

# Divorce: No fault and applicable time of separation 3301(d)

If the period of separation from your spouse began on or after Dec. 5, 2016 you will need to be living separate and apart from your spouse for a period of **ONE YEAR**, before filing your complaint in divorce.

If the period of separation from your spouse began before Dec. 5, 2016, you are required to be living separate and apart from your spouse for a period of **TWO YEARS**, before filing your complaint in divorce.

**The previous requirement of two year separation was amended by the Pennsylvania General Assembly in 2016, reducing the separation time requirement to one year after the effective date of the new law.**

Once you have completed these forms, you must mail or personally take them to the Office of the Clerk of Family Court, 1501 Arch Street, 11<sup>th</sup> Floor, Philadelphia, Pa. 19102. If you are mailing the forms please be sure to include a money order for the exact amount of the filing fees due, if any, because the Clerk's Office can only accept exact payments. Money orders must be made out to "Office of Judicial Records." If you are presenting the forms in person you may use a money order, credit card, or debit card to pay the required fees.

For No Fault and Applicable Time of Separation (3301(d)) proceedings, use the forms below:

## 3301(d) Forms

Self Represented Party Entry of Appearance

Form 1 - Notice to Defend and Divorce Complaint

Form 3a – Acceptance of Service

Form 3b – Affidavit of Acceptance of Original Service by Mail

Form 3c – Affidavit of Service by Personal Service Pursuant to 1930.4

Form 3d – Certificate of Service of Legal Papers Other Than Original Process

Form 4 - Praecipe to Reinstate the Complaint Instructions

Form 6a - Waiver of Notice for Plaintiff

Form 6b - Waiver of Notice for Defendant

Form 8 - Affidavit under Section 3301(d) of the Divorce Code

Form 9 - Notice of Intention to Request Entry of Section 3301(d) Divorce Decree and Counter-Affidavit

Form 10 - Affidavit of Non-Military Service

Form 11 - Certificate of Service

Form 12 - Final Praecipe to Transmit Record

Form 13 - Divorce Decree

Form 15 - Notice of Intention to Resume Prior Surname

Form 16 - Affidavit of Signature