

## **Filing a No Fault Divorce under §3301 (c) of the Divorce Code-Mutual Consent**

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Self Help-Northampton County Court of Common Pleas

### FORMS PACKET

Divorce in Pennsylvania involves important legal rights involving money, property, and custody of children. The forms provided on this website are not appropriate for everyone. If you and/or your spouse have property, such as real estate, automobiles, life insurance, pension and retirement benefits, stocks, bank accounts, credit cards, mortgages, loans, or other assets and debts, you should seek the advice of an attorney. Marital property is all property acquired during marriage, regardless of whose name is on a title, policy, or account. **IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.**

#### **State and Local Court Rules Must Be Followed.**

-Pennsylvania Rules of Civil Procedure are available at  
<http://www.pacode.com>

-Northampton County Rules are available at  
<http://courtrules.northamptoncounty.org>

**IN THE COURT OF COMMON PLEAS OF  
NORTHAMPTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

	)	<b>DOCKET NO.</b>
Plaintiff	)	
	)	
vs.	)	
	)	<b>IN DIVORCE</b>
	)	
Defendant	)	

**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, 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 the Office of the Prothonotary at the Northampton County Courthouse, 1<sup>st</sup> Floor, 669 Washington Street, Easton, Pennsylvania, 18042.

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  
155 SOUTH NINTH STREET

EASTON, PA 18042  
(610)258-6333

**IN THE COURT OF COMMON PLEAS OF  
NORTHAMPTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

Plaintiff )  
vs. )  
Defendant )

DOCKET NO.  
  
IN DIVORCE

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

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, comes  
the Plaintiff \_\_\_\_\_, who files this Complaint  
in Divorce a statement of which follows:

1. The Plaintiff, \_\_\_\_\_(name), is an adult  
individual residing at \_\_\_\_\_(address)  
\_\_\_\_\_(City), \_\_\_\_\_(State/Zip Code)  
\_\_\_\_\_(County).

2. The Defendant, \_\_\_\_\_(name), is an adult  
individual residing at \_\_\_\_\_(address)  
\_\_\_\_\_(City), \_\_\_\_\_(State/Zip Code)  
\_\_\_\_\_(County).

3. Plaintiff and Defendant have resided in the Commonwealth of

Pennsylvania for at least six (6) months immediately prior to the filing of this Complaint.

4. Plaintiff and Defendant were married on \_\_\_\_\_(date) in \_\_\_\_\_(city, state or county).

5. There have been no prior actions for divorce or annulment of the marriage between the parties in this or any other jurisdiction. Except\_\_\_\_\_

6. Plaintiff avers that the Defendant is not a member of the armed services of the United States and so the protections afforded under the Service members Civil Relief Act are not applicable.

7. Plaintiff has been advised of the availability of marriage counseling and that Plaintiff may have the right to request that the Court require the parties to participate in counseling. Plaintiff hereby waives whatever rights he/she may have to request marriage counseling.

8. \_\_\_\_\_Plaintiff avers that there are no children of the parties under the age of eighteen (18).

\_\_\_\_\_Plaintiff avers that there is/are child(ren) of the parties under the age of eighteen (18).

Name

Birthdate

9. Plaintiff avers that the marriage is irretrievably broken.

**WHEREFORE**, Plaintiff requests this Honorable Court to enter a Decree in Divorce upon the following grounds.

A. Plaintiff avers that the marriage between the parties is irretrievably broken and believes that the Defendant will consent to the entry of a divorce decree under 23 Pa.C.S.A. §3301(c), after at least ninety (90) days have passed from the date of service of the within complaint.

**OR**

B. Plaintiff avers that the marriage between the parties is irretrievably broken within the meaning of 23 Pa.C.S.A. §3301(d) of the Divorce Code, and the parties will have lived separate and apart for a period of at least two (2) years at the time of hearing of this matter and /or at the time that the Plaintiff will file and Affidavit under 23 Pa.C.S.A. §3301 (d) of the Divorce Code.

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

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

Address:

Telephone: \_\_\_\_\_

VERIFICATION

I verify that the statements made in this Pleading are true and correct. I understand that false statements herein made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_

(Plaintiff's Signature)

\_\_\_\_\_

(Date)



(Plaintiff's Signature)

(Date)

**IN THE COURT OF COMMON PLEAS OF  
NORTHAMPTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION**

	)	
	)	<b>DOCKET NO.</b>
Plaintiff	)	
	)	
vs.	)	
	)	<b>IN DIVORCE</b>
	)	
Defendant	)	

**AFFIDAVIT OF SERVICE**

Attach the Domestic Return Receipt here  
(green post card)  
Defendant's signature and date of delivery side up.

EXHIBIT "A"

IN THE COURT OF COMMON PLEAS OF  
NORTHAMPTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION

	)	
	)	DOCKET NO.
Plaintiff	)	
	)	
vs.	)	
	)	IN DIVORCE
	)	
Defendant	)	

**WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE  
DECREE UNDER §3301 (C) OF THE DIVORCE CODE**

1. I consent to the entry of a final decree of divorce without notice.
2. I understand that I may lose rights concerning alimony, division of property, lawyer’s fees or expense if I do not claim them before a divorce is granted.
3. I understand that I will not be divorced until a divorce decree is entered by the Court and that a copy of the decree will be sent to me immediately after it is filed with the Clerk of Courts-Civil Division.

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.A. §4904 relating to unsworn falsification to authorities.

\_\_\_\_\_

(Date)

(Plaintiff)

or

(Defendant)

**IN THE COURT OF COMMON PLEAS OF  
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CIVIL DIVISION**

	)	
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Plaintiff	)	
	)	
vs.	)	
	)	<b>IN DIVORCE</b>
	)	
Defendant	)	

**AFFIDAVIT OF CONSENT**

1. A complaint in divorce under §3301 (c) of the Divorce Code was filed on \_\_\_\_\_(date).
2. The marriage of plaintiff and defendant is irretrievably broken and ninety days have elapsed from the date of filing and service of the Complaint.
3. I consent to the entry of a final decree of divorce after service of notice of intention to request entry of the decree.

I verify that the statements made in this affidavit are true and correct. understand that false statements herein are made subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

\_\_\_\_\_

\_\_\_\_\_

(Date)

(Plaintiff)

or

(Defendant)

**IN THE COURT OF COMMON PLEAS OF  
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CIVIL DIVISION**

	)	
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	)	
Defendant	)	

**PRAECIPE TO TRANSMIT RECORD**

To The Clerk of Courts-Civil Division

Transmit the record, together with the following information, to the court for entry of a divorce decree:

1. Ground for divorce: irretrievable breakdown under \_\_\_\_\_§3301(c) or \_\_\_\_\_§3301(d) of the Divorce Code.

2. Date and Manner of Service of the Complaint and Notice to Defendant to Claim Rights:

Date of Service:

Manner of Service:

3. Execution of required affidavits. Complete either (a) or (b):  
\_\_\_\_\_ (a) §3301(c) of the Divorce Code:

Date of execution of the affidavits of consent:

Date Affidavit of consent was signed by plaintiff:

Date Affidavit of consent was signed by defendant:

\_\_\_\_\_ (b) §3301(d) of the Divorce Code:

(1) Date of execution of the Notice to Defendant-Plaintiff's Affidavit under §3301(d):

(2) Date of filing of the Notice to Defendant-Plaintiff's Affidavit Under §3301(d):

(3) Date of service of the Notice to Defendant-Plaintiff's Affidavit under §3301(d):

4. Related claims pending: None
5. Waiver of Notice/Notice of Intention. Complete either (a) or (b).

\_\_\_\_\_ (a) §3301(c) of the Divorce Code:

(1) Date plaintiff's Waiver of Notice was filed with the Civil Division:

(2) Date defendant's Waiver of Notice was filed with the Civil Division:

\_\_\_\_\_ (b) §3301(d) of the Divorce Code:

Notice of Intention to request Divorce Decree and blank copy of Counter Affidavit, a copy of which is attached:

Date of Service:

Manner of Service:

\_\_\_\_\_  
(Plaintiff) or (Defendant)

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

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CIVIL DIVISION**

Plaintiff )  
                  ) **DOCKET NO.**  
                  )  
vs.                  )  
                  ) **IN DIVORCE**  
Defendant )

**DECREE**

**AND NOW**, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is  
Ordered and decreed that Plaintiff \_\_\_\_\_(name)  
and Defendant \_\_\_\_\_(name), are divorced  
from the bonds of matrimony.

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.

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

