

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

LIVING SEPARATE AND APART

Section 1 - Complaint Preparation

Step 1 Form preparation

- Complete the following forms in order and print the number of copies indicated on each form:

- Form 3 **Notice to Defend and Claim Rights**
- Form 4 **Complaint**
- Form 10 **Affidavit Under § 3301(d)**
- Form 12 **Counter Affidavit Under § 3301(d)**

Step 2 Signature

- Sign and date forms 4 and 10 from step 1. Do not sign form 12

IMPORTANT INFORMATION NEEDED to complete paragraph 3(b)(1) of Form 8 Praecepte to Transmit Record

Date you signed form 10 _____

Step 3 Packet assembly

DO NOT add or attach any other documents, photos, photocopies, etc. to any of the form packets. Doing so may cause your Divorce to be denied.

- Assemble into three (3) Complaint packets
 - One packet for the Clerk of Judicial Records containing the following completed forms:
 - Form 3 Notice to Defend and Claim Rights
 - Form 4 Complaint
 - Form 10 Affidavit Under §3301(d)
 - Form 12 Blank copy of Counter Affidavit Under § 3301(d)

 - One packet for your records containing the following completed forms:
 - Form 3 Notice to Defend and Claim Rights
 - Form 4 Complaint
 - Form 10 Affidavit Under §3301(d)
 - Form 12 Blank copy of Counter Affidavit Under § 3301(d)

 - One packet to be served to the defendant containing the following completed forms:
 - Form 3 Notice to Defend and Claim Rights
 - Form 4 Complaint
 - Form 10 Affidavit Under §3301(d)
 - Form 12 Blank copy of Counter Affidavit Under § 3301(d)

Section 2-Filing the Complaint

Step 1 File

- Take the following items to the Clerk of Judicial Records located in room 122 of Lehigh County Courthouse:
 - All three (3) completed Complaint packets from Section 1-Form Preparation step 3
 - 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.
 - At the Clerk of Judicial Records office, give all three packets to the Clerk.
 - The original will be kept by the Clerk
 - Two copies will be returned to you with a date stamp on the top
 - Keep one for your own records
 - Serve one on the Defendant (see below)

IMPORTANT INFORMATION NEEDED to complete paragraph 3(b)(2) of Form 8 Praecipe to Transmit Record

Date Complaint Packet (form 3, 4, 10 and 12) was filed and stamped _____

Section 3-Serving the Defendant by Certified mail

Time deadline of Service

The Plaintiff must serve the Defendant with the Complaint (form 4), the Notice to Defend (form 3), 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 forms, the manner of service must be **Certified mail, return receipt requested, restricted delivery**. (Note: There are other methods of service.)

Step 1 Preparing Complaint packet for Service

- Address an envelope to the defendant
- Put the following in the envelope addressed to the defendant
 - Form 3 Notice to Defend and Claim Rights
 - Form 4 Complaint
 - Form 10 Affidavit Under §3301(d)
 - Form 12 Blank copy of Counter Affidavit Under § 3301(d)

Step 2 Going to the Post Office

- Take this Checklist with you
- Take addressed envelope containing Complaint packet
- 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 box for "Yes"

UNITED STATES POSTAL SERVICE

First-Class Mail
Postage & Fees Paid
USPS®
Permit No. G-10

• 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 desired.
■ 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 X Agent
 Addressee

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: 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 Domestic Return Receipt 102598-01-M-1424

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

***IMPORTANT INFORMATION NEEDED** to complete paragraphs 2 and 3(b)3 of

Form 8 Praecipe to Transmit Record and Form 5D Affidavit of Service

Service of the Complaint and Notice to Defend:

Date of Service _____ This is the date the **defendant** signed green post card

Manner of Service: If you followed Section 3, the Manner of Service is **Certified mail, return receipt requested, restricted delivery.**

The Defendant must sign the Domestic Return Receipt (green post card Form 3811).

No other person may sign the post card.



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

Section 4- Proof of Service

Once you receive the Domestic Return Receipt (green post card Form 3811) signed by the defendant from serving the Defendant by certified mail do the following:

Step 1 Form preparation

- Complete the following forms and print the number of copies indicated on each form
 - Form 5D **Affidavit of Service of Complaint**
 - Form **Exhibit A**

Step 2 Signature

- Sign and date all copies of the completed forms from Step 1 that require your signature

Step 3 Attach

- Attach the Domestic Return Receipt (green post card Form 3811) signature side up to Form Exhibit A.

Step 4 Photocopy

- Make a photocopy of Form Exhibit A that has the green post card attached. Make sure you can see the signature and date.

Step 5 Packet assembly

- Assemble into two (2) Proof of Service packets
 - One packet for the Clerk of Judicial Records containing the following completed documents
 - Form 5D Affidavit of Service of Complaint
 - Form Exhibit A with attached Domestic Return Receipt (green post card Form 3811)
 - One packet for your records containing the following completed documents
 - Form 5D Affidavit of Service of Complaint
 - Photocopied Form Exhibit A

Step 6 File

- File now by taking both Proof of Service packets assembled in step 5 to the Clerk of Judicial Records located in room 122 of Lehigh County Courthouse:
- Give both Proof of Service packets to the Clerk. The original will be kept by the Clerk; the copy will be returned to you for your own records

Section 5 – Allow 20 days for Defendant’s response

- If you were able to complete Section 4-Proof of Service, you now have filed the proof that you served the Complaint (Form 4), Notice to Defend (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 green post card form 3811.

 **IMPORTANT INFORMATION FIRST WAITING PERIOD**

Calculate 20 days from date of Service _____

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 6 – Notice of Intention to Request Divorce Decree

NOTICE: Before starting this section you must be prepared to complete these forms and mail them the same day.

Step 1 Form preparation

- Complete the following forms and print the number of copies indicated on the form

Form 14 **Notice of Intention and Blank Copy Cover Letter**

Form 12 **Counter Affidavit Under § 3301(d)**

Form 11 **Notice of Intention to Request Divorce Decree**



Note: Pay close attention to the SECOND 20 day Calculated Date on Form 11

Step 2 Signature

- Sign and date forms 11 and 14 of the completed forms. Do not sign form 12

Step 3 Packet assembly

- Assemble into three (3) packets.

One packet to be mailed to the defendant containing the following completed forms:

- Form 14 Notice of Intention and Blank Copy Cover Letter
- Form 11 Notice of Intention to Request Divorce Decree
- Form 12 Blank copy of Counter Affidavit Under § 3301(d)

One packet for the Clerk of Judicial Records containing the following completed forms:

- Form 14 Notice of Intention and Blank Copy Cover Letter
- Form 11 Notice of Intention to Request Divorce Decree
- Form 12 Blank copy of Counter Affidavit Under § 3301(d)

One packet for your records containing the following completed documents:

- Form 14 Notice of Intention and Blank Copy Cover Letter
- Form 11 Notice of Intention to Request Divorce Decree
- Form 12 Blank copy of Counter Affidavit Under § 3301(d)

Step 4 Mailing Defendant's packet

Mail Defendant's packet to Defendant by regular first class mail today.

Save other two packets for Section 8 Finalization

IMPORTANT INFORMATION to complete paragraphs 5(b) of Form 8 Praeceptum to Transmit Record

Date you completed forms 11, 12 and 14 _____

Date you mailed forms 11, 12 and 14 _____



Second 20 day Calculated Date you put on Form 11 _____

Manner of Service: If you followed these instructions the Manner of Service is **First Class Mail**

Section 7 Certification of Service for Notice of Intention and Blank Counter Affidavit

Step 1 Certification of Service

- Make sure you have mailed the Defendant's packet by First Class Mail
- Complete the following form and print the number of copies indicated on the form
 - Form 13 **Certification of Service**

Step 2 Signature

- Sign and date all copies of form 13

Step 3 Attached to Packet

- Attached one (1) copy to the saved packet from Section 6 for Clerk of Judicial Records. Hold onto this packet until Section 8 Finalization
- Attached one (1) copy to the saved packet from Section 6 that is for your records. Hold onto this packet until Section 8 Finalization

Step 4 Allow 20 days for Defendant's response

- You must wait 20 days from the date you mailed the packet from Section 6 Step 4 which allows Defendant to respond before proceeding to the next section.

 **IMPORTANT INFORMATION See SECOND 20 day calculated date above for date you can continue to Section 8.**

DO NOT continue to Section 8 until after this SECOND 20 day waiting period.



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

Section 8 Finalization

Step 1 Form preparation

- Complete the following forms in order and print copies as indicated on each form.
 - Form 8 **Praeipere to Transmit Record**
 - Form 9 **Decree**

Step 2 Signature

- Sign and date all copies of the completed forms from Step 1 that require your signature.

Step 3 Packet assembly

- Assemble into two (2) packets.
 - One packet for the Clerk of Judicial Records containing the following completed documents:
 - Form 8 Praeipere to Transmit Record
 - Form 9 Decree
 - Form 11 Notice of Intention to Request Divorce Decree from section 6
 - Form 12 Blank copy of Counter Affidavit Under § 3301(d) from section 6
 - Form 13 Certification of Service from section 7
 - Form 14 Notice of Intention and Blank Copy Cover Letter from section 6

One packet for your records containing the following completed documents:

- Form 8 Praecipe to Transmit Record
- Form 9 Decree
- Form 11 Notice of Intention to Request Divorce Decree from section 6
- Form 12 Blank copy of Counter Affidavit Under § 3301(d) from section 6
- Form 13 Certification of Service from section 7
- Form 14 Notice of Intention and Blank Copy Cover Letter from section 6

Step 4 File

- Take the following items to the Clerk of Judicial Records located in room 122 of Lehigh County Courthouse:

- Both completed packets from step 3
- Cash or Money Order to cover Praecipe to Transmit record fees. No personal checks or Credit/Debit Cards will be accepted.

Step 5

If all the required forms are filled out correctly, filed in the correct time line and the filing is done in accordance with the Rules of Court, the Decree is entered and mailed to you.

Divorce Granted on _____