

DIVORCE/GROUNDS CHECKLIST, §3301(c)(1)

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. AFFIDAVIT OF CONSENT (Pa.R.C.P. 1920.72(b))

- _____ 1. PLAINTIFF Date Executed: _____ Date Filed: _____
 - _____ a. Executed at least 90 days after Complaint served.
 - _____ b. Filed within 30 days after executed.
 - _____ c. ¶1: Correct date of Complaint filing: _____ Correct date of service of Complaint: _____
 - _____ d. ¶2: 90 days elapsed from date of filing and service of Complaint
 - _____ e. ¶3: Consents to divorce "after service of Notice of Intention to File Praecepte to Transmit Record"
 - _____ f. Verified
- _____ 1. DEFENDANT Date Executed: _____ Date Filed: _____
 - _____ a. Executed at least 90 days after Complaint served.
 - _____ b. Filed within 30 days after executed.
 - _____ c. ¶1: Correct date of Complaint filing: _____ Correct date of service of Complaint: _____
 - _____ d. ¶2: 90 days elapsed from date of filing and service of Complaint
 - _____ e. ¶3: Consents to divorce "after service of Notice of Intention to File Praecepte to Transmit Record"
 - _____ f. Verified

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D. WAIVER OF NOTICE OF INTENT (Pa.R.C.P. 1920.73)

_____ 1. ¶PLAINTIFF Date Filed: _____

- _____ a. Consents to entry of final Decree of divorce “without further notice” **OR**
- _____ Consents to entry of an order approving grounds for divorce

_____ b. Verified

_____ 1. ¶DEFENDANT Date Filed: _____

- _____ a. Consents to entry of final Decree of divorce “without further notice” **OR**
- _____ Consents to entry of an order approving grounds for divorce

_____ b. Verified

E. PRAECIPE TO TRANSMIT RECORD (Pa.R.C.P. 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 Intention if no attorney for opposing party (Pa. R.C.P. 1920.42(a)(1)(v))

_____ 2. Contents of Paragraphs 1-5

_____ ¶1: Correct section of Code indicated

_____ ¶2: Correct date and manner of service: _____

_____ ¶3: Execution of Affidavits of Consent: Plaintiff: _____ Defendant: _____

_____ ¶4: 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 Withdraw filed: _____ **OR**

Joint Praecipe to Withdraw filed: _____

_____ e. No economic claims raised – check Prothy file for Complaint, counterclaim, petition.

_____ ¶5b: Date the parties’ Waivers were filed: Plaintiff: _____ Defendant: _____

F. SETTLEMENT AGREEMENTS

_____ 1. Both Agreement/Stipulation and Decree state incorporated and/or not merged into the Decree.

_____ a. In Decree and Agreement; Paragraph/Lines: _____, Page: _____.