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

## LIVING SEPARATE AND APART

# **BEFORE YOU BEGIN**

• Print a copy of this checklist. This checklist is meant to be used in conjunction with this self-help section.

Read and understand the following disclaimers.

- Completing the divorce process is your responsibility. There is no guarantee that you will be able to successfully complete a divorce using this self-help system.
- This self-help information is not intended to be legal advice. No additional assistance is available from court staff.
- If you want to use another option, that is your choice. However, court and law library staff will not suggest, discuss or instruct you on those options. <u>You may have to do additional reading or legal research to choose the correct option for you.</u>
- You must <u>record the dates on which you take certain steps</u> on the printed checklist so that you have record of those dates to complete other forms later in the process.
- If you fail to do the steps in the proper order, fail to complete steps, or fail to keep track of dates, you risk having your divorce denied.
- If you plan to E-file your documents from your own PC, your browser's default PDF reader may prevent the PDF self-help forms from being fully operational when opened and completed *in the browser*.
  - If Adobe Reader or Adobe Acrobat is not your default PDF reader, make it your default PDF Reader.
  - If you do not have Adobe Reader or Adobe Acrobat, Adobe Reader is available for download free at: <u>https://www.adobe.com/acrobat/pdf-reader.html</u>

To be able to electronically sign Self-help PDF forms

- 1. Download the form to your PC,
- 2. Open form in Adobe Reader\* or Adobe Acrobat,
- 3. Complete and electronically sign,
- 4. Save completed form to PC and rename before uploading through E-filing system (OFS Odyssey File & Serve).
- Some forms may need to be printed and scanned or photographed and converted to PDF before E-filing. If you do not have access to a scanner you will have to E-file in person at the Lehigh County Courthouse.

# **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 <u>https://www.lccpa.org/selfhelp</u>

- Complete the following form:
  - Praecipe 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, Notice of Availability of Counseling).
  - Affidavit Under § 3301(d) (Form 10)
  - Counter Affidavit Under § 3301(d) (Form 12)

## **\*IMPORTANT INFORMATION NEEDED**

### Write the date you signed Affidavit Under § 3301(d) (Form 10)\_\_\_\_\_

This date will be needed to complete paragraph 3(b) of Form 8 Praecipe to Transmit Record

# SECTION 2-E-FILING COMPLAINT PACKET AND AFFIDAVIT FORMS

### **Option 1** - E-filing in person at the Lehigh County Courthouse.

- Take the following to the Lehigh County Courthouse, Clerk of Judicial Records room 122.
  - Completed, signed and printed **Praecipe 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 filling 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.
- Day 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.
- Vou will receive one (1) time-stamped complimentary copy for your records.
- You MUST make two (2) additional copies of the time-stamped **Complaint Packet and both Affidavit Forms** for Section 3-Serving the Defendant by Certified and first-class mail.

### **Option 2** – E-filing from your personal computer.

• Register at <u>https://efilepa.tylertech.cloud/OfsEfsp.</u>

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 <u>https://efilepa.tylertech.cloud/OfsEfsp</u>.

• E-filing a new action, choose "Start a New Case" from the Filer Dashboard.

#### **Case Information**

- Location-select "Civil"
- Category-select "Family"
- Case Type-select "Divorce"

#### **Party Information**

- Enter Plaintiff Name and Address "Save changes"
- Enter Defendant Name and Address "Save changes"

#### Filings

- Filing Code select "**Praecipe for Appearance for Family Court**" from drop down list.
  - Under Lead Document upload your completed **Praecipe for self-representation form**.
  - Save Changes"
  - Click on "Add Another Filing"
- Filing Code Select "Complaint for Divorce" from drop down list.
  - Under Lead Document upload your completed **Complaint Packet** (Form 3 and 4)
  - "Save Changes"
  - Click on "Add Another Filing"
- Filing Code Select "Pltf's 3301 (D) Afdt & Notice" from drop down list.
  - Under Lead Document upload your completed Affidavit under §3301(d) (Form 10)

  - Click on "Add Another Filing"
- Filing Code Select "Affidavit" from drop down list.
  - Upload Blank Counter Affidavit Under §3301(d) (Form 12)
  - "Save Changes"

#### Fees

- Confirm your payment information.
  - "Save Changes"
  - Click on "Summary". An Attention Filer pop up box will appear. Click "I understand".
  - Click "Submit" the filing to the review queue. (You will receive an email notification for each submitted document.)
- An email notification will be sent upon acceptance or rejection of the filing. The acceptance notification will contain the case number assigned and the time-stamped document(s).
  - For Section 3-Serving the Defendant:
    - Print two (2) time-stamped copies of the Complaint Packet
    - Print two (2) time-stamped copies of Affidavit under §3301(d)
    - Print two (2) time-stamped copies of Blank Counter Affidavit Under §3301(d)

## <sup>CP</sup>IMPORTANT TIMING

You only have <u>30 days</u> from the day your Complaint Packet was accepted and timestamped through E-filing to <u>complete</u> the next section.

**<u>RECORD THE DATE</u>**: Time-stamped date on accepted E-filed Complaint Packet and both Affidavit Forms is\_\_\_\_\_\_

# **SECTION 3-SERVING THE DEFENDANT**

### 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**

**Notice of Options:** There are multiple options for the manner of service of original process in Domestic Relations Matters in Pennsylvania.

See Rule 1930.4. Service of Original Process in Domestic Relations Matters for the rules for all options.

You are responsible for choosing the method of service that you decide is best for you. You will also have to choose the correct Affidavit of Service Form for your chosen method of service in Section 4 of these instructions.

Instructions for one method of service, Certified mail, Return Receipt Requested, Deliver to Addressee Only, and by first-class regular mail to Defendant's last known address, are given here as an example of how certified mailing is done.

If you choose to use another option, no instructions are provided. If you fail to serve the defendant correctly, your divorce will not be granted.

Illustrated Option: <u>Example of Service by Certified and First-Class Mail</u>

The manner of service in this self-help example is Certified mail, Return Receipt Requested, Deliver to Addressee Only, and by first-class regular mail to Defendant's last known address.

- Step 1 Preparing Complaint Packet and Affidavits for Service
  - Address two (2) envelopes to the Defendant. Write a return address on the envelopes.
  - Dut one (1) copy of each of the following time-stamped E-filed documents in **each** envelope addressed to the Defendant. You should have two (2) envelopes with identical contents.
    - Complaint Packet (Form 3 and 4)
    - Affidavit Under §3301(d) (Form 10)
    - Blank copy of Counter Affidavit Under § 3301(d) (Form 12)
- Step 2 Before Going to the Post Office
  - Take this Checklist with you.
  - Take addressed envelopes containing the time-stamped E-filed **Complaint Packets and both Affidavit forms**.
  - Take money/payment method for postage.
- Step 3 At the Post Office: How to do Certified Mail
  - At the Post Office, obtain one (1) Domestic Return Receipt (green post card Form 3811) and



• one (1) Certified Mail Receipt (green and white form 3800).

	The	U.S. Postal Service <sup>®</sup> CERTIFIED MAIL <sup>®</sup> REC Domestic Mail Only For detivery information, visit our website	EIPT
ERTIFIED MAIL	S ATET TODO DTAG	Cantor Native Cantor Native Cantor Sector Sector Sector Sector Sector Sector Cantor Sector Sector Sector Sector Cantor Sector Sector Cantor Sector Sector Cantor Sector Sector Cantor Sector Sector Cantor Sector Sector Cantor Sector Cantor	Patrak
3	2207	Sone To Stoor and Apr. No., or PO Bax Mo. City, State, 2944* PS Form Sept., April 2015 Febry 255 (2:000 pt c)	See Reverse for Instructions

• Complete Section 1 of Domestic Return Receipt Form 3811 Article Addressed to: Write Defendant's Name and Address.

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DE	LIVERY		
<ul> <li>Complete items 1, 2, and 3.</li> <li>Print your name and address on the reverse so that we can return the card to you</li> </ul>	A. Signature X	Agent	r	
Attach this card to the back of the malipiece, or on the front if space permits.	B. Received by (Printed Name)	C. Date of Delivery	The Date of Delivery	
1. Article Addressed to: DEFENDANTS NAME 123 MAIN ST ANY HOWN, XX 12345	D. Is delivery address different from I If YES, enter delivery address be	tem 17 🔲 Yes low: 🔲 No	is Important! It will become the Date of Service. Write it down on this	
9590 9402 8205 3030 2074 91	3. Service Type Calut Synature Adult Synature Restricted Delivery Castilled Mail Restricted Delivery Constel Mail Restricted Delivery Collect on Delivery Restricted Delivery	Priority Mail Express®     Registered Mail <sup>ma</sup> Registered Mail <sup>ma</sup> Registered Mail Restricted     Delivery     Signature Confirmation     Restricted Delivery	checklist in the box below.	
7022 0410 0001 1314 5791	Insured Mail     Insured Mail Restricted Delivery     four \$500			

- Complete Section 2 Article Number: Write or Affix Certified Mail Receipt Number.
- Complete Section 3 Service Type: Check Certified Mail Restricted Delivery check boxes.
- Complete Reverse side of the Domestic Return Receipt (green post card Form 3811) with your address so it **can** be returned to you as proof of service.

9590 9402 82	05 3030 2074 91
United States Postal Service	*Sender Please print your name, address, and 219-49 in this box* YOUR NAME YOUR ADDRESS CITY, STATE 12345-1234

- Ask for Assistance from the Post Office employee so you are sure you are correctly affixing the certified mail forms to one envelope.
- Ask to mail the second envelope first-class regular mail. The second envelope only needs postage.
- <u>Ask for a receipt for both transactions. Keep all receipts.</u>
- Wait for the Domestic Return Receipt green post card Form 3811 to be returned to you in the mail.

### **\*IMPORTANT INFORMATION NEEDED**

The following information is needed to complete paragraphs 2 and 3(b) of Form 8 Praecipe to Transmit Record and 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 Domestic Return Receipt green post card form 3811.

Manner of Service: If you followed the example in Section 3, the Manner of Service is "Certified Mail, Return Receipt Requested, Deliver to Addressee Only, and by first-class regular mail to Defendant's last known address."

## **If you do not receive the Domestic Return Receipt or are unable to serve the Defendant,** <u>then STOP and consult an attorney about your options for service.</u>

If you receive the Domestic Return Receipt (green post card Form 3811) that was signed by the defendant, immediately do the following:

- <u>Step 1 Form preparation</u>
  - If you followed the example in Section 3, Complete the following forms:
    - Affidavit of Service by Certified Mail Pursuant to Pa. R.C.P. 1930.4
       Complete paragraph A.
    - Form Exhibit A (you must print one (1) copy of this form so you can attach the green post card form 3811)
- Step 2 Attach Domestic Return Receipt Form 3811
  - Attach the Domestic Return Receipt (green post card Form 3811) signature side up to Form Exhibit A.

## **Optional Forms for Other Methods of Service of Original Process:**

If you used another method of service, you may be able to use one of these Affidavit of Service Forms available on www.lccpa.org.

Affidavit of Service - Commercial Carrier

Affidavit of Service - Personal Service

# **SECTION 5-E-FILING PROOF OF SERVICE**

**NOTE:** If you plan on E-filing from your personal computer, 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 Affidavit of Service by Certified Mail Pursuant to Pa. R.C.P. 1930.4.
  - 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.

<u>OR</u>

- 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 <u>Original</u> Domestic Return Receipt (green post card Form 3811) for records.

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## **Option 2** – E-filing from your personal computer.

- Scan/Photograph **Exhibit A** with attached Domestic Return Receipt and convert to pdf.
- Log into your OFS account <u>https://efilepa.tylertech.cloud/OfsEfsp.</u>

## Filer Dashboard

- Choose "File into Existing Case"
- Search for your assigned Case Number
- Click on your assigned Case Number
- Click on "Actions" to the right of the selected Case Number
- Select "File into Case"

## Filings

- Filing Code select "Affidavit of Service" from drop down list.
  - Under Lead Document Upload Affidavit of Service
  - Gave Changes"
  - Click on "Add Another Filing"
- Filing Code Select "Exhibit" from drop down list.
  - Under Lead Document Upload scanned to pdf Exhibit A (Domestic Return Receipt)
  - Save Changes"

Fees

- Confirm your payment information.
- Click on "Summary".
- Click "Submit" the filing to the review queue.
- Keep <u>Original</u> 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 **on your docket** that you served the Complaint Packet containing Complaint (Form 4) and Notice to Defend and Notice of Availability of Counseling (Form 3) 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 Domestic Return Receipt green post card form 3811.

# **TIMPORTANT TIMING**

# **CALCULATE FIRST 20-DAY WAITING PERIOD**

ADD 20 days to the Date of Service. (Date of Service is the date the defendant signed the Domestic Return Receipt green post card)

# Waiting period ends on \_\_\_\_\_

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

# **SECTION 7 – NOTICE OF INTENTION TO REQUEST DIVORCE DECREE**

**<u>NOTE</u>**: 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 Practipe to Transmit Record
- <u>Step 2 Mail documents</u>
  - Address an envelope to the Defendant
  - Defendant Put one (1) copy of the following in the envelope address to the Defendant
    - Completed, signed and printed Notice of Intention and Blank Copy Cover Letter (Form 14)
    - Blank Counter Affidavit Under § 3301(d) (Form 12)
    - Completed, signed and printed Notice of Intention to Request Divorce Decree (Form 11)
    - Practice to Transmit Record (Proposed) (Form 8)
  - Mail to the Defendant by First Class Mail.
- Step 3 Form preparation of Certification of Service
  - Complete the following form:
    - □ Form 13 Certification of Service

# **SECTION 8-E-FILE CERTIFICATION OF SERVICE**

**NOTE:** If you plan on E-filing from your personal computer, you must have a scanner to create a pdf packet. 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 **Certification of Service** (Form 13)
  - Completed, signed and printed Notice of Intention and Blank Copy Cover Letter (Form 14)
  - Blank Counter Affidavit Under § 3301(d) Form 12
  - Completed, signed and printed Notice of Intention to Request **Divorce Decree** (Form 11)
  - **Practipe to Transmit Record** (Proposed) (Form 8)
  - 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.
- Vou will receive one (1) time-stamped complimentary copy for your records.

## **Option 2** – E-filing from your personal computer.

- Scan the following completed printed forms into one pdf file: (Make sure Certification of Service (Form 13) is the top page)
  - Certification of Service (Form 13)
  - **Notice of Intention and Blank Copy Cover Letter** (Form 14)
  - Blank Counter Affidavit Under § 3301(d) (Form 12)
  - **Notice of Intention to Request Divorce Decree** (Form 11)
  - **Practipe to Transmit Record** (Proposed) (Form 8)

Log into your OFS account <u>https://efilepa.tylertech.cloud/OfsEfsp.</u>

### Filer Dashboard

- Choose "File into Existing Case"
- Search for your assigned Case Number
- Click on your assigned Case Number
- Click on "Actions" to the right of the selected Case Number
- Select "File into Case"

#### Filings

- Filing Code select "Affidavit of Service" from drop down list.
  - Under Lead Document upload your scanned Certification of Service pdf packet
  - Save Changes"

#### Fees

- Confirm your payment information.
- Click on "Summary".
- Click "Submit" the filing to the review queue

# **SECTION 9-ALLOW 20 DAYS FOR DEFENDANT'S RESPONSE**

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

# TIMPORTANT TIMING

# **CALCULATE SECOND 20-DAY WAITING PERIOD**

ADD 20 days to the Date of Service completed in Section 7

Waiting period ends on \_\_\_\_

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

# STOP

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

# **SECTION 10-FINAL PRAECIPE TO TRANSMIT RECORD**

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

# **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 **Praecipe to Transmit Record** (Final) (Form 8)
  - Completed **Decree** (Proposed) (Form 9)
    - 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 <u>https://efilepa.tylertech.cloud/OfsEfsp.</u>

#### Filer Dashboard

- Choose "File into Existing Case"
- Search for your assigned Case Number
- Click on your assigned Case Number
- Click on "Actions" to the right of the selected Case Number
- Select "File into Case"

### Filings

- Filing Code select "**Praecipe to Transmit Record**" from drop down list.
  - Under Lead Document Upload Practice to Transmit Record (Final) (Form 8)
  - Save Changes"
  - Click on "Add Another Filing"
- Filing Code Select "**Proposed Divorce Decree**" from drop down list.
  - Under Lead Document Upload Decree (Proposed) (Form 9)
  - Save Changes"

#### Fees

- Confirm your payment information.
- Click on "Summary".
- Click "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 \_\_\_\_\_