

**OBTAINING A DIVORCE IN BEAVER COUNTY**  
**3301(d) – Non-consent Divorce (Separated for 1 year)**

- Please follow the instructions in the packet very carefully.
- Divorces are filed in the Prothonotary's Office, located on the first floor of the Beaver County Courthouse.
- At the time of filing, there will be a filing fee, as indicated by Prothonotary.
- If, at any time after the filing of the Divorce Complaint, either party's address changes, that party **must** notify Prothonotary directly (providing Prothonotary with an envelope with the new address will not qualify), as this is how you are notified if there is an error in your paperwork.
- If you are seeking to have the filing fee waived, complete an In Forma Pauperis, which is a separate form and not part of this packet, and take it to Courtroom #4 no later than 8:45 a.m. any Tuesday or Thursday morning to present to the Judge.
- **Remember** – NO courthouse staff may assist in filling out forms. If you have any questions, please consult an attorney.
- For more information and more detailed instructions on how to fill out the forms, please see the following website:  
<http://www.pacourts.us/learn/representing-yourself/divorce-proceedings>

## **HOW TO PROCEED WITH A 3301(d) NON-CONSENT DIVORCE:**

The Pennsylvania Rules of Civil Procedure for a 3301(d) divorce require the parties to be separated for **one (1) year** before proceeding with a 3301(d) non-consent no-fault divorce.

**If you have already been separated for at least one year before you file for divorce,** you may begin the divorce process under a Section 3301(d) divorce.

**If you have NOT been separated for at least one year before you file for divorce,** you may begin the divorce process under a Section 3301(d) divorce by completing STEP ONE and STEP TWO (filing the Complaint). **Thereafter, you MUST wait until you have been separated for at least one year** to proceed to STEP THREE.

### **►STEP ONE: Complete and File the Entry of Appearance as a Self-Represented Party (Form 1)**

If you are proceeding as a self-represented party, complete and file Form 1 in the Prothonotary's Office. If you change your address anytime thereafter, you **must** notify the Prothonotary.

### **►STEP TWO: Complete and File the Notice to Defend; and Complaint for Divorce (Form 2)**

Complete the entire Form 2. Fill in all blanks.

The caption at the top of each form includes your name, your spouse's name, and the docket number assigned to the case by the Prothonotary's office. **This caption MUST be identical on all documents filed in your case, regardless of which party is filing the document.**

File Form 2, upon completion, in the Prothonotary's Office. Bring two (2) extra copies. The Prothonotary will time-stamp and keep the original. The two (2) copies will be time-stamped and returned to you. One copy is for your records, and the other copy must be served on your spouse as described in STEP FOUR.

**IF YOU HAVE BEEN SEPARATED FOR AT LEAST ONE (1) YEAR:** Proceed with the following steps.

**If you have NOT been separated for at least one year, STOP.** You may proceed only **AFTER** you have been separated for at least one year.

**►STEP THREE: Complete and File the Affidavit Under 3301(d) of the Divorce Code (Form 3-A); a Blank Counter-Affidavit Under 3301(d) of the Divorce Code (Form 3-B); AND the Affidavit of Non-Military Service (if applicable) (Form 7)**

You cannot obtain a 3301(d) divorce against an unrepresented Defendant if he/she is in the military. Therefore, if your spouse is not represented by counsel, you must also complete and sign an Affidavit of Non-Military Service (Form 7).

Take the completed and signed original Complaint (Form 2), Affidavit Under Section 3301(d) of the Divorce Code (Form 3-A), and Affidavit of Non-Military Service (Form 7), if applicable, along with two (2) copies of each to the Prothonotary.

The Prothonotary's Office will time-stamp the originals and the copies of each. The original will stay in the Prothonotary's file, and two (2) copies of each will be returned to you. One of the copies is for your records and the other is to serve upon your spouse as outlined in STEP FOUR below.

Reminder: If you already filed the Complaint (Form 2), then you only need to file the Affidavit Under Section 3301(d) of the Divorce Code (Form 3-A) and Affidavit of Non-Military Service (Form 7), if applicable.

**►STEP FOUR: Serve the Divorce Complaint (Form 2), Affidavit Under 3301(d) of the Divorce Code (Form 3-A), Blank Counter-Affidavit Under 3301(d) of the Divorce Code (Form 3-B), AND Affidavit of Non-Military Service (if applicable) (Form 7)**

After filing the Complaint (Form 2), Affidavit Under Section 3301(d) of the Divorce Code (Form 3-A), and Affidavit of Non-Military Service (Form 7), if applicable, at Prothonotary, you **must serve, BY ORIGINAL PROCESS**, the time-stamped Complaint (Form 2), Affidavit Under Section 3301(d) of the Divorce Code (Form 3-A), Affidavit of Non-Military Service (Form 7), if applicable, **AND** a blank Counter-Affidavit Under 3301(d) of the Divorce Code (Form 3-B) upon your spouse **within thirty (30) days of the date they were filed** (this is the date time-stamped on the documents).

If the other party does not live in Pennsylvania, the time requirement is extended to ninety (90) days.

If service is not completed within 30 days (or 90 days if outside of Pennsylvania) of the date of filing, you must file a Praecipe to Reinstate Complaint (Form 5). The date you file this Praecipe re-starts the clock for service. You will have another 30 days (or 90 days) to serve your spouse.

**YOU MUST SERVE YOUR SPOUSE IN ACCORDANCE WITH Pa.R.C.P. 1930.4 IN ORDER TO PROCEED.**

According to Pa.R.C.P. 1930.4, service of the Divorce Complaint (Form 2), Affidavit Under Section 3301(d) of the Divorce Code (Form 3-A), Affidavit of Non-Military Service (Form 7), if applicable, and blank Counter-Affidavit Under 3301(d) of the Divorce Code (Form 3-B) must be made upon your spouse in any of the following three ways.

**OPTION ONE:** Affidavit of Acceptance of Service (Form 4-A)

Give your spouse the Divorce Complaint (Form 2), Affidavit Under Section 3301(d) of the Divorce Code (Form 3-A), Affidavit of Non-Military Service (Form 7), if applicable, and a blank Counter-Affidavit Under 3301(d) of the Divorce Code (Form 3-B) **and** the Affidavit of Acceptance of Service (Form 4-A). Your spouse **MUST** print their name, sign, and date the Acceptance of Service stating they have received a copy of Form 2, Form 3-A, and Form 3-B. Your spouse **MUST** then give it back to you to file with the Prothonotary. Make a photocopy for your records.

**OPTION TWO:** Affidavit of Service by Mail (Form 4-B)

Mail the Complaint (Form 2), Affidavit Under Section 3301(d) of the Divorce Code (Form 3-A), Affidavit of Non-Military Service (Form 7), if applicable, and a blank Counter-Affidavit Under 3301(d) of the Divorce Code (Form 3-B) to your spouse by **regular mail AND Certified Mail, Restricted Delivery WITH return receipt requested** (use US Postal Form 3811 from the post office). The return receipt will be a green card with your spouse's signature and the date he/she signed.

You must then complete the Affidavit of Service by Mail (Form 4-B) stating that you have mailed your spouse the required forms as described above. You **MUST** attach the green card, which you will receive back from the post office, to the Affidavit of Service by Mail proving your spouse signed for the envelope. File the original Form 4-B with the original green card attached in the Prothonotary. Make a photocopy of this for your records.

\*\*\*If the Certified Mail Restricted Delivery is returned as "unclaimed," another type of service must be used.

**OPTION THREE:** Affidavit of Service by Personal Service (Form 4-C)

Any competent adult, **other than you**, may personally hand the Complaint (Form 2), Affidavit Under Section 3301(d) of the Divorce Code (Form 3-A), Affidavit of Non-Military Service (Form 7), if applicable, and blank Counter-Affidavit Under 3301(d) of the Divorce Code (Form 3-B) to your spouse.

The third party who hands the documents to your spouse **MUST** complete, date, and sign the Affidavit of Service by Personal Service (Form 4-C), then they must give it back to you to file the original with the Prothonotary. Make a photocopy for your records.

## **► STEP FIVE: Wait 20 days**

General Information: The Pennsylvania Rules of Civil Procedure require that twenty (20) days elapse after serving the Complaint, Affidavit, and Counter-Affidavit in a 3301(d) divorce.

If your spouse completes and files the Counter-Affidavit Under 3301(d) of the Divorce Code denying the date of separation or raising claims, either party may present a motion requesting the Court resolve the issue(s).

If your spouse does not oppose the divorce and does not wish to raise additional claims, they do not need to take any action on the Counter-Affidavit Under 3301(d) of the Divorce Code and you may proceed to the next step.

## **► STEP SIX: Complete, File, and Serve the Notice of Intention to File the Praeceptum to Transmit the Record Under Section 3301(d) of the Divorce Code (Form 6); Another Blank Counter-Affidavit (Form 3-B); and copy of Praeceptum to Transmit Record (Form 9);**

After a minimum of twenty (20) days from proper service of the Complaint (Form 2), Affidavit Under Section 3301(d) of the Divorce Code (Form 3-A), Affidavit of Non-Military Service (Form 7), if applicable, and blank Counter-Affidavit Under Section 3301(d) of the Divorce Code (Form 3-B), you must complete, file, and serve your spouse with the following:

- A Notice of Intention to File the Praeceptum to Transmit Record Under Section 3301(d) of the Divorce Code (Form 6);
- Another blank Counter-Affidavit (Form 3-B); AND
- A copy of the proposed Praeceptum to Transmit Record (see Form 9) that indicates the date and manner of service of the Notice of Intention to File the Praeceptum to Transmit Record (the original will be filed in the future).

Complete and sign the Notice of Intention to File the Praeceptum to Transmit Record Under Section 3301(d) of the Divorce Code (Form 6), inserting a date that is at least 20 days after your spouse will be served with the form, and the Praeceptum to Transmit Record (Form 9). Make two (2) copies.

Take the original and two (2) copies of Form 6 to the Prothonotary. The Prothonotary's Office will time-stamp the original and copies. The original will stay in the Prothonotary's file and the copies will be returned to you; one to serve upon your spouse and one for you to keep for your records.

If there are claims in the Divorce Complaint or Answer to the Complaint for equitable distribution, attorney fees and costs, alimony, etc., they MUST be withdrawn by the party raising them or resolved by agreement of the parties or Order of Court.

Mail copies of Form 6, Form 3-B, and a copy of Form 9 by First Class Mail to your spouse.

Complete, date, and sign the Certificate of Service (Form 8) by marking the appropriate boxes for the documents you have mailed to your spouse. Make one copy of Form 8 for your records.

Take the original and one (1) copy of Form 8 to the Prothonotary. The Prothonotary's Office will time-stamp the original and copy. The original will stay in the Prothonotary's file, and the copy will be returned to you for your records.

**Note:** The parties may alternatively sign and file Waivers of Notice of Intention to File the Praeceptum to Transmit Record (Forms 6-A and 6-B from the 3301(c) packet). The Notice of Intention to File the Praeceptum to Transmit Record Under Section 3301(d) of the Divorce Code (Form 5) is NOT required IF the parties choose this alternative. The Waivers of Notice must be filed in the Prothonotary within **thirty (30) days** of being signed.

## **► STEP SEVEN: Wait an additional 20 days after STEP SIX (second 20-day waiting period)**

General Information: The Pennsylvania Rules of Civil Procedure require that twenty (20) days elapse between serving the Notice of Intention to File the Praeceptum to Transmit the Record Under Section 3301(d) of the Divorce Code (Form 6) and filing the Praeceptum to Transmit Record (Form 9).

## **► STEP EIGHT: Praeceptum to Transmit Record (Form 9)**

Complete the Praeceptum to Transmit Record (Form 9). Attach a copy of the Notice of Intention to File the Praeceptum to Transmit the Record under Section 3301(d) of the Divorce Code (Form 6) and a blank Counter-Affidavit (Form 3-B) to Form 9, which you had previously served on your spouse.

**THE PREAECIPE TO TRANSMIT RECORD MUST BE FULLY COMPLETED WITH CORRECT DATES.** You will be required to make all corrections on this form before your divorce is finalized. READ THE FOLLOWING STEPS VERY CAREFULLY.

Paragraph #1: You must select 3301(d) (the divorce you are filing).

Paragraph #2: Please ensure the date of service and method of service are correct. The date of service will depend on the method of service you utilized in STEP THREE (refer to your copies to ensure the correct date and manner of service).

Paragraph #3: Please ensure the dates you signed and served the Affidavit are correct.

Paragraph #4: You **MUST** report if there are any claims pending. If there are none, say "none." You **CANNOT** leave this option blank or say it is not applicable.

Paragraph #5: Please ensure the date and method of service of the Notice of Intention to File the Praecipe is correct (or, if Waivers of Notice were filed, the dates for the FILING of the Waivers of Notice).

Be sure to sign and date at the bottom of the page

Reminder: The date of execution is the date the form was signed. The date of filing is the date the form was time-stamped by the Prothonotary's Office.

### **► STEP NINE: Divorce Information Sheet (Form 10)**

The Divorce Information Sheet (Form 10) must be completed and filed in the Prothonotary's Office.

Here, include the docket number, Plaintiff's name, Defendant's name, date of marriage, and check the appropriate line for the number of years you were married.

### **► STEP TEN: Divorce Decree (Form 11)**

Submit Form 11 to the Prothonotary with completed Form 9 and Form 10.

If corrections need to be made in the paperwork, a final Divorce Decree will **not** be entered until the Court has the corrected paperwork. The responsibility of submitting accurate paperwork is that of the parties. You will be notified at the address of record in the Prothonotary.

Once a Divorce Decree is signed by the Judge, as long as you have provided the Prothonotary two stamped envelopes, one with your current address and one with your spouse's current address as indicated at Prothonotary, a copy will be mailed to both parties.

**\*\*Please ensure the names in the caption and the Divorce Decree itself are identical to how you wrote the names in the Complaint and corresponding Civil Cover Sheet.**

**\*\*The responsibility of submitting accurate paperwork is that of the parties; the Court will not correct filings with mistakes.**

## **LIST OF FORMS FOR 3301(d) DIVORCE**

These forms are not designed for complicated divorce issues. It is likely that any complex divorce matter is going to require additional forms that are not included here and the expertise of a lawyer. Examples of a complicated divorce matter include: a request to divide property, receive alimony, payment of attorney's fees and expenses, or if your spouse is in the military.

**IF YOU FAIL TO RAISE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES IN YOUR DIVORCE COMPLAINT, YOU WILL WAIVE OR LOSE THE RIGHT TO MAKE SUCH CLAIMS WHEN THE DIVORCE DECREE IS ENTERED.**

**Form 1:** Entry of Appearance as a Self-Represented Party

**Form 2:** Divorce Complaint

**Form 3-A:** Affidavit Under Section 3301(d) of the Divorce Code

**Form 3-B:** Counter-Affidavit Under Section 3301(d) of the Divorce  
Code

**Form 4-A:** Acceptance of Service

**Form 4-B:** Affidavit of Service by Regular Mail AND Certified Mail,  
Restricted Delivery

**Form 4-C:** Affidavit of Service by Personal Service

**Form 5:** Praecipe to Reinstate Complaint

**Form 6:** Notice of Intention to File the Praecipe to Transmit Record  
Under Section 3301(d) of the Divorce Code

**Form 7:** Affidavit of Non-Military Service Pursuant to Pa.R.C.P.  
1920.4

**Form 8:** Certificate of Service

**Form 9:** Praecipe to Transmit Record

**Form 10:** Divorce Information Sheet

**Form 11:** Decree in Divorce



# **Form 1**

## **Entry of Appearance as a Self-Represented Party**

Instructions for this form can be found at the beginning of this packet.

PLAINTIFF

IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA

VS.

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

DEFENDANT

### **ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY**

1. I am the ☐ Plaintiff ☐ Defendant in the above-captioned **(MARK ONE)** ☐ custody, ☐ divorce, ☐ support, ☐ protection from abuse, ☐ paternity case.

2. **(check only one box)**

☐ This **(CIRCLE ONE)** is / is not a new case and I am representing myself in this case and have decided not to hire an attorney to represent me.

**-OR-**

☐ This is **NOT** a new case and (Name of Attorney) previously represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case. I have provided a copy of this form to that attorney listed above at the following address:

**(check only one box)**

☐ I am entering my appearance as a self-represented party (sign) \_\_\_\_\_

☐ I am withdrawing my appearance as attorney in this case (attorney signature) \_\_\_\_\_

3. My address for the purpose of receiving all future pleadings and other legal notices is: \_\_\_\_\_. I understand that this address will be the only address to which notices and pleadings in this case will be sent, and that I am responsible to regularly check my mail at this address to ensure that I do not miss important deadlines or proceedings.

☐ This is my home address.

☐ This is not my home address.

4. My telephone number where I can be reached during normal business hours (8:30 a.m. – 4:30 p.m. Monday – Friday) is \_\_\_\_\_. My email address is \_\_\_\_\_.

☐ My telephone number is confidential pursuant to a Protection From Abuse Order.

5. **I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.**

6. I have provided a copy of this form to all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name _____	Address _____
Name _____	Address _____

7. I fully understand that by deciding to represent myself, the Court will hold me to the same standards of knowledge regarding the statutory law, evidence law, Local and State Rules of Procedure and applicable case law as a Pennsylvania licensed attorney, and that I must be fully prepared to meet those responsibilities.

I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities which could result in a fine and/or prison term.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature (Your Signature)

# **Form 2**

## **Divorce Complaint**

Instructions for these forms can be found at the beginning of this packet.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

_____ ,	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>No.</b> _____
	:	
_____ ,	:	<b>In Divorce</b>
<b>Defendant</b>	:	

**NOTICE TO DEFEND AND CLAIM RIGHTS**

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the Court. A judgment may also be entered against you for any other claim or relief requested in these papers by the Plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in \_\_\_\_\_(county) Courthouse, Office of the Prothonotary, \_\_\_\_\_(city), Pennsylvania.

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.

**Lawyer Referral Service  
The Beaver County Bar Association  
<http://bcba-pa.org/lawyer-referral-service/>  
788 Turnpike Street  
Beaver, PA 15009  
Telephone # 724-728-4888**

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

_____ , <b>Plaintiff</b>	:	
	:	
	:	
vs.	:	No. _____
	:	
_____ , <b>Defendant</b>	:	<b>In Divorce</b>
	:	

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

AND NOW, comes the Plaintiff and for cause of action against the Defendant says:

1. Plaintiff is \_\_\_\_\_ (your name), an adult individual who currently resides at \_\_\_\_\_ (street address), \_\_\_\_\_ (city), \_\_\_\_\_ (county), \_\_\_\_\_ (state), \_\_\_\_\_ (zip code).
2. Defendant is \_\_\_\_\_ (spouse's name), an adult individual who currently resides at \_\_\_\_\_ (street address), \_\_\_\_\_ (city), \_\_\_\_\_ (county), \_\_\_\_\_ (state), \_\_\_\_\_ (zip code).
3. Either Plaintiff or Defendant has been bona fide resident of the Commonwealth of Pennsylvania for at least six months immediately previous to the filing of this Complaint.
4. Plaintiff and Defendant were married on \_\_\_\_\_ (month/day/year), in \_\_\_\_\_ (county), \_\_\_\_\_ (state).
5. There \_\_\_\_\_ (have been/have not been) prior actions of divorce or for annulment between the parties. (If there have been, name the jurisdiction and case number): \_\_\_\_\_  
\_\_\_\_\_
6. The marriage is irretrievably broken.

7. The parties \_\_\_\_\_(are/are not) living separate and apart. If the parties are living separate and apart, they have lived separate and apart since \_\_\_\_\_(month/day/year).
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. The Defendant \_\_\_\_\_(is/is not) a member of the Armed Services of the United States or any of its allies.
10. Plaintiff requests that the Court enter a decree of divorce.

WHEREFORE, Plaintiff respectfully requests your Honorable Court enter a Decree in Divorce, divorcing Plaintiff and Defendant.

I verify that the statements in the foregoing Complaint in Divorce are true and correct to the best of my knowledge, information, and belief. 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:

Respectfully submitted,

\_\_\_\_\_

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

\_\_\_\_\_  
Plaintiff's Name – Printed

# **Form 3-A**

## **Affidavit Under Section 3301(d) of the Divorce Code**

Instructions for these forms can be found at the beginning of this packet.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

_____ ,	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	No. _____
	:	
_____ ,	:	<b>In Divorce</b>
<b>Defendant</b>	:	

**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 (2) 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 (1) 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 in this document are true and correct to the best of my knowledge, information, and belief. 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)



# **Form 3-B**

## **Counter-Affidavit Under Section 3301(d) of the Divorce Code**

Instructions for these forms can be found at the beginning of this packet.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY**  
**P E N N S Y L V A N I A**  
**CIVIL DIVISION – LAW**

_____ ,	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>No.</b> _____
	:	
_____ ,	:	<b>In Divorce</b>
<b>Defendant</b>	:	

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

1. Check either (a) or (b):
- \_\_\_\_ (a)      I do not oppose the entry of a divorce decree.
- \_\_\_\_ (b)      I oppose the entry of a divorce decree because (Check (i), (ii), or both):
- \_\_\_\_ (i)      The parties to this action have not lived separate and apart for the required time period.
- \_\_\_\_ (ii)      The marriage is not irretrievably broken.
- (iii)      There are economic claims pending

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 (2)(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 File the Praecipe to Transmit the Record, the divorce decree may be entered without further delay.

I verify that the statements in this document are true and correct to the best of my knowledge, information, and belief. 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

**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. If you do wish to claim either economic relief and/or oppose the divorce, you must complete this form and file it with the Prothonotary. It is recommended that you speak to an attorney.**

# **Form 4**

**Form 4-A: Affidavit of Acceptance of Service**

**Form 4-B: Affidavit of Service by Mail**

**Form 4-C: Affidavit of Service by Personal Service**

Instructions for these forms can be found at the beginning of this packet.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

_____	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>No.</b> _____
	:	
_____	:	<b>In Divorce</b>
<b>Defendant</b>	:	

**AFFIDAVIT OF ACCEPTANCE OF SERVICE**

I, \_\_\_\_\_, Defendant in the above-captioned action depose and say that on this date I hereby accept service of the Complaint in Divorce, Notice to Defend and Claim Rights with Notice of Availability of Counseling, the Affidavit Under Section 3301(d) of the Divorce Code, a blank Counter-Affidavit Under 3301(d) of the Divorce Code, and the Affidavit of Non-Military Service, if applicable.

I verify that the statements in this document are true and correct to the best of my knowledge, information, and belief. 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: \_\_\_\_\_

\_\_\_\_\_  
Defendant's Signature

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

_____	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	No. _____
	:	
_____	:	<b>In Divorce</b>
<b>Defendant</b>	:	

**AFFIDAVIT OF SERVICE BY MAIL**

I, \_\_\_\_\_, Plaintiff in the above-captioned action depose and say the following:

1. On \_\_\_\_\_ (date mailed documents), a copy of the Complaint in Divorce, Notice to Defend and Claim Rights with Notice of Availability of Counseling, the Affidavit Under Section 3301(d) of the Divorce Code, a blank Counter-Affidavit Under 3301(d) of the Divorce Code, and the Affidavit of Non-Military Service, if applicable, was mailed to the Defendant by **Certified Mail, Restricted Delivery WITH return receipt requested AND** regular mail at Defendant's last known address, as indicated on the attached mailing receipt.
2. On \_\_\_\_\_ (date of spouse's signature on green return card), Defendant received the aforesaid documents, and the mailing receipt and return receipt green card evidencing the same are attached hereto and made a part hereof.

I verify that the statements in this document are true and correct to the best of my knowledge, information, and belief. 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: \_\_\_\_\_

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

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

_____	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>No.</b> _____
	:	
_____	:	<b>In Divorce</b>
<b>Defendant</b>	:	

**AFFIDAVIT OF SERVICE BY PERSONAL SERVICE**

I, \_\_\_\_\_, hereby depose and say that I personally served the above-captioned Defendant with the Complaint in Divorce, Notice to Defend and Claim Rights with Notice of Availability of Counseling, the Affidavit Under Section 3301(d) of the Divorce Code, a blank Counter-Affidavit Under 3301(d) of the Divorce Code, and the Affidavit of Non-Military Service, if applicable, by personally handing the same to him/her on \_\_\_\_\_(date).

I verify that the statements in this document are true and correct to the best of my knowledge, information, and belief. 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: \_\_\_\_\_

\_\_\_\_\_  
Signature of Person Who Served Defendant  
(Not the Plaintiff)

## **Form 5**

# **Praecipe to Reinstate the Complaint**

*You only need to file this form if you were unable to successfully serve the Complaint (Form 2) on your spouse within 30 days (or within 90 days if your spouse lives outside of Pennsylvania) of the Complaint being filed.*

*The date you file this Praecipe re-starts the clock for service, and you will have another 30 days (or 90 days if your spouse lives outside of Pennsylvania) to serve the Complaint (Form 2) on your spouse.*

*\* For example, if you file the Praecipe to Reinstate the Complaint on January 1st, then you must serve your spouse by January 31st.*

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

Plaintiff	:	
	:	
	:	
vs.	:	No. _____
	:	
Defendant	:	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



## **Form 6**

# **Notice of Intention to File the Praecipe to Transmit Record Under Section 3301(d) of the Divorce Code**

Instructions for these forms can be found in the beginning of this packet.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

<hr/>	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>No.</b> <hr/>
	:	
<hr/>	:	<b>In Divorce</b>
<b>Defendant</b>	:	

**NOTICE OF INTENTION TO FILE THE PRAECIPE TO TRANSMIT THE  
RECORD UNDER SECTION 3301(d) OF THE DIVORCE CODE**

**TO:** \_\_\_\_\_(spouse’s full name)

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 \_\_\_\_\_, 202\_\_ (*insert 20 days after service of this document*), the other party can request the court to enter a final 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, 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.**

Beaver County Bar Association Lawyer Referral  
Service 788 Turnpike Street  
Beaver, PA 15009  
724-728-4888

<https://bcba-pa.org/lawyer-referral-service/>

Respectfully submitted,

\_\_\_\_\_  
Plaintiff’s Signature

# **Form 7**

## **Affidavit of Non-Military Service Pursuant to Pa.R.C.P. 1920.4**

**You may not need to file this form. You cannot obtain a 3301(d) divorce against an unrepresented Defendant if he/she is in the military. Therefore, you only need to file this form if your spouse is not represented by counsel AND you are seeking a divorce under Section 3301(d) of the Divorce Code.**

Instructions for these forms can be found in the beginning of this packet.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

_____	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	No. _____
	:	
_____	:	<b>In Divorce</b>
<b>Defendant</b>	:	

**AFFIDAVIT OF NON-MILITARY SERVICE PURSUANT TO PA.R.C.P. 1920.46.**

I, \_\_\_\_\_ (your full name), say that I am the Plaintiff in the above-captioned matter; that I personally know that the Defendant is over the age of eighteen years, and that the Defendant is not in the military service or in any branch of the armed forces of the United States or its allies or otherwise within the provisions of the Servicemember's Civil Relief Act, formally the Soldiers' and Sailors' Civil Relief Act of Congress of 1940, and the amendments thereto.

I verify that the statements in this document are true and correct to the best of my knowledge, information, and belief. 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's Signature

# **Form 8**

## **Certificate of Service**

Instructions for these forms can be found in the beginning of this packet.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

_____ , <b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>No.</b> _____
	:	
_____ , <b>Defendant</b>	:	<b>In Divorce</b>
	:	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this date, a true and correct copy of the following have been served (check any of the following that apply):

- ☐ Notice of Intention to File the Praeceptum to Transmit the Record under Section 3301(d) Divorce of the Divorce Code, and Counter- Affidavit Under 3301(d)
  
- ☐ Blank Counter-Affidavit Under Section 3301(d) of the Divorce Code
  
- ☐ Affidavit of Non-Military Service
  
- ☐ (Other) \_\_\_\_\_

The undersigned hereby certifies that the above documents were served by first class mail to the following (*input Spouse's Name and Address below*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Respectfully submitted,

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

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

# **Form 9**

## **Praecipe to Transmit the Record**

Instructions for these forms can be found in the beginning of this packet.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY**  
**P E N N S Y L V A N I A**  
**CIVIL DIVISION – LAW**

_____ ,	:	
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	<b>No.</b> _____
	:	
_____ ,	:	<b>In Divorce</b>
<b>Defendant</b>	:	

**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) or ☐ 3301(d) of the Divorce Code.
  
2. Date and manner of service of the Complaint: \_\_\_\_\_ (date of service);  
\_\_\_\_\_ (method of service).
  
3. Complete either paragraph (a) or (b):
  - (a) date of execution of the Affidavit of Consent required by Section 3301(c) of the Divorce Code: by Plaintiff \_\_\_\_\_ (date signed); by Defendant \_\_\_\_\_ (date signed).
  - (b) date of execution of Plaintiff's Affidavit required by Section 3301(d) of the Divorce Code: \_\_\_\_\_ (date Plaintiff signed); date of service of Plaintiff's Affidavit upon Defendant: \_\_\_\_\_ (date of service).
  
4. Related claims pending: \_\_\_\_\_.
  
5. Complete either (a) or (b):
  - (a) Date and manner of service of the Notice of Intention to File the Praecipe, a copy of which is attached: \_\_\_\_\_ (date of service); \_\_\_\_\_ (manner of service).
  - (b) Date Plaintiff's Waiver of Notice was filed with Prothonotary: \_\_\_\_\_.  
Date Defendant's Waiver of Notice was filed with Prothonotary: \_\_\_\_\_.

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

\_\_\_\_\_  
(Plaintiff/Defendant)



**FORM 10**

**Divorce Information Sheet**

**(Vital Records)**

Instructions for this form can be found at the beginning of this packet.

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNY  
P E N N S Y L V A N I A  
CIVIL DIVISION  
OFFICE OF THE PROTHONOTARY**

**DIVORCE INFORMATION SHEET**

Pursuant to Act 2001-82, Vital Statistics Forms are not required by the State effective January 1, 2002. However, the Prothonotary is required to provide the following information in lieu of the Vital Statistics Form.

Please fill in the following information and file with the Prothonotary.

Prothonotary/Docket Number: \_\_\_\_\_

Plaintiff's Name: \_\_\_\_\_

Defendant's Name: \_\_\_\_\_

Date of Marriage: \_\_\_\_\_

Years Married: \_\_\_\_<5; \_\_\_\_5-9; \_\_\_\_10-14; \_\_\_\_15-19; \_\_\_\_20-24; \_\_\_\_25-29; \_\_\_\_30+

# Form 11

## Divorce Decree

Instructions for this form can be found at the beginning of this packet.

***\*\*The Court will fill out the date and sign at the bottom.***

**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
P E N N S Y L V A N I A  
CIVIL DIVISION – LAW**

Plaintiff	:	
vs.	:	No. _____
Defendant	:	In Divorce

**DECREE OF DIVORCE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, it is Ordered and Decreed that the Plaintiff, \_\_\_\_\_, and the Defendant, \_\_\_\_\_, are divorced from the bonds of matrimony.

The parties shall reaffirm or change the beneficiary status on any life insurance policies, annuity contracts, pensions, profit sharing plans, or other contractual arrangements providing for payment to a spouse if it is the intention of one of the parties to keep or change the other party as a beneficiary. Failure to do so may result in revocation of the beneficiary designation pursuant to 20 Pa.C.S. §6111.2 (Effect of Divorce or pending Divorce on Designation of Beneficiaries).

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 pendente lite if any economic claims remain pending.

BY THE COURT:

\_\_\_\_\_. J.

**CERTIFICATE OF COMPLIANCE**  
**RE: ACCESS TO COURT CASE RECORDS**  
**CASE NO. \_\_\_\_\_**

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

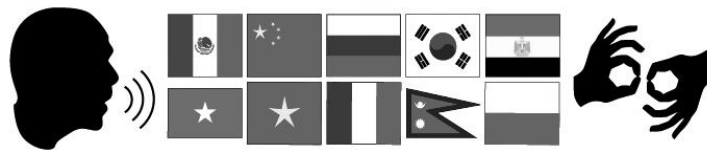
Submitted by: \_\_\_\_\_

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

Print Name: \_\_\_\_\_

Attorney No. (if applicable): \_\_\_\_\_

Rev. 02/22/18



## Notice of Language Rights

Language Access Coordinator

Beaver County Courthouse, 810 Third Street, Beaver, PA, 15009

724-770-4770

[languageaccess@beavercountypa.gov](mailto:languageaccess@beavercountypa.gov)

**English:** You have the right to an interpreter at no cost to you. To request an interpreter, please inform court staff using the contact information provided at the top of this notice.

**Spanish/Español:** Usted tiene derecho a un intérprete libre de costo. Para solicitar un intérprete favor de informárselo al personal judicial utilizando la información provista en la parte superior de este aviso.

**Mandarin/Cantonese Simplified Chinese/普通话/粤语简体中文:** 您有权获得免费的口译员服务。若需要口译员，请使用本通知上方提供的联系信息通知法院工作人员。

**Mandarin/Cantonese Traditional Chinese/普通話/廣東話繁體中文:** 您有權要求免費傳譯服務。如欲要求傳譯服務，請參閱本通知頂部的聯絡資料，通知法庭職員。

**/Arabic:** الحق لك الحصول على مترجم دون دفع أي نفقة من جانيك. لطلب مترجم، يرجى إعالم موظفي المحكمة باستخدام معلومات الاتصال المتصلة المقدمة في الجزء العلوي من هذا الشعار.

**Russian/Русский:** У вас есть право на бесплатные услуги переводчика. Заявка на переводчика подается в суд по адресу, телефону или эл. почте, указанным выше в заголовке этого уведомления.

**Vietnamese/Tiếng Việt:** Quý vị có quyền được một thông dịch viên giúp mà không tốn chi phí nào cả, xin hãy báo cho nhân viên tòa án dùng thông tin liên lạc có ở trên đầu thông báo này.

**Nepali/नेपाली:** तपाईंको न िःशुल्क रूपमा भाषा अुवादक राख्छे अधिकार छ। अुवादकको लागि अुरो ि ि न

यस सूच ाको मा ि ददइएको सम्पकन जा कारी भरेर अस्सय कमचारीहरूलाई जा कारी दद ह्यो स।

**Korean/한국어:** 귀하는 비용에 대한 부담 없이 통역 서비스를 받을 권리가 있습니다. 통역 서비스를 요청하려면 본 통지서의 상단에 기재된 연락처를 통해 법원 직원에게 알려십시오.

**Polish/Polski:** Ma Pan/Pani prawo do nieodpłatnego skorzystania z usług tłumacza ustnego. Aby zwrócić się o wsparcie ze strony tłumacza ustnego, proszę skontaktować się z pracownikami sądu, korzystając z danych znajdujących się w górnej części niniejszego dokumentu.

**/Punjabi/ਪੰਜਾਬੀ/Pakistan:** ہاڈے کول بغیر ادائیگی کنڈناں اک مترجم حاصل کرن دا حق اے۔ مترجم دی اونے فراہم کنڈناں رابطے دناں معلومات نوں ورہندناں عدالت دے عملے نوں اطلاع دوو۔

**Punjabi/ਪੰਜਾਬੀ/India:** ਤੁਹਾਨੂੰ ਇਕ ਦੁਭਾਸ਼ੀਆ ਹਾਸਲ ਕਰਨ ਦਾ ਹੱਕ ਹੈ, ਜਿਸ ਦੀ ਤੁਹਾਨੂੰ ਕੋਈ ਲਾਗਤ ਨਹੀਂ ਲੱਗੇਗੀ। ਇਸ ਲਈ ਬੇਨਤੀ ਕਰਨ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰ ਕੇ ਅਦਾਲਤ ਦੇ ਅਮਲੇ ਨੂੰ ਿੱਠ ਕਰਵਾਓ ਤੇ ਇਸ ਲਈ ਇਸ ਨੇ ਜਿਸ ਦੇ ਸਖਰ ਉਤੇ ਸੱਤੀ ਸ਼ੁੰਪਰਕ ਿੱਠਕਾਰੀ ਦਾ ਇਸਤੇਮਾਲ ਕਰੇ।

**Portuguese/Português:** Você tem direito a um intérprete gratuitamente. Para solicitar um intérprete, informe à nossa equipe usando os dados de contato mostrados na parte superior deste aviso.

**Somali/Somaali:** Waxaad xaq u leedahay in lagu turjumo lacag la'aan ah. Si aad u codsato turjumaanka, fadlan u sheeg maxkamadda shaqaalaha adiga oo isticmaala macluumaadka ciwaanka kor lagu siiyay ee ogeysiiskaan.

**Haitian Creole/Kreyòl Ayisyen:** Ou gen dwa resevwa sèvis yon entèprèt gratis. Pou mande pou yon entèprèt, tanpri fè manm pèsònèl tribinal la konnen lè ou sèvi avèk enfòmasyon an yo te bay ou nan tèt avi sa a.

**French/Français :** Vous avez le droit de bénéficier gratuitement de l'assistance d'un interprète. Pour en faire la demande, veuillez en informer le personnel du tribunal à l'aide des coordonnées indiquées en haut de page.