

**DIVORCE/GROUNDS CHECKLIST, §3301(d)(l)**

**CAPTION:** \_\_\_\_\_

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

**A. THE COMPLAINT**

**DATE FILED:** \_\_\_\_\_

- \_\_\_\_\_ 1. Notice to Defend (proper notice listing counselors, legal representation Pa. R.C.P. 1920.12(c), 1920.71).
- \_\_\_\_\_ 2. All eight sections of form - Irretrievably Broken - Pa.RC.P.1920.12, 1920.72(a).
- \_\_\_\_\_ 3. Plaintiff Advised of Counseling
- \_\_\_\_\_ 4. Prior divorce actions: caption, docket no., date filed, grounds (3301(c)/3301(d)) present status: \_\_\_\_\_
- \_\_\_\_\_ 5. Economic claims
- \_\_\_\_\_ 6. Notarized or verified.

**B. SERVICE OF ORIGINAL PROCESS:3 OPTIONS**

**DATE SERVED:** \_\_\_\_\_

- \_\_\_\_\_ 1. *Personal Service:* Return of service must state date, time, place, manner of service, Identity
  - \_\_\_\_\_ a. By Sheriff
  - \_\_\_\_\_ b. Other than Sheriff: Affidavit of Service
- \_\_\_\_\_ 2. *Certified Mail:* Signature and date must be legible
  - \_\_\_\_\_ a. Signed Green Card
  - \_\_\_\_\_ b. Notarized/Verified Certificate of Service
- \_\_\_\_\_ 3. *Acceptance of Service:* Pa.R.C.P. 1930.4(d).
  - \_\_\_\_\_ a. Must say "accept service"
  - \_\_\_\_\_ b. If by attorney: "am authorized"
- \_\_\_\_\_ 4. Service timely: 30 days Pa resident: \_\_\_\_\_; 90 days Non-resident: \_\_\_\_\_
- \_\_\_\_\_ 5. Defendant: Waiver of Defects of Service
- \_\_\_\_\_ 6. Proof of Service filed within 10 days of service (1930.4(h)) : \_\_\_\_\_

**C. NON-MILITARY AFFIDAVIT (Pa.R.C.P. 1920.46)**

**DATE FILED:** \_\_\_\_\_

- \_\_\_\_\_ 1. Has Defendant responded to complaint, if yes no need to file
- \_\_\_\_\_ 2. If language in Complaint, no need to file
- \_\_\_\_\_ 3. Notarized or Verified

**D. §3301(d) AFFIDAVIT (Pa.R.C.P. 1920.72d). EXECUTED: \_\_\_\_\_ FILED: \_\_\_\_\_**

**SERVICE OF ORIGINAL PROCESS:** \_\_\_\_\_

- \_\_\_\_\_ 1. ¶1 Date of separation—include month, day and year when possible.
  - \_\_\_\_\_ 2. ¶2(a) Date of separation prior to 12/5/2016, continued to live separate and apart for a period of two years?
- OR**
- \_\_\_\_\_ 2. ¶2(b) Date of separation on or after 12/5/2016, continued to live separate and apart for a period of one year?
  - \_\_\_\_\_ 3. ¶3 Does affidavit state marriage is irretrievably broken?
  - \_\_\_\_\_ 4. ¶4 Economic claims raised?
  - \_\_\_\_\_ 5. Notarized or Verification language
  - \_\_\_\_\_ 6. Form Counter Affidavit served

**DIVORCE/GROUNDS  
CHECKLIST, §3301(d)(1)**

**CAPTION:** \_\_\_\_\_

**No:** \_\_\_\_\_

**E. COUNTER-AFFIDAVIT**

**DATE FILED:** \_\_\_\_\_

- \_\_\_\_\_ 1. Has Defendant filed within 20 days of service on the Defendant?
- \_\_\_\_\_ 2. If Defendant indicates opposition to divorce decree, must be scheduled with Divorce Master
- \_\_\_\_\_ 3. In Counter-Affidavit: "the divorce decree may be entered without further notice to me, and I may be unable thereafter to file any economic claims." Pa.R.C.P. 1920.72(e)(3)

**F. NOTICE OF INTENTION TO REQUEST ENTRY OF §3301(d) DIVORCE DECREE**

**DATE SERVED:** \_\_\_\_\_

- \_\_\_\_\_ 1. If Def. has filed Waiver of Notice, no notice required Pa.R.C.P. 1920.73(b)
- \_\_\_\_\_ 2. Served at least 20 days after Affidavit was served
- \_\_\_\_\_ 3. If attorney of record for opposing party: Pa.R.C.P. 1920.73(a)(1)
- \_\_\_\_\_ 4. If no attorney of record for opposing party: Pa.R.C.P. 1920.73(a)(2)(ii)
- \_\_\_\_\_ 5. Form proposed Praecipe served with Notice

**G. PRAECIPE TO TRANSMIT RECORD (1920.73)**

**DATE FILED:** \_\_\_\_\_

Entry of:

- \_\_\_\_\_ a. Divorce decree
- \_\_\_\_\_ b. Divorce decree w/agreement attached
- \_\_\_\_\_ c. Bifurcated decree, court retains jurisdiction
- \_\_\_\_\_ d. Order approving grounds for divorce

- \_\_\_\_\_ 1. 20 days or more after service of Notice of Intent
- \_\_\_\_\_ 2. Contents of Paragraphs 1-6

- \_\_\_\_\_ ¶1 Correct section of Code indicated
- \_\_\_\_\_ ¶2 Correct date and manner of service of Complaint: \_\_\_\_\_
- \_\_\_\_\_ ¶3 Execution date of 3301(d) affidavit \_\_\_\_\_,
- \_\_\_\_\_ ¶4 Date of filing: \_\_\_\_\_ Manner of service: \_\_\_\_\_
- \_\_\_\_\_ ¶5 All economic claims specifically resolved.
  - \_\_\_\_\_ a. Agreement: date of formal agreement or dictated agreement before court reporter \_\_\_\_\_
  - \_\_\_\_\_ b. Resolved by Divorce Hearing Officer, Date of Report: \_\_\_\_\_
  - \_\_\_\_\_ c. Claims bifurcated: Order date: \_\_\_\_\_
  - \_\_\_\_\_ d. Withdrawn: Pa.R.C.P.1920.17(b) Notice of Intent served: \_\_\_\_\_ (after 20 days) Praecipe to w/d filed: \_\_\_\_\_
  - \_\_\_\_\_ e. No economic claims raised -check Prothy file for Complaint, counterclaim, petition.
- \_\_\_\_\_ ¶6 Date and manner of service of Notice of Intent: \_\_\_\_\_

**H. SETTLEMENT AGREEMENTS**

- \_\_\_\_\_ 1. Both Agreement/Stipulation and Decree state incorporated and/or not merged into the Decree.
  - \_\_\_\_\_ a. In Decree
  - \_\_\_\_\_ b. In Agreement: Paragraph: \_\_\_\_\_ Page: \_\_\_\_\_