of the Divorce Code. A divorce under § 3301(c) of the Divorce Code requires the consent of both parties. After filing and serving the Divorce Complaint, both parties must wait 90 days before completing the divorce consent forms and seeking entry of divorce decree.
2. Irretrievable Breakdown under § 3301(d) of the Divorce Code. A divorce under § 3301(d) of the Divorce Code does not require the consent of the other party. However, the parties must be separated for at least two (2) years before a divorce can be obtained. Being separated for 2 years means that the parties must have lived separate and apart for at least 2 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", proving that your spouse did something wrong. These forms cannot be used for a fault divorce and you must obtain the assistance of an attorney.

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 Northumberland County is proper if 1) at least one party resides in Northumberland County, or 2) both parties consent to venue in Northumberland 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 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 IFP application form is available online or in the Northumberland County Court Administration Office.

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 up marital property, then you may not use these forms to obtain a divorce, You are strongly encouraged to seek legal assistance. If a divorce is entered and economic issues are not resolved, you may lose important rights.**

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 and before a divorce action is filed. 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

Rules pertaining to divorce can be found in the Pennsylvania Rules of Court beginning at Rule No. 1920.1 through 1920.75.

Rules pertaining to divorce can be found in the Northumberland County Local Rules, specifically Rules No. 1920(a) through (n).

A copy of the Pennsylvania and local Northumberland County Rules of Court can be found at the Northumberland County Law Library.

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

STEP ONE: The Complaint and Verification.

A divorce case is started with the filing of a "Complaint" in the Prothonotary's Office where a case number will be assigned. Refer to Pa. R.C.P. 1920.12. You must pay the Prothonotary a filing fee; however, if you cannot afford to pay the filing fee see the packet "How to be Excused from Paying Court Costs" for information on how to proceed. **The Notice to Defend and Claim Rights must be attached to the front of the completed Complaint.** All filings require the original, plus two copies of the signed Complaint. The original stays with the Prothonotary and two copies are returned to you; one for yourself and one for service upon the Defendant. (See form #1) The Prothonotary will provide you with a docket number, and it must be included in every caption. **Fill out the Complaint in its entirety. If information is omitted or wrong, the Court cannot proceed with your divorce, and the Complaint and Verification will need to be amended and re-served.**

1. Under Paragraph 1, include **your name** and **your address**, including county.
2. Under Paragraph 2, include your **spouse's name** and your **spouses' 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.

STEP TWO: Service of the Complaint.

How to Serve Complaint. Service of the Notice to Defend and the Complaint must be made either by Personal Service (see form #2a), by Acceptance of Service (see form #2b), or by Certified Mail, return receipt requested, restricted delivery (see form #2c). Proof of service must be filed with the Prothonotary. You should keep a copy for your records.

Personal Service – a competent adult, other than you and someone who is not related to either party, personally hands the Notice to Defend and Claim Rights and the Complaint to the Defendant. The person who hands the papers to the Defendant must sign a completed Affidavit of Service (form #2a).

Acceptance of Service – the Defendant may fill out and sign a form (form #2b) stating that he/she personally accepts the Notice to Defend and Claim Rights and the Complaint.

Service by Certified Mail – a copy of the Notice to Defend and Claim Rights and the Complaint may be mailed to the Defendant by certified mail, return receipt requested, restricted delivery. Complete form #2c and attach the returned green card.

File Certificate of Service

Timing. A copy of the Divorce Complaint must be served upon the other party within thirty (30) days of the filing if the Defendant resides in Pennsylvania and within ninety (90) days if the Defendant resides outside Pennsylvania. Refer to Pa. R.C.P. No. 1930.4(e). If service is not completed within 30 days of the date of filing, the Complaint must be reinstated and re-served in accordance with Pa. R.C.P. 1930.4(g).

NOTE: Name Change.

Upon the filing of a Complaint you may resume your maiden name by filing a Praecipe with the Prothonotary (form #15). This form can be filed either before, or after, the granting of a final Divorce Decree. There is a small additional fee associated with filing this form.

STEP THREE: Wait 90 Days.

The Pennsylvania Rules of Civil Procedure require both parties to wait 90 days from the 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 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 with the docket number. If the parties do not file a Waiver of Notice, then Notice shall be provided and served in accordance with Rule 1920.42(d) and the form can be found at Rule 1920.73

Timing. The Affidavit of Consent and Waivers, if any, must be filed within thirty (30) days of being signed and dated. (Refer also to Pa. R.C.P. 1920.72(b)(c)) If they are not filed within 30 days of the date they were signed, they must be re-executed and re-filed.

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

Praecipe 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 Praecipe to Transmit Record (form #6A). Refer to Pa.R.C.P. 1920.46. Check your records for the exact dates necessary to complete the form.

1. Under Paragraph 2, include both the **date and manner of service** of the Complaint and the date of filing the Certificate of Service.
2. Under Paragraph 3(a), include both dates each party **signed and filed** an Affidavit of Consent.
3. Under Paragraph 5(b), include the date each party **signed and filed** a Waiver of Notice. (Leave 5(a) blank).
4. If no waivers Under Paragraph 5(a) include the date and manner of service of the Notice of Intention to file a Praecipe, attach a copy of the Notice and include the date a Certificate of Service of the Notice was filed.

Other Forms. Additionally, you must also provide the court with self-addressed and stamped envelopes for you and your spouse and copies of the Proposed Divorce Decree (Form 8) 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 there are no deficiencies. If corrections need to be made in the paperwork, a final divorce decree will not be entered until the court has the corrected paperwork. You will be notified by the Court of any corrections that need to be made.

Checklist for Consent Divorce Under § 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!

- ___ Complaint completed in its entirety, along with Verification, and the originals filed with Prothonotary, along with two copies.

- ___ Service of the Complaint and Notice to Defend upon other party completed within 30 days of date Complaint filed, or 90 days if other party does not reside in Pennsylvania.
Date Served: _____ Manner of Service: _____

- ___ Certificate of service or Acceptance of Service filed with the Prothonotary.
Date Filed: _____

- ___ Wait 90 days from date of service.
Date Served: _____ 90 Days: _____

- ___ Plaintiff signed Affidavit of Consent and Waiver of Notice of Intention to Request Entry of Divorce Decree and filed within 30 days of date of signature.
Date Signed: _____ Date Filed: _____

- ___ Defendant signed Affidavit of Consent and Waiver of Notice of Intention to Request Entry of Divorce Decree and filed within 30 days of date of signature.
Date Signed: _____ Date Filed: _____

- ___ If no waiver, Date Notice Intention to Request Divorce
Date Served: _____

- ___ Certificate of Service of Notice filed on: _____

- ___ Praecepte to Transmit Record completed in its entirety and filed with the Prothonotary (check your records for exact dates and manner of service).

- ___ Proposed Divorce decree and copies filed with Praecepte and Self- addressed stamped envelopes provided to the Prothonotary.

- ___ Divorce Decree Received.
Date Received: _____

Notes:

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

STEP ONE: The Complaint and Verification.

A divorce case is started with the filing of a "Complaint" in the Prothonotary's Office where a case number will be assigned. Refer to Pa. R.C.P. 1920.12. You must pay the Prothonotary a filing fee; however, if you cannot afford to pay the filing fee see the packet "How to be Excused from Paying Court Costs" for information on how to proceed in that fashion. **The Notice to Defend and Claim Rights must be attached to the front of the completed Complaint.** All filings require the original, plus two copies of the signed Complaint. The original stays with the Prothonotary and two copies are returned to you; one for yourself and one for service upon the Defendant. (See form #1) The Prothonotary will provide you with a docket number, and it must be included in every caption. **Fill out the Complaint in its entirety. If information is omitted or wrong, the Court cannot proceed with your divorce, and the Complaint and Verification will need to be amended and re-served.**

1. Under Paragraph 1, include **your name** and **your address**, including county.
2. Under Paragraph 2, include your **spouse's name** and your **spouses' 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.

STEP TWO: Service of the Complaint.

How to Serve Complaint. Service of the Notice to Defend and the Complaint must be made either by Personal Service (see form #2a), by Acceptance of Service (see form #2b), or by Certified Mail, return receipt requested, restricted delivery (see form #2c). Proof of service must be filed with the Prothonotary. You should keep a copy for your records.

Personal Service – a competent adult, other than you and someone who is not related to either party, personally hands the Notice to Defend and Claim Rights and the Complaint to the Defendant. The person who hands the papers to the Defendant must sign a completed Affidavit of Service (form #2a).

Acceptance of Service – the Defendant may fill out and sign a form (form #2b) stating that he/she personally accepts the Notice to Defend and Claim Rights and the Complaint.

Service by Certified Mail – a copy of the Notice to Defend and Claim Rights and the Complaint may be mailed to the Defendant by certified mail, return receipt requested, restricted delivery. Complete form #2c and attach the returned green card.

File Certificate of Service

Timing. A copy of the Notice to Defendant and Divorce Complaint must be served upon the other party within thirty (30) days of the filing if the Defendant resides in Pennsylvania and within ninety (90) days if the Defendant resides outside Pennsylvania. Refer to Pa. R.C.P. No. 1930.4(e). If service is not completed within 30 days of the date of filing, the Complaint must be reinstated and re-served in accordance with Pa. R.C.P. 1930.4(g).

STEP THREE: Wait 2 years.

The Pennsylvania Rules of Civil Procedure require the parties to be separated for two years before proceeding with a non-consent no-fault divorce. This means that the parties must live separate and apart for two years. If the parties were separated for a time period before the filing of the Complaint, that time is included in the two year requirement.

STEP FOUR: Affidavit under Section 3301(d) of the Divorce Code, Notice of Intention to Request Entry of Divorce Decree and Counter-Affidavit

The Forms. Pursuant to Pa. R.C.P. 1920.42(a)(2), after two (2) years of separation of the parties have 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 with the Prothonotary's Office, and serve a copy upon the other spouse.

Additionally, 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 #11) must be filed with the Prothonotary (remember to file the original and two copies of each), and 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 20 days after the date the Notice of Intention to Request Entry of Divorce Decree is *served*, which is the date 20 days after it is mailed. For example: If you mail (and therefore serve) this form today, please fill in the date that it will be in 20 days.

Service. Service of the Affidavit, Notice of Intention, and Counter-Affidavit 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 Certificate of Service Forms (form #10 and #13) with the Prothonotary.

STEP FIVE: Affidavit of Non-Military service

If the Defendant fails to appear in the action, the Plaintiff must file an affidavit regarding military service with the 3301(d) Affidavit.

STEP SIX: Wait 20 days.

The Pennsylvania Rules of Civil Procedure require that 20 days elapse between serving the Notice of Intention to Request Entry of Divorce Decree and filing the actual Praecepto to Transmit Record.

STEP SEVEN: Praecepte to Transmit Record, Divorce Information Sheet, Report of Social Security Numbers Form, Rule 236 Form.

Praecepte to Transmit Record. Once 20 days has 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 Praecepte to Transmit Record (form #6B). Refer to Pa.R.C.P. 1920.46. 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.
3. Under Paragraph 3(b), include the date 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 party **served** the Notice of Intention. (Leave 5(b) blank).

Other Forms. Additionally, you must also provide the court with self-addressed and stamped envelopes for you and your spouse and a Proposed Divorce Decree with two copies in order for the court to mail you a final divorce decree.

STEP EIGHT: Divorce Decree.

The Divorce Decree will be mailed to both parties after filing the above forms, presuming there are no deficiencies. If corrections need to be made in the paperwork, a final divorce decree will not be entered until the court has 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 you may resume your maiden name by filing a Praecepte with the Prothonotary (form #15). This form can be filed either before, or 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 § 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!

- Complaint completed in its entirety, along with Verification, and filed with Prothonotary.
- Service of the Complaint and Notice to Defend upon other party completed within 30 days of date Complaint filed, or 90 days if other party does not reside in Pennsylvania.

Date Served: _____ Manner of Service: _____

- Proof of service filed with the Prothonotary. Date filed: _____

- Parties separated for two (2) years.

Date Separated: _____ 2 Years: _____

- Plaintiff completed and filed an Affidavit under Section 3301(d) and the Notice of Intention to Request Entry of Divorce Decree, and filed a blank Counter-Affidavit.
Date Filed: _____

- Plaintiff served a copy of the Affidavit under Section 3301(d), Notice of Intention to Request Entry of Divorce Decree and a blank Counter-Affidavit on Defendant.

Date of Service: _____

- Plaintiff filed the Certificates of Service with the Prothonotary. Date filed: _____

- Wait 20 days from date of service of the Notice of Intention to Request Entry of Divorce Decree.

Date Served/Date Mailed: _____ 20 Days: _____

- After 20 days, Praecipe to Transmit Record completed in its entirety and filed with the Prothonotary. (Check your records for exact dates and manner of service)
a NOTE: remember to circle 3301(d) in the first paragraph.

- Proposed Divorce Decree (and two copies) filed with Praecipe. Self-addressed stamped envelopes provided to the Prothonotary. (Must be provided any time before, or simultaneously with, filing Praecipe to Transmit Record)

- Divorce Decree Received.

Date Received: _____

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

Name		Plaintiff	:	
	vs.		:	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 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 at the Northumberland County Court Administrator's Office.

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, GO TO OR 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 INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

COURT ADMINISTRATOR
Northumberland County Courthouse
201 Market Street
Sunbury, PA 17801
(570) 988-4167

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

_____,
Name **Plaintiff** : **Case No.** _____
: :
vs. : :
_____,
Name **Defendant** :

**COMPLAINT FOR DIVORCE UNDER
SECTION 3301(c) OR 3301(d) OF THE DIVORCE CODE**

1. Plaintiff is _____ who currently resides at
Your Name

Your Address (Street, City, County, State, Zip)

2. Defendant is _____ who currently resides at
Spouse's Name

Spouse's Address (Street, City, County, State, Zip)

3. Plaintiff and 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

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.

6. The marriage is irretrievably broken.

7. The parties have lived separate and apart since

Date of separation

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.

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

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

Name	,	Plaintiff	:	Case No. _____
		vs.	:	
Name	,	Defendant	:	

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL

I, _____, Plaintiff in the above-captioned action depose and say the
Name

Following:

1. On _____, a copy of the Complaint in Divorce in the above-captioned
Date of mailing
matter was mailed to the Defendant by Certified Mail, Return Receipt Requested, Deliver to Addressee Only, at the Defendant's last known address, as indicated on the attached mailing receipt.
2. On _____, the Defendant received the aforesaid Divorce Complaint
Date of receipt
and the mailing receipt and return receipt card evidencing the same are attached hereto and made a part hereof.
3. I am familiar with Defendant's signature and believe the signature on the return receipt card is that of the Defendant.

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.

Dated: _____ Signature: _____

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

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

AFFIDAVIT OF CONSENT

1. A Complaint in Divorce under Section 3301(c) of the Divorce Code was filed on _____ and served upon Defendant on _____.
Date Complaint was filed Date Complaint was served

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 after service of notice of intention to request entry of the 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: _____
Plaintiff

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

_____,
Name **Plaintiff** : **Case No.** _____
:
:
vs. :
:
_____,
Name **Defendant** :

**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 Prothonotary.

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

Northumberland County Court of Common Pleas – Civil

Office of the Prothonotary
Northumberland County Courthouse
201 Market Street
Sunbury, PA 17801

Divorce Information Sheet

Please fill in the appropriate information and file with the Prothonotary:

1. Docket Number:
2. Plaintiff's Name and Current Address:
3. Defendant's Name and Current Address:
4. Date and Place of Marriage:

-----Do Not Write Below This Line-----

For Official Use

Date of Divorce Decree:

Length of Marriage:

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

Name _____,	Plaintiff	:	Case No. _____
		:	
	vs.	:	
		:	
Name _____,	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 Section 3301(c) of the

Divorce Code.

2. Date and manner of service of the Complaint: _____
Date of Service on Defendant and Manner of Service

A certificate/acceptance of service was filed on: _____
Date of filing

3. Date of execution of the Affidavit of Consent required by Section 3301(c) of the

Divorce Code:

By Plaintiff:	_____	_____
	Date Affidavit of Consent signed by Plaintiff	Date Affidavit of Consent Filed

By Defendant:	_____	_____
	Date Affidavit of Consent signed by Defendant	Date Affidavit of Consent Filed

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

A certificate of service for the Notice was filed on _____.

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

By Plaintiff: _____.
Date Plaintiff's Waiver of Notice signed Date Filed

By Defendant: _____.
Date Defendant's Waiver of Notice signed Date Filed

Dated: _____ Signature: _____

() Plaintiff
() Defendant

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

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

DIVORCE DECREE

AND NOW, _____, 20____, **it is ordered and decreed that** _____, plaintiff, and _____, defendant, **are divorced from the bonds of matrimony.**

The court retains jurisdiction of any claims raised by the parties to this action for which a final order has not yet been entered.

Any existing spousal support order shall hereafter be deemed an order for alimony pendent elite if any economic claims remain pending.

BY THE COURT:

J.

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

Name	Plaintiff	:	Case No. _____
	vs.	:	
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 _____, and have
Date of Separationcontinued 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.

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

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

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

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing Affidavit under Section 3301(d) of the Divorce Code was served by first class mail to the following:

Name of Defendant

Address of Defendant

Date: _____

By: _____
Signature of Plaintiff

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

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

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

TO: _____
Name of Defendant

Address of 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 court to enter a final
Date: 20 days after date of Service of Form #12
decree in divorce.

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

**COURT ADMINISTRATOR
Northumberland County Courthouse
201 Market Street
Sunbury, PA 17801**

Respectfully submitted,

Sign your name

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

Name		Plaintiff	:		Case No.	
			:			
		vs.	:			
			:			
			:			
			:			
Name		Defendant	:			

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this date, a true and correct copy of the foregoing Notice of Intention to Request Entry of Divorce Decree and Counter-Affidavit was served by first class mail to the following:

Name of Defendant

Address of Defendant

Date: _____

By: _____
Signature of Plaintiff

