

# **OBTAINING A DIVORCE IN BEAVER COUNTY**

## **3301D**

- 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 \$174.00 fee. (Cash or check only.) This fee may be waived if your income falls below the federal poverty guidelines. (See Form 2.)
- If you are seeking to have the filing fees waived, take the completed forms 1 and 2 (the Complaint and the In Forma Pauperis) with all other required documentation to Courtroom #4 no later than 8:45 a.m. any Tuesday or Thursday morning. No appointment is needed. Take a seat and wait your turn.
- If you wish to resume your maiden name, bring an additional \$10.50
- Please follow the instructions in the packet very carefully.
- 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>

# **DIVORCE PROCEDURE**

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.**

## **STEP ONE: The Notice to Defend, Complaint and Verification (Form 1).**

A divorce case is started with the filing of a "Complaint." There are two forms that should be attached to the Complaint: the "Notice to Defend and Claim Rights" page should be attached before the first page of the complaint.

The Complaint is filed in the Prothonotary's office, where civil matters are filed. You must pay the filing fee, unless you have been granted the right to proceed *In Forma Pauperis*. (See Form 2.)

The caption at the top of each form includes the county's name, 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 as to which party is filing the document.

Take the completed original and your two copies to the Prothonotary. The Prothonotary's office will time-stamp the original and two copies. The original will stay in the Prothonotary's file and the two copies will be returned to you. One of the copies is for your records; the other copy must be served on the other party in STEP TWO.

## **STEP TWO: Service of the Complaint.**

After filing the Notice to Defend, Complaint and Verification (Form 1), these documents must be served on the other party within thirty (30) days of the date they were filed, which is the date time-stamped on the document.

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 of the date of filing, the Complaint must be reinstated using Form 4 and re-served.

Service of the Notice to Defend, Complaint and Verification (Form 1) must be made either by Personal Service, by Acceptance of Service, or by regular and Certified Mail return receipt requested, restricted delivery.

If you were unable to serve the opposing party within 30 days (or within 90 days if the other party lives outside Pennsylvania), then you must complete and file the Praecepte to Reinstate the Complaint, Form 4.

The date you file this Praecepte re-starts the clock for service. You will have another 30 days to serve the other party (or 90 days for a defendant outside Pennsylvania).

**Form 3-A: Acceptance of Service** – Give the opposing party Form 1. The other party signs the Affidavit of Acceptance of Service, Form 3-A, stating that he/she has received a copy of Form 1.

-OR

**Form 3-B: Service by Mail** – Mail Form 1 to the opposing party by regular **and** certified mail, return receipt requested, restricted delivery. You must complete the Affidavit of Service by Mail, Form 3-B, stating that you have mailed your spouse the required forms by certified mail.

You must also attach the green card receipt received from the post office. Make a photocopy of this green card for your records and file the original with the Prothonotary by attaching it to Form 3-B. If the certified mail is returned unclaimed, another form must be used.

-OR

**Form 3-C: Personal Service** – Any adult, other than you, (i.e. – Sheriff, Constable, or any reliable third party) may personally hand Form 1 to the opposing party. However, that third party who hands the papers to your spouse must sign a completed Affidavit of Service by Personal Service, Form 3-C.

After you have completed either Form 3-A, B, or C (whichever method you chose to serve the other party), make one copy.

File either Form 3-A, B, or C (whichever method you chose to serve the opposing party) with the Prothonotary. Take the original and one copy to the Prothonotary and have each document time-stamped. The original will stay in the file in the Prothonotary's file and the copy will be returned to you for your records.

**IF YOUR SPOUSE CONSENTS TO THE DIVORCE, FOLLOW THE STEPS FOR A 3301(C) DIVORCE.**

**IF YOUR SPOUSE DOES NOT CONSENT TO THE DIVORCE, FOLLOW THE STEPS FOR A 3301(D) DIVORCE.**

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

### **STEP THREE: Wait ONE year.**

The Pennsylvania Rules of Civil Procedure require the parties to be separated for one year before proceeding with a non-consent no-fault divorce. This means that the parties must live separate and apart for one full year.

**IF THE PARTIES WERE SEPARATED FOR A TIME PERIOD BEFORE THE FILING OF THE COMPLAINT, THAT TIME IS INCLUDED IN THE ONE YEAR REQUIREMENT.**

**THEREFORE, IF YOU HAVE ALREADY BEEN SEPARATED FOR AT LEAST ONE YEAR WHEN YOU INITIALLY FILE, YOU MAY PROCEED WITH A 3301(d) DIVORCE IMMEDIATELY AFTER FILING AND SERVING THE NOTICE TO DEFEND, COMPLAINT, AND VERIFICATION (FORM 1).**

### **STEP FOUR: Affidavit Under 3301(d) of the Divorce Code (Form 8), Notice of Intention to File the Praecipe to Transmit the Record Under Section 3301(d) of the Divorce Code and Counter-Affidavit (Form 9), Affidavit of Non-Military Service (Form 10).**

General Information: Once the parties have been separated for one year, either party may sign and file an Affidavit Under Section 3301(d) of the Divorce Code (Form 8) stating that the parties have in fact been separated for one year.

Once the parties have been separated for one year and you have filed an Affidavit stating that you have been separated for one year, then a divorce may be entered after notice is given to the other party.

In addition to filing and serving the Affidavit Under Section 3301(d) of the Divorce Code (Form 8), you must also serve the other party with a Notice of Intention to Request Entry of Section 3301(d) Divorce Decree and Counter-Affidavit (Form 9) in order for them to have the opportunity to oppose the divorce or raise claims if they choose to do so.

If the other party 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. If this is the case, a Divorce Decree may be issued twenty (20) days after service of the Notice of Intention to Request Entry of Section 3301(d) Divorce Decree.

Lastly, 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 sign and file an Affidavit of Non-Military Service (Form 10)

Complete and sign Form 8 and Form 9 and make two copies of each.

If your spouse is not represented by counsel and is not in the military, then also complete and sign Form 10. Make two copies.

File only Form 8, and if applicable, Form 10 (the original of Form 9 will be served without filing, and a copy will be filed in the future). The originals stay in the Prothonotary, and the copies are returned to you for your records.

### **STEP FIVE: Service of the Affidavit Under 3301(d) of the Divorce Code, Notice of Intention to File the Praeceptum to Transmit the Record Under Section 3301(d) of the Divorce Code with Counter-Affidavit, and Affidavit of Non-Military Service.**

A 3301(d) divorce cannot be completed without proper service of all the required forms. Because the other party's consent is not required in order for a divorce to be entered against them, it is especially important that all service procedures are strictly followed.

Mail the original Form 9, a copy of Form 8, and, if applicable, a copy of Form 10 by first class mail to your spouse.

Complete Form 11, the Certificate of Service, and mark the appropriate boxes for the documents you have mailed to your spouse. Make one copy of Form 11.

File Form 11. The Prothonotary's office will time-stamp the original and the copy. The original stays in your file, and the copy is returned to you for your records.

### **STEP SIX: Wait 20 days.**

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 and filing the Praeceptum to Transmit Record.

### **STEP SEVEN: Praeceptum to Transmit Record (Form 12), Divorce Decree (Form 13) Divorce Information Sheet (Form 14), and any other forms required by your county.**

Upon the proper service of the above mentioned documents, the divorce may be concluded by either party filing with the Prothonotary a Praeceptum to Transmit Record (Form 12).

Attach a copy of the Notice of Intention to File the Praeceptum to Transmit the Record under Section 3301(d) and a blank Counter-Affidavit (Form 9) to the Praeceptum to Transmit Record (Form 12). Check your records for the exact dates necessary to complete the form.

Reminder: The date of execution is the date the form was signed. The date of the time-stamp is the date the form was filed.

Additional forms are also required by the Court, including a proposed Divorce Decree (Form 13) and a Divorce Information Sheet (Form 14). You must provide the Prothonotary with self-

addressed and stamped envelopes for you and your spouse in order for the court to mail you a copy of 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 mistakes. If corrections need to be made to 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; the Court will not correct filings with mistakes.**

### **How to Complete Step 8**

At some point while your divorce is pending, provide the Prothonotary's office two stamped envelopes, one with your current address and one with your spouse's current address, so that the Prothonotary can mail copies of your Divorce Decree once it is granted.

# **Form 1**

## **Divorce Complaint**

**IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA**

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

**CIVIL ACTION – LAW**

**vs.**

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

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

**IN DIVORCE**

**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  
\_\_\_\_\_ COUNTY, PENNSYLVANIA**

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

**CIVIL ACTION – LAW**

**vs.**

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

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

**IN DIVORCE**

**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.

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Date

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Plaintiff Signature

**Form 2**  
**Petition to Proceed In Forma Pauperis**

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY

P E N N S Y L V A N I A

CIVIL DIVISION

\_\_\_\_\_ :  
 :  
 Plaintiff, : No. \_\_\_\_\_ of 20\_\_  
 : Civil Action – Law  
 :  
 :  
 vs. : Type of Pleading:  
 : **Petition to Proceed in Forma**  
 : **Pauperis**  
 :  
 :  
 \_\_\_\_\_ : Filed on behalf of:  
 Defendant. : \_\_\_\_\_

(Your Name):

Filing Party's Information:

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

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone# \_\_\_\_\_

IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY

P E N N S Y L V A N I A

\_\_\_\_\_,  
Plaintiff,  
vs.  
\_\_\_\_\_,  
Defendant.

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

**PETITION TO PROCEED IN FORMA PAUPERIS  
TO THE HONORABLE, THE JUDGES OF THE SAID COURT:**

Petitioner respectfully represents that:

1. Petitioner \_\_\_\_\_ is the Plaintiff in the above captioned action.
2. Petitioner's Social Security number is XXX-XX- \_\_\_\_\_ (*only provide last 4 digits*)
3. Petitioner's address is \_\_\_\_\_  
(give full address)
4. Petitioner's income and expense information is fully and accurately set forth in the attached affidavit.
5. I am over 18 years of age. Yes / No (*circle one*)

WHEREFORE, Petitioner respectfully requests Your Honorable Court to enter an Order, granting leave to proceed in forma pauperis in the above captioned action.

Respectfully submitted,

\_\_\_\_\_  
Petitioner

**AFFIDAVIT IN SUPPORT OF PETITION TO PROCEED  
IN FORMA PAUPERIS**

1. I am the petitioner in the above matter and because of my financial condition am unable to pay the fees and costs.
2. I am unable to obtain funds from anyone, including my family and Associates, to pay the costs of litigation.
3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

Name \_\_\_\_\_

Address \_\_\_\_\_

*(give full address)*

Petitioner's Social Security number is XXX-XX- \_\_\_\_\_ *(only provide last 4 digits)*

**A. Employment**

If you are presently employed, state

Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Salary or wages per month \_\_\_\_\_

If you are presently unemployed, state

Date of last employment: \_\_\_\_\_

Salary or wages per month: \_\_\_\_\_

Type of work: \_\_\_\_\_

**B. Other income within the past twelve months**

Business or profession: \_\_\_\_\_

Other self-employment: \_\_\_\_\_

Interest: \_\_\_\_\_

Dividends: \_\_\_\_\_

Pension and annuities: \_\_\_\_\_

Social Security benefits: \_\_\_\_\_

Support payments: \_\_\_\_\_

Disability payments: \_\_\_\_\_

Unemployment compensation and supplemental benefits: \_\_\_\_\_

Workmen's compensation: \_\_\_\_\_

Public assistance: \_\_\_\_\_

**C. Other contributions to household support**

Contributions from children: \_\_\_\_\_

Contribution from parents: \_\_\_\_\_

Other contributions \_\_\_\_\_

**D. Property owned**

Cash: \_\_\_\_\_

Checking account: \_\_\_\_\_

Savings account: \_\_\_\_\_

Certificates of deposit: \_\_\_\_\_

Real estate (including home): \_\_\_\_\_

Motor vehicle: Make \_\_\_\_\_ Year \_\_\_\_\_ Cost \_\_\_\_\_

Amount owed \$ \_\_\_\_\_

Stocks; bonds: \_\_\_\_\_

Other \_\_\_\_\_

**E. Debts and obligations**

Mortgage: \_\_\_\_\_

Rent: \_\_\_\_\_

Loans: \_\_\_\_\_

Other: \_\_\_\_\_

**F. Persons dependent upon you for Support:**

\_\_\_\_\_

I understand that I have a continuing obligation to inform the court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

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 which provides that if I knowingly make false averments, I may be subject to criminal penalties.

\_\_\_\_\_  
Petitioner's Signature

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



**IN THE COURT OF COMMON PLEAS OF BEAVER COUNTY  
PENNSYLVANIA**

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

ORDER TO WAIVE FILING COSTS

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, upon consideration of the attached Petition to Proceed in Forma Pauperis, it is hereby ordered that the filing costs be waived.

BY THE COURT

\_\_\_\_\_  
JUDGE

# FORM 3

Form 3 A- Affidavit of Acceptance of Service

Form 3 B- Affidavit of Service by Mail

Form 3 C- Affidavit of Service by Personal Service

Instructions for these forms can be found in the introductory instructions on Page 2.

**IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA**

_____	:	CIVIL ACTION – LAW
<b>PLAINTIFF</b> (your full name)	:	
	:	
<b>vs.</b>	:	Case No. _____
	:	
_____	:	
<b>DEFENDANT</b> (spouse's full name)	:	<b>IN DIVORCE</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 and Notice to Defend and Claim Rights with Notice of Availability of Counseling.

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, PENNSYLVANIA**

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

vs.

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

: CIVIL ACTION – LAW  
:  
:  
:  
Case No. \_\_\_\_\_  
:  
:  
:  
:  
:  
:  
IN DIVORCE

**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 and Notice to Defend and Claim Rights with Notice of Availability of Counseling in the above-captioned matter was mailed to the Defendant by Certified Mail, Return Receipt Requested, Deliver to Addressee Only 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 Divorce Complaint and the mailing receipt and return receipt 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, PENNSYLVANIA**

_____	:	<b>CIVIL ACTION – LAW</b>
<b>PLAINTIFF</b> (your full name)	:	
	:	
<b>vs.</b>	:	<b>Case No.</b> _____
	:	
	:	
_____	:	<b>IN DIVORCE</b>
<b>DEFENDANT</b> (spouse's full name)	:	

**AFFIDAVIT OF SERVICE BY PERSONAL SERVICE**

I, \_\_\_\_\_, hereby depose and say that on this date, I personally 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 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)

**Instructions for:**

## **Form 4**

# **Praecipe to Reinstate the Complaint**

### **Form 4 – Praecipe to Reinstate the Complaint**

*You only need to file this form if you were unable to successfully serve the Complaint, Form 1, on the other party within 30 days (or within 90 days if the other party does not live in Pennsylvania). The date you file this Praecipe re-starts the clock for service, and you will have another 30 days (or 90 days if the other party does not live in Pennsylvania) to serve Form 1 on the other party. For example, if you file the Praecipe to Reinstate the Complaint on January 1<sup>st</sup>, then you must serve the other party by January 31<sup>st</sup>.*

**IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA**

_____	:	CIVIL ACTION – LAW
PLAINTIFF (your full name)	:	
	:	
	:	Case No. _____
vs.	:	
	:	
	:	
_____	:	IN DIVORCE
DEFENDANT (spouse’s full name)	:	

**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 8**

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



**IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA**

\_\_\_\_\_,  
PLAINTIFF : Case No. \_\_\_\_\_  
vs. :  
\_\_\_\_\_,  
DEFENDANT : **IN DIVORCE**

**NOTICE**

If you wish to deny any of the statements set forth in this Affidavit, you must file a Counter-Affidavit within twenty (20) days after this Affidavit has been served on you, or the statements will be admitted.

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

1. The parties to this action separated on \_\_\_\_\_.
2. Check (a) or (b):
  - (a) The date of separation was prior to December 5, 2016 and the parties have continued to live separate and apart for a period of at least two years.
  - (b) The date of separation was on or after December 5, 2016 and the parties have continued to live separate and apart for a period of at least one year.
3. The marriage is irretrievably broken.
4. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

I verify that the statements 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 9**

## **Notice of Intention to Request Entry of Section 3301(d) Divorce Decree**

IN THE COURT OF COMMON PLEAS OF  
\_\_\_\_\_ COUNTY, PENNSYLVANIA

PLAINTIFF	:	CIVIL ACTION – LAW
	:	
	:	
vs.	:	Case No. _____
	:	
	:	
DEFENDANT	:	IN DIVORCE

**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 \_\_\_\_\_20\_\_\_\_ (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.

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

Respectfully submitted,

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

**IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA**

PLAINTIFF	:	CIVIL ACTION – LAW
	:	
vs.	:	Case No. _____
	:	
DEFENDANT	:	IN DIVORCE

**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 10**

## **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.*

**IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA**

_____	:	<b>CIVIL ACTION – LAW</b>
<b>PLAINTIFF</b> (your full name)	:	
	:	
	:	<b>Case No.</b> _____
<b>vs.</b>	:	
	:	
_____	:	
<b>DEFENDANT</b> (spouse's full name)	:	<b>IN DIVORCE</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 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 11**

## **Certificate of Service**

**IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA**

\_\_\_\_\_, : **CIVIL ACTION – LAW**  
**PLAINTIFF** :  
 :  
 : **Case No. \_\_\_\_\_**  
**vs.** :  
 :  
\_\_\_\_\_, :  
**DEFENDANT** : **IN DIVORCE**

**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)

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

The undersigned hereby certifies that the above documents were served by first class mail to the following:

\_\_\_\_\_  
(spouse's name)  
\_\_\_\_\_  
(spouse's address)  
\_\_\_\_\_  
\_\_\_\_\_

Respectfully Submitted:

Date: \_\_\_\_\_ (Signature) \_\_\_\_\_



**Instructions for:**

**Form 12**

**Praecipe to Transmit the Record**

**IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA**

\_\_\_\_\_, : **CIVIL ACTION – LAW**  
PLAINTIFF :  
 :  
 : **Case No. \_\_\_\_\_**  
vs. :  
 :  
\_\_\_\_\_, :  
DEFENDANT : **IN DIVORCE**

**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. 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 Praecipe, a copy of which is  
attached: \_\_\_\_\_(date of service);

\_\_\_\_\_(method of service).

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

\_\_\_\_\_(date filed). Date Defendant's Waiver of Notice was filed  
with the Prothonotary: \_\_\_\_\_(date filed).

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

\_\_\_\_\_  
( ) Plaintiff

( ) Defendant

**Instructions for:**

**Form 13**

**Divorce Decree**

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

**IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA**

\_\_\_\_\_,  
**PLAINTIFF**

:

:

**CIVIL ACTION – LAW**

**vs.**

:

:

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

\_\_\_\_\_,  
**DEFENDANT**

:

:

**IN DIVORCE**

**DECREE OF DIVORCE**

AND NOW, \_\_\_\_\_, 20\_\_\_\_, it is ordered, and decreed that  
\_\_\_\_\_(your name), Plaintiff, and  
\_\_\_\_\_(your spouse's name), 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,

\_\_\_\_\_

**FORM 14**  
**Divorce Information Sheet**  
**(Vital Records Form)**

Form 14 Divorce Information Sheet

VITAL RECORDS FORM  
DIVISION OF STATISTICAL REGISTRIES  
HARRISBURG, PA

DURATION OF MARRIAGE	
CASE NO:	
DATE OF MARRIAGE :	
YEARS MARRIED	PICK APPROPRIATE BOX BELOW
<5	<input type="checkbox"/>
5-9	<input type="checkbox"/>
10-14	<input type="checkbox"/>
15-19	<input type="checkbox"/>
20-24	<input type="checkbox"/>
25-29	<input type="checkbox"/>
30 +	<input type="checkbox"/>
Unknown	<input type="checkbox"/>

Number of children from this marriage: \_\_\_\_\_

Number of dependent children under 18: \_\_\_\_\_

**Form 15**

**Notice of Intention**  
**to**  
**Resume Prior Surname**

Instructions for Form 15:

**DO NOT FILL IN THIS FORM UNTIL YOU ARE  
STANDING IN FRONT OF A CLERK IN THE  
PROTHONOTARY'S OFFICE.**

In order for the Prothonotary to properly notarize this form, they must witness you signing the paperwork.

IN THE COURT OF COMMON PLEAS OF  
BEAVER COUNTY, PENNSYLVANIA

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

CIVIL ACTION – LAW

vs.

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

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

IN DIVORCE

ELECTION TO RETAKE AND RESUME PRIOR NAME

TO BEAVER COUNTY PROTHONOTARY:

Pursuant to the Act of the General Assembly of the Commonwealth of Pennsylvania, of  
May 25<sup>th</sup>, 1939, P.L. 192,

I, \_\_\_\_\_, (Plaintiff/Defendant)  
in the above entitled case do hereby avow my intention and do hereby elect to retake and  
resume my prior name of -

\_\_\_\_\_.

\_\_\_\_\_

(Sign current name)

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF BEAVER

Now, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, in and for said County and  
State, personally appeared the above named

\_\_\_\_\_ and acknowledged the foregoing  
written notice of intention to retake and resume prior name.

\_\_\_\_\_



**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.

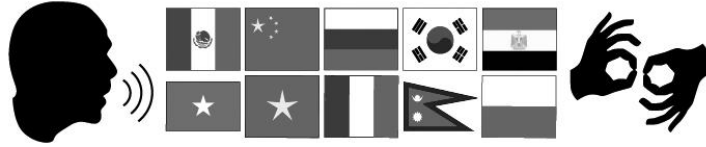
Submitted by: \_\_\_\_\_

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

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/العربية:** يحق لك الحصول على مترجم دون دفع أي تكلفة من جانبك. لطلب مترجم، يُرجى إعلام موظفي المحكمة باستخدام معلومات الاتصال المقدمة في الجزء العلوي من هذا الإشعار.

**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 निःशुल्क रूपमा भाषा अनुवादक राख्न पाउने अधिकार छ। अनुवादकको लागि अनुरोध गर्न, यस सूचनाको माथि दिइएको सम्पर्क जानकारी भरेर अदालतका कर्मचारीहरूलाई जानकारी दिनुहोस्।

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

**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.

**Pakistan/پنجابی/Punjabi:** تہاڈے کول بغیر ادائیگی کیتیاں اک مترجم حاصل کرن دا حق اے۔ مترجم دی درخواست کرن لئی، میربانی کر کے ایس نوٹس دے اوتے فراہم کیتیاں رابطے دیاں معلومات نوں ورتدیاں عدالت دے عملے نوں اطلاع دوو۔

**Punjabi/ਪੰਜਾਬੀ/India:** ਤੁਹਾਨੂੰ ਇਕ ਦੁਭਾਸ਼ੀਆ ਹਾਸਲ ਕਰਨ ਦਾ ਹੱਕ ਹੈ, ਜਿਸ ਦੀ ਤੁਹਾਨੂੰ ਕੋਈ ਲਾਗਤ ਨਹੀਂ ਲੱਗੇਗੀ। ਦੁਭਾਸ਼ੀਏ ਲਈ ਬੇਨਤੀ ਕਰਨ ਵਾਸਤੇ, ਕਿਰਪਾ ਕਰ ਕੇ ਅਦਾਲਤ ਦੇ ਅਮਲੇ ਨੂੰ ਜਾਣੂ ਕਰਵਾਓ ਤੇ ਇਸ ਲਈ ਇਸ ਨੋਟਿਸ ਦੇ ਸਿਖਰ ਉਤੇ ਦਿੱਤੀ ਸੰਪਰਕ ਜਾਣਕਾਰੀ ਦਾ ਇਸਤੇਮਾਲ ਕਰੋ।

**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 Aisyen:** 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.