

No Fault Divorce under § 3301 (d) of the Divorce Code

LIVING SEPARATE AND APART

Effective January 1, 2020, electronic filing is mandatory in all new and pending Family Court case types.

General Instructions to Parties with No Lawyer

There are complex rules of law that everyone who comes to court must follow. You must follow these rules even though you are not a lawyer because the rules exist to provide an orderly process to reach a fair conclusion. For more information for Pro Se Parties go to <https://www.lccpa.org/selfhelp>.

- Complete the following form:
 - **Praeipce for self-representation**

Section 1 - Complaint Preparation

- Complete the following Complaint Packet and Affidavit Forms:
 - **Complaint Packet** (Form 4 Complaint and Form 3 Notice to Defend and Claim Rights).
 - Form 10 **Affidavit Under § 3301(d)**
 - Form 12 **Counter Affidavit Under § 3301(d)**

IMPORTANT INFORMATION NEEDED to complete paragraph 3(b) of Form 8 Praeipce to Transmit Record
Date you signed form 10 Affidavit Under § 3301(d) _____

Section 2-E-Filing the Complaint Packet

Option 1 - E-filing at the Lehigh County Courthouse.

- Take the following to the Lehigh County Courthouse, Clerk of Judicial Records room 122.
 - Completed, signed and printed **Praeipce for self-representation form**.
 - Completed, signed and printed **Complaint Packet**. (Form 3 and 4)
 - Completed, signed and printed **Affidavit Under § 3301(d)** (Form 10)
 - Blank copy of **Counter Affidavit Under § 3301(d)** (Form 12)
 - Cash, Money order or Credit/Debit Card to cover divorce filing fees. No personal checks will be accepted. Note: When using a Credit/Debit Card a service fee will be added.
- Give the completed, signed and printed forms to the Civil Clerk at the window.
- Pay all filing fees.

NOTE: For an additional \$1.00 per page conversion fee, the Civil Clerk will E-file your documents for you at the window when you pay, then you may skip the Kiosk.

- Proceed to Kiosk to E-file original documents.
- You will receive one (1) time-stamped complimentary copy for your records.
- You **MUST** make an additional copy of the time-stamped **Complaint Packet and both Affidavit Forms** for Section 3-Serving the Defendant by Certified mail.

Option 2 – E-filing from your personal computer.

- Register at <https://lehigh.tylerhost.net/ofsw eb>.
Information regarding registration, independent filer instructions, and Family Court Guidelines are available under the Self-Help section of the Lehigh County Odyssey File & Serve site at <https://lehigh.tylerhost.net/ofsw eb>.
- E-filing a new action, choose “Start a New Case” from the Filer Dashboard.
 - Select the Family category and select your case type.
 - Enter the party names/addresses.
 - Select filing code for each document. After selecting the filing code, you will be able to upload the document.
 - Confirm your payment information.
 - Submit the filing to the review queue.
- A notification will be sent upon acceptance or rejection of the filing. An acceptance notification will contain the case number assigned and the time-stamped document(s). Print one (1) time-stamped copy of the **Complaint Packet and both Affidavit Forms** for Section 3-Serving the Defendant by Certified mail.

IMPORTANT INFORMATION:
You have 30 days from the day your Complaint Packet was accepted and time-stamped through E-filing to complete the next section.

Time-stamped date on accepted E-filed Complaint Packet and both Affidavit Forms is _____

Section 3-Serving the Defendant by Certified Mail

Time Deadline of Service

The Plaintiff must serve the Defendant with the Complaint Packet (form 3 and 4), the Affidavit under § 3301(d) (form 10) and a blank copy of the Counter Affidavit Under § 3301(d) (form 12) within 30 days of the date that Forms 3, 4, 10 and 12 were filed with the Clerk of Judicial Records or within 90 days if the Defendant does not live in the state of Pennsylvania.

Manner of Service

To use these Self-Help forms, the manner of service must be **Certified mail, return receipt requested, restricted delivery**.

- **Step 1 Preparing Complaint Packet and Affidavit’s for Service**
 - Address an envelope to the Defendant.
 - Put one (1) copy of the following time-stamped E-filed documents in the envelope addressed to the Defendant
 - Complaint Packet (Form 3 and 4)
 - Affidavit Under §3301(d) (Form 10)
 - Blank copy of Counter Affidavit Under § 3301(d) (Form 12)
- **Step 2 Going to the Post Office**

- Take this Checklist with you.
- Take addressed envelope containing Complaint Packet and both Affidavit Forms.
- Take money for postage.
- **Step 3 Completing Domestic Return Receipt (green post card Form 3811)**
 - At the post office obtain Domestic Return Receipt (green post card Form 3811).
 - Complete Reverse side of the Domestic Return Receipt (green post card Form 3811) so it will be returned to you as proof of service.
 - Section 1 Article Addressed to: Write Defendant's Name and Address.
 - Section 2 Article Number: Write Certified Mail Receipt Number.
 - Section 3 Service Type: Check Certified Mail check box.
 - Section 4 Restricted Delivery?: Check Yes.

Domestic Return Receipt
First-Class Mail
Postage & Fees Paid
Form No. 3811

* Sender: Please print your name, address, and ZIP+4 in this box *

Your Name
Your Address

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is chosen.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Defendant's Name
Defendant's Address

2. Article Number
(Transfer from service label) Certified mail receipt number

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) _____ B. Date of Delivery _____

C. Signature _____
 Agent
 Addressee
 No

D. Is delivery address different from item 1? (If YES, enter delivery address below) _____
 Yes
 No

3. Service Type
 Certified Mail
 Express Mail
 Registered
 Return Receipt for Merchandise
 Insured Mail
 C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

PS Form 3811, March 2001

- Pay postage and Mail.
- Wait for green post card form 3811 to be returned to you.

***IMPORTANT INFORMATION NEEDED** to complete paragraphs 2 and 3(b) of Form 8 Praecipe to Transmit Record and Form 5D Affidavit of Service

Service of the Complaint Packet and both Affidavit Forms:

The Date of Service was _____. This is the date the defendant signed the green post card.

Manner of Service: If you followed Section 3, the Manner of Service is

“Certified mail, return receipt requested, restricted delivery.”



If you are unsuccessful or unable to serve the Defendant, then STOP and consult an attorney.

Section 4- Proof of Service

When you receive the Domestic Return Receipt (green post card Form 3811) that was signed by the Defendant do the following:

- **Step 1 Form preparation**
 - Complete the following forms:
 - Form 5D **Affidavit of Service of Complaint and Notice to Defend**
 - Form **Exhibit A**
- **Step 2 Attach**
 - Attach the Domestic Return Receipt (green post card Form 3811) signature side up to Form Exhibit A.

Section 5-E-Filing Proof of Service

NOTE: Exhibit A with attached Domestic Return Receipt must be scanned to pdf. If you do not have a scanner, you may E-file at the Clerk of Judicial Records as described in Option 1.

Option 1 - E-filing at the Lehigh County Courthouse.

- Take the following to the Lehigh County Courthouse, Clerk of Judicial Records room 122.
 - Completed, signed and printed **Form 5D Affidavit of Service.**
 - **Exhibit A with attached Domestic Return Receipt** (green post card Form 3811) signature side up.
 - Cash or Credit/Debit Card to cover fees. No personal checks will be accepted.
Note: When using a Credit/Debit Card a service fee will be added.
- Choose to E-file at the Kiosk or by the Clerk.
 - Proceed to Kiosk to E-file original documents at no cost.

OR

- Give Completed, signed and printed forms to the Civil Clerk at the window.
- Pay conversion fee of \$1.00 per page. The Civil Clerk will E-file your documents for you.
- You will receive one (1) time-stamped complimentary copy for your records.
- Keep **Original** Domestic Return Receipt (green post card Form 3811) for records.

Option 2 – E-filing from your personal computer.

- Log into your OFS account <https://lehigh.tylerhost.net/ofswb>.
- Choose “File into Existing Case” from the Filer Dashboard.
 - Select each filing code. After selecting the filing code, you will be able to upload the document.
 - Confirm your payment information.
 - Submit the filing to the review queue.
 - Keep **Original** Domestic Return Receipt (green post card Form 3811) for records.

Section 6 - Allow 20 days for Defendant’s Response

If you were able to complete Section 4-Proof of Service and Section 5-E-filing Proof of Service, you now have filed the proof that you served the Complaint Packet (Form 3 and 4), Affidavit Under § 3301(d) (Form 10) and a blank copy of Counter Affidavit Under § 3301(d) (Form 12) on the Defendant.

- You must wait 20 days from the Date of Service to allow the Defendant to respond before proceeding to the next section. Date of Service is the date the Defendant signed the green post card form 3811.

 **IMPORTANT INFORMATION: FIRST 20-DAY WAITING PERIOD**

Calculate 1st waiting period of 20 days from Date of Service.

Waiting period ends on _____.

DO NOT continue to next section until after this 20-day waiting period.



If the Defendant does respond by filing documents, then STOP and consult an attorney.

Section 7 – Notice of Intention to Request Divorce Decree

NOTE: Before starting this section, you must be prepared to complete, print and mail the forms to the Defendant the in the same day. You are announcing your plans to ask the court for a divorce decree after 20 additional days.

▪ **Step 1 Form preparation**

- Complete the following:
 - Form 14 **Notice of Intention and Blank Copy Cover Letter**
 - Form 12 **Blank Copy of Counter Affidavit Under § 3301(d)**
 - Form 11 **Notice of Intention to Request Divorce Decree**
 - Form 8 **Proposed Praecepte to Transmit Record**

▪ **Step 2 Mail documents**

- Address an envelope to the Defendant
- Put one (1) copy of the following in the envelope address to the Defendant
 - Completed, signed and printed Form 14 Notice of Intention and Blank Copy Cover Letter
 - Form 12 Blank Counter Affidavit Under § 3301(d)
 - Completed, signed and printed Form 11 Notice of Intention to Request Divorce Decree
 - Form 8 Proposed Praecepte to Transmit Record
- Mail to the Defendant by First Class Mail.

▪ **Step 3 – Form preparation of Certification of Service**

- Complete and print the form
 - Form 13 **Certification of Service**

Section 8-E-file Certification of Service

Option 1 - E-filing at the Lehigh County Courthouse.

- Take the following to the Lehigh County Courthouse, Clerk of Judicial Records room 122.
 - Completed, signed and printed Form 13 Certification of Service
 - Completed, signed and printed Form 14 Notice of Intention and Blank Copy Cover Letter
 - Form 12 Blank Counter Affidavit Under § 3301(d)
 - Completed, signed and printed Form 11 Notice of Intention to Request Divorce Decree
 - Form 8 Proposed Praecepte to Transmit Record
- Cash or Credit/Debit Card to cover filing fees. No personal checks will be accepted.
Note: When using a Credit/Debit Card a service fee will be added.
- Give completed forms to the Civil Clerk at the window.
- Pay all filing fees.
NOTE: For an additional \$1.00 per page conversion fee, the Civil Clerk will E-file your documents for you at the window when you pay, then you may skip the Kiosk.
- Proceed to Kiosk to E-file original documents.
- You will receive one (1) time-stamped complimentary copy for your records.

Option 2 – E-filing from your personal computer.

- Log into your OFS account <https://lehigh.tylerhost.net/ofswb>.
- Choose “File into Existing Case” from the Filer Dashboard.
- Select each filing code. After selecting the filing code, you will be able to upload the documents.

- Confirm your payment information.
- Submit the filing to the review queue.

Section 9-Allow 20 days for Defendant's response

- You must wait 20 days from the date you mailed the Notice of Intention/Proposed Praecipe Packet in Section 7 to allow Defendant to respond before proceeding to the next section.

👉 IMPORTANT INFORMATION: SECOND 20-DAY WAITING PERIOD

Calculate 2nd waiting period of 20 days from Date of Service.

Waiting period ends on _____.

DO NOT continue to next section until after this 20-day waiting period.



If the Defendant does respond by filing documents, then STOP and consult an attorney.

Section 10-Final Praecipe to Transmit Record

- Complete the following Forms:
 - Form 8 **Final Praecipe to Transmit Record**
 - Form 9 **Decree**

Section 11-E-Filing-Praecipe to Transmit Record

Option 1 - E-filing at the Lehigh County Courthouse.

- Take the following to the Lehigh County Courthouse, Clerk of Judicial Records room 122.
 - Completed, signed and printed Form 8 **Final Praecipe to Transmit Record**
 - Completed Form 9 **Decree**
 - Cash or Credit/Debit Card to cover filing fees. No personal checks will be accepted.
Note: When using a Credit/Debit Card a service fee will be added.
- Give completed forms to the Civil Clerk at the window.
- Pay all filing fees.

NOTE: For an additional \$1.00 per page conversion fee, the Civil Clerk will E-file your documents for you at the window when you pay, then you may skip the Kiosk.

- Proceed to Kiosk to E-file original documents.
- You will receive one (1) time-stamped complimentary copy for your records.

Option 2 – E-filing from your personal computer.

- Log into your OFS account <https://lehigh.tylerhost.net/ofswb>.
- Choose “File into Existing Case” from the Filer Dashboard.
 - Select each filing code. After selecting the filing code, you will be able to upload the document.
 - Confirm your payment information.
 - Submit the filing to the review queue.

If all the required forms are completed correctly, filed at correct time and the filing is done in accordance with the Rules of Court, the Decree is entered and mailed to the parties.

- **Divorce Granted on** _____