

County of Sullivan

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, the Sullivan County Bar Association and the Family Law Committee 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 Sullivan County Available in our office can be obtained by inquiring with the Prothonotary, Law Library, Sullivan County Children and Youth Services, Sullivan County Domestic Relations Office, or the Office of the Court Administrator.

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 Sullivan 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.
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 Sullivan County is proper if 1) at least one party resides in Sullivan County, or 2) both parties consent to venue in Sullivan 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).

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, and you are strongly encouraged to seek legal assistance.**

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

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 Sullivan County Local Rules, specifically Rules No. 1920(a) through (n).

A copy of the Pennsylvania and local Sullivan County Rules of Court can be found at the Sullivan 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 re-executed 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).

Personal Service – an adult, other than you, 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.

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).

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 must 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.

Timing. The Waiver of Notice of Intention to Request Entry of Divorce Decree and Affidavit of Consent must be filed within thirty (30) days after they were 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 #6). 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(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.
3. Under Paragraph 3(a), include the date both parties **signed** an Affidavit of Consent. (Leave 3(b) blank).
4. Under Paragraph 5(b), include the date both parties **filed** a Waiver of Notice. (Leave 5(a) blank).

Other Forms. The Court also requires that you complete and file a Divorce Information Sheet (form #5), Report of Social Security Numbers Form (form #7), and Rule 236 Form (form #8). Refer to Pa. R.C.P. 1920.46. Additionally, 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.

NOTE: The Social Security Numbers form is kept separately and is not public record.

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.

NOTE: Name Change.

Upon the filing of a Complaint you may resume your maiden name by filing a Praeceptum 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 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 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.

___ 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: _____

___ Praecepte to Transmit Record 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.

___ Divorce Information Sheet, Report of Social Security Numbers form, Rule 236 form, and Self- addressed stamped envelopes provided to the Prothonotary. (Must be provided any time before, or simultaneously with, filing Praecepte to Transmit Record)

___ 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 re-executed 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 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).

Personal Service – an adult, other than you, 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.

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: 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 Praecipe to Transmit Record.

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

Praecepto 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 Praecepto to Transmit Record (form #6). 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. The Court also requires that you complete and file a Divorce Information Sheet (form #5), Report of Social Security Numbers Form (form #7), and Rule 236 Form (form #8). Refer to Pa. R.C.P. 1920.46. Additionally, 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.

NOTE: The Social Security Numbers form is kept separately and is not public record.

STEP SEVEN: 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 Praecepto 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.
- ___ 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.
- ___ Plaintiff filed the Certificates of Service with the Prothonotary.
- ___ 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)
NOTE: remember to circle 3301(d) in the first paragraph.
- ___ Divorce Information Sheet, Report of Social Security Numbers form, Rule 236 form, and 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: _____

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 terminates when the divorce decree is granted. Therefore, 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. After a Divorce Complaint has been filed and served, a party may request APL in the county in which the Divorce Complaint was filed.

STEP TWO: Petition for Alimony Pendente Lite.

The Forms. Fill out the Petition for Alimony Pendente Lite in its entirety (pages 2 and 3 of form #14). A blank proposed Order (page 1 of form #14) must be attached to the front of the Petition.

Copies. Make two copies of form #14.

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 #14). The Prothonotary will return the copies to you. Keep one copy for your records, and serve the other copy on the other party, instructions are below.

Domestic Relations. After filing with the Prothonotary and serving the Petition, nothing else needs to be done by the litigant. The proposed Order will be referred to Domestic Relations by the Prothonotary's Office for processing.

STEP THREE: Service.

Service of the Notice 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. File the Certificate of Service Form (page 4 of form #14) with the Domestic Relations Office.

Procedure for filing a Petition for Special Relief

EXPLANATION: Why file a Petition for Special Relief?

During the course of your divorce action, one or more disputes or issues might arise that require the intervention of the Court. You are not permitted to call or write a letter directly to the Court. The proper way to bring an issue to the attention of the Court is by filing a Petition for Special Relief (form 16).

STEP ONE: Filling out the Petition for Special Relief.

Form 16 contains a scheduling Order (page 1), the Petition for Special Relief (pages 2-4), the Verification (page 5) and a Certificate of Service (page 6). Except for filling in the names of the parties (Plaintiff and Defendant) and the Case Number in the caption, the scheduling Order (page 1) should be left blank. Fill out and sign the Petition for Special Relief and date and sign in. Fill out the Verification page and sign it. Save the Certificate of Service to fill out later, after the Order and Petition have been sent to the other party.

STEP TWO: Filing the Petition for Special Relief.

Make at least two copies of the scheduling Order, Petition, and Verification page. Then, staple the original and two copies in that order (Order on top, then Petition and Verification). Take the original and two copies to the Prothonotary's office in the courthouse and file them. Leave the original and the copies with the Prothonotary. The Court will fill out the scheduling Order. After the Court has filled out the scheduling Order (this may take several days), retrieve the two copies from the Prothonotary. One of the copies is for you to keep for your records. The other copy is for you to serve on the other party.

STEP THREE: Serving the Petition and Order on the other party.

After retrieving the copies from the Prothonotary, you should immediately mail a copy of the Order, Petition and Verification to the other party. If the other party has an attorney who has entered an appearance in the divorce action (either by filing an "Entry of Appearance" form with the Court or by signing and filing any document on behalf of the other party with the Court), you should mail the copy of the completed Order, Petition and Verification to that attorney, rather than to the other party. You must then carefully complete the Certificate of Service form and file it with the Prothonotary. This will provide proof to the Court that the other party has been properly notified that you filed the Petition and of any hearing date that has been scheduled.

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

_____,
Name **Plaintiff** , :
 :
 :
vs. :
 :
 :
_____, :
Name **Defendant** :

Case No. _____

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 in the Office of the Prothonotary, Room 100, Sullivan County Courthouse, Laporte, Pennsylvania 18626.

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
Sullivan County Courthouse
245 Muncy Street, Suite 100
Laporte, PA 18626
Form #1

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 SULLIVAN COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

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

AFFIDAVIT OF SERVICE

I, _____, hereby depose and say that on this date, I personally
Name

served the above-captioned Defendant with a Complaint in Divorce and Notice to Defend and Claim Rights with Notice of Availability of Counseling, by personally handing the same to him/her.

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 SULLIVAN COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

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

ACCEPTANCE OF SERVICE

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

Name

that on this date I hereby accept service of the Complaint in Divorce and Notice to Defend and Claim Rights with Notice of Availability of Counseling.

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: _____

**IN THE COURT OF COMMON PLEAS OF SULLIVAN 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 _____
_____.
Date Complaint was filed

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: _____
Plaintiff

**IN THE COURT OF COMMON PLEAS OF SULLIVAN 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 _____
_____.

Date Complaint was filed

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

**IN THE COURT OF COMMON PLEAS OF SULLIVAN 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: _____
Plaintiff

**IN THE COURT OF COMMON PLEAS OF SULLIVAN 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

Sullivan County Court of Common Pleas – Civil

Office of the Prothonotary
Sullivan County Courthouse
245 Muncy Street
Suite 100
Laporte, PA 18626

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:

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:

By Plaintiff: _____.

Date Plaintiff's Waiver of Notice filed

By Defendant: _____.

Date Defendant's Waiver of Notice filed

Dated: _____

Signature: _____

() Plaintiff

() Defendant

PROTHONOTARY

Of Sullivan County

Kellie Carpenter

Sullivan County Courthouse

245 Muncy Street

Suite 100

Laporte, PA 18626

570-946-7351

No. _____

Date: _____

PLAINTIFF

VS.

DEFENDANT

NOTICE

TO: _____

(Defendant's address)

Pursuant to requirements of Pennsylvania Rules of Civil Procedure, Rule 236, notice is hereby given that on _____, 20____, a Judgment, Order, Decree was entered against you in this office in the proceeding as indicated above.

Prothonotary

Date mailed: _____

Form #8

Page 1 of 1

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

_____,
Name **Plaintiff**

vs.

_____,
Name **Defendant**

:
:
:
:
:
:
:

Case No. _____

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 Separation
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.

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 SULLIVAN COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

_____,
Name **Plaintiff**

vs.

_____,
Name **Defendant**

:
:
:
:
:
:
:

Case No. _____

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 SULLIVAN COUNTY, PENNSYLVANIA
CIVIL ACTION – LAW**

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

**DEFENDANT’S 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 delay.

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: _____
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 need not file this Counter-Affidavit.

**IN THE COURT OF COMMON PLEAS OF SULLIVAN 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 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
Sullivan County Courthouse
245 Muncy Street
Suite 100
Laporte, PA 18626
570-946-7531**

Respectfully submitted,

Sign your name

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: _____

**IN THE COURT OF COMMON PLEAS OF SULLIVAN 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
Petition for Alimony Pendente Lite was served by first class mail on the other party as follows:

Name of Other Party

Address of Other Party

Date: _____

By: _____
Signature of ()Plaintiff
()Defendant

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

_____,
Name **Plaintiff**

vs.

_____,
Name **Defendant**

:
:
:
:
:
:
:

Case No. _____

NOTICE OF INTENTION TO RESUME PRIOR SURNAME

NOTICE is hereby given that I, _____, the _____

Your Married Name

Plaintiff or Defendant

in the above-captioned case, am in the process of a divorce. The Complaint in Divorce was filed
on _____. I hereby elect to resume the prior surname of _____

Date Complaint was Filed

Your Prior Name

and give this written notice pursuant to the provisions of 54 Pa.C.S. § 704.

Date: _____

(Married Name)
Signature using your married name

(Prior Name)
Signature of name being resumed

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

_____,
Name **Plaintiff**

vs.

_____,
Name **Defendant**

:
:
:
:
:
:
:

Case No. _____

ORDER

AND NOW, this ____ day of _____, 20____, upon consideration of the within Petition for Special Relief, it is hereby ordered that:

1. A rule is issued upon respondent to show cause why the petitioner is not entitled to the relief requested;
2. The respondent shall file an answer to the petition within twenty (20) days of service upon the respondent;
3. The petition shall be decided under Pa.R.C.P. 206.7 and Local Rule 206;
4. The parties shall
 - i. appear _____ 20____, at _____ in Courtroom ____ of the Sullivan County Courthouse, to determine appropriate procedure for determining disputed facts;
 - ii. consult with the Court within ten (10) days after an answer is filed to determine appropriate procedure for determining disputed facts;
5. An evidentiary hearing on disputed facts shall be held _____, 20____, at _____, in Courtroom _____, of the Sullivan County Courthouse;
6. Depositions shall be completed within ____ days of this date;
7. Argument shall be held on _____, 20____ at _____, in Courtroom ____ of the Sullivan County Courthouse;
8. Notice of the entry of this order shall be provided to all parties by the petitioner.

BY THE COURT:

P. J.

- Exclusive Interim Possession of the Marital Residence
- Interim Use of Personal Property
- Appointment of a Receiver
- Appointment of a Counselor
- Require the continuance of insurance to include beneficiary designation
- Compel payment of the mortgage
- Compel the sale of the marital residence to prevent foreclosure
- Reduce the sale price of the marital residence
- Enforce the Marital Settlement Agreement on Master's Recommendations
- Other, specify _____

5. The Petitioner has no adequate remedy at law.

6. The best interest of the parties will be served by granting the special relief

requested because (explain in detail): _____

WHEREFORE, Petitioner requests the Court grant the Special Relief requested above as well as any other relief deemed appropriate by the Court.

Respectfully submitted:

Date: _____

By: _____

Signature of ()Plaintiff
()Defendant

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

_____,
Name **Plaintiff**

vs.

_____,
Name **Defendant**

:
:
:
:
:
:
:

Case No. _____

VERIFICATION

I verify that the statements made in the foregoing Petition for Special Relief 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.

Respectfully submitted:

Date: _____

By: _____
Signature of ()Plaintiff
()Defendant

**IN THE COURT OF COMMON PLEAS OF SULLIVAN 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 Petition for Special Relief and the Order dated _____ was served by first class mail on

Date of Order

the other party as follows:

Name of Other Party

Address of Other Party

Date: _____

By: _____
Signature of ()Plaintiff
()Defendant