

**Divorce Procedure in Pennsylvania  
by**

**Administrative Office of  
Pennsylvania Courts (AOPC)**

**(with Philadelphia County Annotations)**

## DIVORCE PROCEDURE

These forms are not designed for complicated divorce issues. To deal with these matters, you would need additional forms that are not included in these forms and you will need to hire a lawyer. Examples of a complicated divorce matter include a request to divide property, receive alimony, payment of lawyers fees and expenses, or if your spouse is in the military. **BE WARNED THAT IF YOU FAIL TO RAISE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYERS FEES OR EXPENSES IN YOUR DIVORCE COMPLAINT THAT YOU WILL LOSE ALL RIGHT TO MAKE SUCH CLAIMS WHEN THE DIVORCE DECREE IS ENTERED.**

### **STEP ONE: The Notice to Defend, Complaint and Verification (Form 1).**

A divorce case is started with the filing of a "Complaint." There are two forms that must be attached to the Complaint: the "Notice to Defend and Claim Rights" must be attached on top, and the "Verification" must be attached on the bottom. The Complaint is filed in the office where legal pleadings are filed. You must pay the office where legal pleadings are filed a filing fee (unless you have been granted the right to proceed *In Forma Pauperis*, and this request would be filed with your Complaint). The caption at the top of the forms includes the county's name, your name, your spouse's name, and the docket number given to you by the office where legal pleadings are filed. This caption must be identical on all documents filed in your case, no matter who is filing a document.

#### **How to Complete Step 1**

1. Complete all three pages of Form 1 using the detailed "Instructions for Forms" as a guide.
2. After you have filled out Form 1, make two copies of Form 1. (If you are also requesting to proceed *In Forma Pauperis*, fill out Form 2, and make two (2) copies of Form 2).
3. File Form 1 (and if you are also requesting to proceed *In Forma Pauperis*, file Form 2). Take the original and your two copies to the office where legal pleadings are filed in the county in which you are planning to file for divorce (see the "Where Do I File?" in the Introduction section of this packet). The office where legal pleadings are filed will time-stamp the original and two copies. The original will stay in your file in the office where legal pleadings are filed but the two copies will be returned to you. One of the copies is for your records, and the other copy must be served on the other party in STEP TWO.

In Philadelphia, the Court Administrator's Office is not involved in accepting pleadings or answering questions about divorce cases. Those issues are handled by the Office of the Clerk of Family Court, 1501 Arch St., Phila., Pa. 19102, which is the "office where legal pleadings are filed" in Divorce cases in Philadelphia.

In Philadelphia, the "office where legal pleadings are filed" in Divorce cases is the Office of the Clerk of Family Court, 1501 Arch St., Phila., Pa. 19102

## **STEP TWO: Service of the Complaint.**

After filing the Notice to Defend, Complaint and Verification (Form 1), these documents must be served on the other party within thirty (30) days of the date they were filed (the date time-stamped on the document). If the other party does not live in Pennsylvania, the time requirement is extended to ninety (90) days. If service is not completed within 30 days of the date of filing, the Complaint must be reinstated using Form 4, and re-served. Service of the Notice to Defend, Complaint and Verification (Form 1) must be made either by Personal Service, by Acceptance of Service, or by regular and Certified Mail return receipt requested, restricted delivery:

What if Service isn't made in time?: If you were unable to successfully serve the other party within 30 days (or within 90 days if the other party does not live in Pennsylvania), then you must complete and file the Praecipe to Reinstate the Complaint, Form 4. The date you file this Praecipe re-starts the clock for service, and you will have another 30 days to serve the other party (or 90 days if the other party does not live in Pennsylvania). For example, if you file the Praecipe to Reinstate the Complaint on January 1<sup>st</sup>, then you must serve the other party by January 31<sup>st</sup>.

### **How to Complete Step 2**

1. Decide how you are going to serve the other party. Next, determine which form you will need, fill in the caption exactly as it appears on Form 1, and follow the following instructions:

**Form 3a: Acceptance of Service** – Give the other party Form 1. After being given Form 1, the other party signs the Affidavit of Acceptance of Service, Form 3a, stating that he/she has received a copy of Form 1.

-OR-

→ **Form 3b: Service by Mail** – Mail Form 1 to the other party by regular and certified mail, return receipt requested, restricted delivery (the post office can assist you in mailing a document by certified mail). You must complete the Affidavit of Service by Mail, Form 3b, stating that you have mailed your spouse the required forms by certified mail. You must also attach the green card receipt received from the post office (make a photocopy of this green card for your records, and file the original by attaching it to Form 3b). If the certified mail is returned unclaimed, another form must be used.

-OR-

→ **Form 3c: Personal Service** – An adult, other than you, may personally hand Form 1 to the other party (such as the Sheriff, private courier service, or any reliable third party). The person who hands the papers to your spouse must sign a completed Affidavit of Service by Personal Service, Form 3c.

→ If the Defendant signs an Acceptance of Service or a certified mail green card, the Plaintiff must file a completed Affidavit of Signature (Form 16)

Rule 1930.4 was amended effective 10/1/22 - see revised Form 3b and new form 3b.1 (service by Common Carrier)

→ Rule 1930.4 specifically excludes service by relatives and employees

2. After you have completed either Form 3a, 3b, or 3c (whichever method you chose to serve the other party), make one copy.
3. File either Form 3a, 3b, or 3c (whichever method you chose to serve the other party) with the office where legal pleadings are filed. Take the original and one copy to the office where legal pleadings are filed and have each document time-stamped. The original will stay in the file in the office where legal pleadings are filed and the copy will be returned to you for your records.
4. If you are having trouble completing service, you may file a Praecipe to Reinstate the Complaint, Form 4, as many times as you need. The clock starts from the day it is time-stamped in the office where legal pleadings are filed. If you continue to have problems completing service, it is recommended that you speak to an attorney. You may not proceed until proper service has been made.

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See also Philadelphia Local Rule 1920.4 for ways to pursue possible alternate methods of service (See Local Rule 1920.4 on last page of this document)

**IF YOUR SPOUSE CONSENTS TO THE DIVORCE,  
FOLLOW THE STEPS FOR A 3301(c) DIVORCE ON  
PAGES 5-9.**

**IF YOUR SPOUSE DOES NOT CONSENT TO THE  
DIVORCE, FOLLOW THE STEPS FOR A 3301(d)  
DIVORCE ON PAGES 10-13.**

**YOU SHOULD REVIEW THE OPTIONAL FORMS  
LOCATED ON PAGES 14-15 OF THIS DOCUMENT.**

## **HOW TO PROCEED WITH A 3301(c) CONSENT DIVORCE:**

### **STEP THREE: Wait 90 Days from the Date the Notice to Defend, Complaint, and Verification (Form 1) were Served.**

The Pennsylvania Rules of Civil Procedure require both parties to wait ninety (90) days from the service of the Complaint before filing the consent forms.

#### **How to Complete Step 3**

You must wait ninety (90) calendar days from the date Form 1 is **served** (see Step Two). The date Defendant signs is Day 1 of 90. (The date the Defendant signs or is otherwise served is Day 1 of 90)

It is vital that you complete service of Form 1. Once you have served Form 1, you must wait ninety (90) days before you can file the 3301(c) Affidavit of Consents.

### **STEP FOUR: Affidavit of Consent (Form 5a and 5b) and EITHER Waiver of Notice (Form 6a and 6b) or Notice of Intention to Request Entry of Section 3301(c) Divorce Decree (Form 7).**

Affidavit of Consent: After ninety (90) days have passed from the date the Complaint was served upon the other spouse and both parties agree to the divorce, both parties may file an Affidavit of Consent, Form 5a and 5b, declaring that they consent to the divorce. **The Affidavit of Consent must be filed within thirty (30) days after it is signed and dated.** If the parties do not file their Affidavit of Consent within thirty days of the date it was signed, the Affidavit of Consent must be re-signed and re-filed.

Notice of Intention OR Waiver of Notice: In addition to signing and filing an Affidavit of Consent, each party could sign and file a Waiver of Notice (Form 6a and 6b), OR, either party could mail the other party a Notice of Intention to Request Entry of Section 3301(c) Divorce Decree (Form 7). If both parties sign and file a Waiver of Notice, then either party may immediately file a Praecipe to Transmit Record and have the file go to a Judge. However, if one party mailed the other party a Notice of Intention to Request Entry of Section 3301(c) Divorce Decree and Counter-Affidavit (Form 7), then twenty (20) days must pass before you may file the Praecipe to Transmit Record.

In other words, AT LEAST twenty days must pass from the date that the Notice of Intent is mailed before you may file the Praecipe to Transmit Record.

### How to Complete Step 4

**A**

**OR**

**B**

*If filing Waivers -*

*If serving a Notice of Intention -*

- |   |  |
|---|--|
| <ol style="list-style-type: none"><li>1. You (Plaintiff) complete and sign Form 5a and Form 6a and make one copy of each.</li><li>2. Provide your spouse (Defendant) Form 5b and Form 6b to sign. Make one copy of each.</li><li>3. File Forms 5a and 5b and Forms 6a and 6b with the office where legal pleadings are filed <b>within 30 days of the date they are signed.</b> The office where legal pleadings are filed will time-stamp the original and copies. The originals will stay in your file in the office where legal pleadings are filed and the copies will be returned to you for your records.</li></ol> | <ol style="list-style-type: none"><li>1. You (Plaintiff) complete and sign Form 5a, and make one copy.</li><li>2. Provide your spouse (Defendant) Form 5b to sign. Make one copy.</li><li>3. File Forms 5a and 5b with the office where legal pleadings are filed <b>within 30 days of the date they were signed.</b> The office where legal pleadings are filed will time-stamp the original and copies. The originals will stay in your file in the office where legal pleadings are filed but the copies will be returned to you for your records.</li><li>4. Complete Form 7 and make two copies. One copy is for your records, one copy is to mail to your spouse (see below), and the other is to attach to the Praeceptum to Transmit Record (Form 12) in STEP FIVE.</li><li>5. Mail a copy of Form 7 to your spouse by first class mail and Complete Form 11. Mark the Box by "Notice of Intention to Request Entry of Section 3301(c) Divorce Decree, and Counter-Affidavit Under 3301(c)." Make one copy.</li><li>6. File Form 11 with the office where legal pleadings are filed. They will time-stamp the original and copy. The original will stay in your file in the office where legal pleadings are filed, and the copy will be returned to you for your records.</li><li>7. Wait 20 days from the date of service of Form 7.</li></ol> |
|---|--|

In Philadelphia, the "office where legal pleadings are filed" in Divorce cases is the Office of the Clerk of Family Court, 1501 Arch St., Phila., Pa. 19102

## **STEP FIVE: Praecept to Transmit Record (Form 12), Divorce Decree (Form 13), and any other forms required by your county.**

Upon the filing of both parties' Affidavits of Consent (Form 5a and 5b) and the other party receiving a Notice of Intention to Request Entry of Section 3301(c) Divorce Decree/Counter-Affidavit (Form 7), or both parties filing Waiver of Notice (Form 6a and 6b), the divorce may be concluded by either party filing with the court a Praecept to Transmit Record (Form 12). Check your records for the exact dates necessary to complete the form.

Additional forms are also required by the Court, including a proposed Divorce Decree (Form 13). You must provide the court with self-addressed and stamped envelopes for you and your spouse, in order for the court to mail you a copy of the final divorce decree.

→ Lastly, check with the Court Administrator's Office, office where legal pleadings are filed, or other similar office in the county in which you filed your divorce proceeding to see if your county requires any other documents in order to proceed with your divorce.

In Philadelphia, NO ADDITIONAL DOCUMENTS ARE REQUIRED to proceed with your divorce.

In Philadelphia, the "office where legal pleadings are filed" in Divorce cases is the Office of the Clerk of Family Court, 1501 Arch St., Phila., Pa. 19102

## How to Complete Step 5

**A**

**OR**

**B**

*If filing Waivers -*

*If serving a Notice of Intention -*

1. Call the Court Administrator's Office in your county to determine if any other documents are required to complete a divorce.

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2. Complete Form 12 and make one copy:

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Line 1: check 3301(c).

Line 2: print the date of service and the manner of service (Acceptance, Certified Mail, or Personal Service).

Line 3(a): print the dates you and your spouse signed Forms 5a and 5b.

Line 4: print if any claims are pending, and if none, print "no claims pending."

Line 5(b): print the dates you and your spouse filed Forms 6a, 6b.

Line 1: check 3301(c).

Line 2: print the date of service and the manner of service (Acceptance, Certified Mail, or Personal Service).

Line 3(a): print the dates you and your spouse signed Forms 5a and 5b.

Line 4: print if any claims are pending, and if none, print "no claims pending."

Line 5(a): print the date you served Form 7 (Notice of Intention and blank Counter-Affidavit), and attach a copy of Form 7 to Form 12.

3. Complete Form 13, and any other forms required by your county. Make one copy of each.

3. Complete Form 13, ~~and any other forms required by your county~~. Make one copy of each.

4. File Forms 12, 13, ~~and any other forms required by your county~~ in the office where legal pleadings are filed. That office will time-stamp both the original and your copy. The original stays in the file, and the copy will be returned to you for your records.

4. File Forms 12, 13, and any other forms required by your county in the office where legal pleadings are filed. That office will time-stamp both the original and your copy. The original stays in the file, and the copy will be returned to you for your records.

In Philadelphia, NO ADDITIONAL DOCUMENTS ARE REQUIRED to proceed with your divorce.

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## STEP SIX: Divorce Decree (Form 13).

The Divorce Decree will be mailed to both parties after filing the above forms, presuming there are no mistakes. If corrections need to be made in the paperwork, a final divorce decree will not be entered until the court has the corrected paperwork. Some courts may contact you if corrections need to be made, and some courts will not, so it is **very important** that all procedures are followed and all forms are filled out correctly the first time!

### How to Complete Step 6

At some point while your divorce proceeding is pending, provide the office where legal pleadings are filed two stamped envelopes, one with your current address and one with your spouse's current address, so that the office where legal pleadings are filed can mail copies of your Divorce Decree once it is granted.

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## **HOW TO PROCEED WITH A 3301(d) NON-CONSENT DIVORCE:**

### **STEP THREE: \*Wait the applicable time period.**

The Pennsylvania Rules of Civil Procedure require the parties to be separated for the applicable time of separation before proceeding with a non-consent no-fault divorce.

#### **\*APPLICABLE TIME OF SEPARATION:**

If the period of separation from your spouse began on or after December 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 December 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 the two year separation was amended by the Pennsylvania General Assembly in 2016, reducing the separation time requirement to one year after the effective date (December 5, 2016) of the new law.

**IF THE PARTIES WERE SEPARATED FOR A TIME PERIOD BEFORE THE FILING OF THE COMPLAINT, THAT TIME IS INCLUDED IN THE APPLICABLE TIME OF SEPARATION REQUIREMENT. THEREFORE, IF YOU HAVE ALREADY BEEN SEPARATED FOR THE APPLICABLE TIME PERIOD AS DEFINED ABOVE WHEN YOU INITIALLY FILED, YOU MAY PROCEED WITH A 3301(d) DIVORCE IMMEDIATELY AFTER FILING AND SERVING THE NOTICE TO DEFEND, COMPLAINT, AND VERIFICATION (FORM 1).**

### **STEP FOUR: Affidavit Under 3301(d) of the Divorce Code (Form 8), Notice of Intention to Request Entry of Section 3301(d) Divorce Decree and Counter-Affidavit (Form 9), Affidavit of Non-Military Service (Form 10).**

General Information: Once the parties have been separated for the applicable time period, either party may sign and file an Affidavit Under Section 3301(d) of the Divorce Code (Form 8) stating that the parties have in fact been separated for the applicable time period. Once the parties have been separated for the applicable time period and you have filed an Affidavit stating that you have been separated for the applicable time period, then a divorce may be entered after notice is given to the other party. In addition to filing and serving the Affidavit Under Section 3301(d) of the Divorce Code (Form 8), you must also serve the other party with a Notice of Intention to Request Entry of Section 3301(d) Divorce Decree and Counter-Affidavit (Form 9) in order for them to have the opportunity to oppose the divorce or raise claims if they choose to do so. If the other party does not oppose the divorce and does not wish to raise additional claims, they do not need to take any action on the Counter-Affidavit. If this is the case, a Divorce Decree may be issued twenty (20) days after service of the Notice of Intention to Request Entry of Section 3301(d) Divorce Decree. Lastly, you cannot obtain a 3301(d) divorce against an unrepresented Defendant if he/she is in the military. Therefore, if your spouse is not represented by counsel, you must also sign and file an Affidavit of Non-Military Service (Form 10).

A blank Counter-Affidavit under 3301(d) must also be included.

#### **How to Complete Step 4**

1. Complete and sign Form 8 and Form 9 and make two copies of each.
2. If your spouse is not represented by counsel and is not in the military, then also complete and sign Form 10. Make two copies.
3. File only Form 8, and if applicable, Form 10 (the original of Form 9 will be served without filing, and a copy will be filed in the future). The originals stay in the office where legal pleadings are filed, and the copies are returned to you for your records.

In Philadelphia, the "office where legal pleadings are filed" in Divorce cases is the Office of the Clerk of Family Court, 1501 Arch St., Phila., Pa. 19102

### **STEP FIVE: Service of the Affidavit Under 3301(d) of the Divorce Code, Notice of Intention to Request Entry of Section 3301(d) Divorce Decree with Counter-Affidavit, and Affidavit of Non-Military Service.**

A 3301(d) divorce cannot be completed without proper service of all the required forms. Because the other party's consent is not required in order for a divorce to be entered against them, it is especially important that all service procedures are strictly followed.

### How to Complete Step 5

1. Mail the original Form 9, a copy of Form 8, and, if applicable, a copy of Form 10 by first class mail to your spouse.
2. Complete Form 11, the Certificate of Service, and mark the appropriate boxes for the documents you have mailed to your spouse. Make one copy of Form 11.
3. File Form 11. The office where legal pleadings are filed will time-stamp the original and copy. The original stays in your file, and the copy is returned to you for your records.

### **STEP SIX: Wait 20 days.**

General Information: The Pennsylvania Rules of Civil Procedure require that twenty (20) days elapse between serving the Notice of Intention to Request Entry of Section 3301(d) Divorce Decree and filing the Praecipe to Transmit Record.

### **STEP SEVEN: Praecipe to Transmit Record (Form 12), Divorce Decree (Form 13), and any other forms required by your county.**

Upon the proper service of the above mentioned documents, the divorce may be concluded by either party filing with the court a Praecipe to Transmit Record (Form 12). Attach a copy of the Notice of Intention to Request Entry of 3301(d) and a blank Counter-Affidavit (Form 9) to the Praecipe to Transmit Record (Form 12). Check your records for the exact dates necessary to complete the form. Reminder: The date of execution is the date the form was signed. The date of the time-stamp is the date the form was filed.

Additional forms are also required by the Court, including a proposed Divorce Decree (Form 13). You must provide the court with self-addressed and stamped envelopes for you and your spouse in order for the court to mail you a copy of final divorce decree.

Other forms not mentioned or provided by these forms and instructions may also be required in order to proceed with your divorce. Check with the ~~Court Administrator's Office~~, office where legal pleadings are filed or to other similar office in the county in which you filed your divorced proceeding to see if your county requires any other documents.

The form 8 completed Affidavit under 3301(d) and blank Counter-Affidavit under 3301(d) **cannot be mailed together** with Form 9. The Form 8 completed Affidavit under 3301(d) and blank Counter-Affidavit under 3301(d) must be mailed twenty (20) days before the Form 9 is mailed.

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### How to Complete Step 7

1. Call the Court Administrator's Office in your county to determine if your county requires any documents not herein mentioned or provided to complete a divorce.
2. Complete Form 12 and make one copy:  
Line 1: check 3301(d).  
Line 2: print the date of service and the manner of service (Acceptance, Certified Mail, or Personal Service).  
Line 3(b): print the date you signed Form 8 and then the date you served Form 8 (the date on the Certificate of Service, Form 11).  
Line 4: print if any claims are pending, and if none, print "no claims pending."  
Line 5(a): print the date you served Form 9 (Notice of Intention and blank Counter-Affidavit), and attach a copy of Form 9 to Form 12.
3. Complete Form 13, and any other forms required by your county. Make one copy of each.
4. File Forms 12, 13, and any other forms required by your county in the office where legal pleadings are filed. The office where legal pleadings are filed will time-stamp both the originals and your copies. The originals stay in the file, and the copies will be returned to you for your records.

In Philadelphia,  
NO ADDITIONAL  
DOCUMENTS  
ARE REQUIRED  
to proceed with  
your divorce.

## STEP EIGHT: Divorce Decree.

The Divorce Decree will be mailed to both parties after filing the above forms, presuming there are no mistakes. If corrections need to be made to the paperwork, a final divorce decree will not be entered until the court has the corrected paperwork. Some courts may contact you if corrections need to be made, and some courts will not, so it is **very important** that all procedures are followed and all forms are filled out correctly the first time!

### How to Complete Step 8

At some point while your divorce is pending, provide the office where legal pleadings are filed two stamped envelopes, one with your current address and one with your spouse's current address, so that the office where legal pleadings are filed can mail copies of your Divorce Decree once it is granted.

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## OPTIONAL FORMS

### **HOW DO I REQUEST TO PROCEED *IN FORMA PAUPERIS* (AND NOT PAY FILING FEES) (FORM 2)?:**

If you think you meet the income requirements to proceed *in forma pauperis* (IFP) and be excused from paying any costs related to your litigation, then you can request that the Court excuse you from paying filing fees. In order to ask for IFP status, you must file a "Petition to Proceed In Forma Pauperis and Affidavit" and a "Verification" with the Court, in which you give the judge detailed information about your financial situation. You should fill out, sign, and date the Petition to Proceed In Forma Pauperis and Affidavit and the Verification and submit them -- along with the blank order -- to the, Court Administrator's Office, office where legal pleadings are filed, or other similar office to determine how to have the order signed by a judge. Complete the caption exactly as it appears on all the pleadings in your case. Make sure that the financial information is complete and accurate, or your petition will be denied. You should keep a copy of your IFP request for yourself. If the Judge grants your request, show a copy of your IFP order to the office where legal pleadings are filed every time you file something in your case. You do have the right to appeal the judge's decision, but an appeal can be complicated and having an attorney may be necessary.

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***Note: If granted IFP status, that status only applies to YOU, not to the other party in the case. If your spouse also wishes to be excused from paying any court costs or filing fees, he/she must submit his/her own IFP request.***

#### **How to Request to Proceed In Forma Pauperis (IFP)**

1. Complete Form 2. All information regarding your financial situation must be complete and accurate. On the "Order," complete only the caption (the Judge will complete the rest when granting or denying your request).
2. Make one copy of Form 2.
3. File Form 2 with the office where legal pleadings are filed. This can be one at any time during the divorce proceedings. Past fees paid will NOT be refunded; therefore, if you wish to avoid paying filing fees, it is recommended you make your IFP request at the same time you file your Complaint (Form 1).
4. If IFP status is granted, show a copy of your IFP Order every time you file a document in your case.

## **HOW TO FILE A NAME CHANGE (FORM 15):**

Upon the filing of a Complaint, you may resume your birth surname by filing a Praecipe with the office where legal pleadings are filed (Form 15). This form can be filed either before or after the granting of a final Divorce Decree. There is a small additional fee associated with filing this form.

### **How to Complete a Name Change**

1. Complete Form 15. Many counties require this form be notarized, so contact the Court Administrator, office where legal pleadings are filed, or other similar office to see if you need to notarize it. **Notarization is optional.**
2. Make one copy of Form 15.
3. File Form 15. Take the original and one copy to the office where legal pleadings are filed and have each document time-stamped. The original will stay in the file in the office where legal pleadings are filed, and the copy will be returned to you for your records.

Purdon's Pennsylvania Statutes and Consolidated Statutes

Pennsylvania Local Court Rules--Eastern Region

Philadelphia County

Court of Common Pleas

Family Court Division

Action for Divorce and Annulment of Marriage

Phila. Co. Family Div. Rule 1920.4

Rule 1920.4. Service

Currentness

(a) Upon good cause shown, the Court may enter a special order directing service by ordinary mail directed to defendant's last known residence or other address.

(b) The requirements of good cause shall be satisfied upon the filing of an affidavit by plaintiff setting forth the extent of unsuccessful efforts to make service if the address is known, or the nature and extent of a good faith investigation made to ascertain the present residence and whereabouts of a defendant whose whereabouts are unknown.

(1) Such affidavit shall set forth the following information:

(i) the time and place at which the parties last resided together as spouses;

(ii) the last time the parties were in contact with each other, and the defendant's address and telephone number at that time;

(iii) the name and address of the last employer of the defendant either during the time the parties resided together or at a later time, if known to the plaintiff;

(iv) the names and addresses and relationship to defendant of those relatives known to be close to the defendant;

(v) proof that inquiry has been made of applicable voter registration records in an effort to ascertain the address of the defendant;

(vi) any other information which could furnish a fruitful basis for one truly bent on learning the present whereabouts of the defendant;

(vii) such affidavit should detail the particular efforts made to ascertain the defendant's present address and to effect service.

(2) A petition seeking such relief shall be filed with the Court requesting entry of a special order for service. The proposed order accompanying such Petition shall set forth the specific address at which counsel or unrepresented party will serve process on the defendant by regular mail. No hearing shall be held on such Petition unless the Court directs otherwise.

(c) When service of the Complaint in Divorce is made by registered mail, or by Acceptance of Service pursuant to [Pa.R.C.P. 402\(b\)](#), service shall not be deemed complete unless (1) the signature on the return receipt or on the Acceptance of Service form is identified to be that of the defendant by affidavit or verification of the plaintiff or other person familiar with said signature, or (2) where service is accepted by an unauthorized agent of the defendant, an affidavit or verification as to the identity of the agent and his or her relationship to the defendant.

#### Credits

[Adopted May 23, 2014, effective 30 days after publication in the *Pennsylvania Bulletin*.]

<Headings in brackets [ ] have been supplied by the Publisher.>

Phila. Co. Family Division **Rule 1920.4**, PA R **PHILADELPHIA** CTY FAM DIV **Rule 1920.4**  
Current with amendments received through June 1, 2018.

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End of Document

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**Rule 1930.4. Service of Original Process in Domestic Relations Matters.**

— The rule text is deleted in its entirety and replaced with the following text —

**(a) Personal Service.**

(1) **Persons Who May Serve.** A sheriff or competent adult, as defined in Pa.R.Civ.P. 76, may effectuate personal service of original process in domestic relations matters, including Protection of Victims of Sexual Violence or Intimidation matters.

**(2) Manner of Service.**

(i) A sheriff or competent adult may serve original process:

(A) by handing a copy of the original process to the defendant;

(B) at the defendant's residence by handing a copy of the original process to:

(I) an adult member of the family with whom the defendant resides; but if an adult family member is unavailable, then to an adult in charge of the residence; or

(II) the clerk or manager of the hotel, inn, apartment house, boarding house, or other place of lodging; or

(C) at the defendant's office or usual place of business by handing a copy of the original process to the defendant's agent or the person for the time being in charge; or

(ii) pursuant to special order of court.

**(3) Service in Protection From Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.**

(i) If the sheriff or competent adult cannot complete personal service within 48 hours after a Protection From Abuse or a Protection of Victims of Sexual Violence or Intimidation

petition is filed, the court may authorize alternative service by special order as set forth in subdivision (a)(2)(ii).

- (ii) Alternative service may include, but is not limited to, service by mail pursuant to subdivision (b) or service by commercial carrier pursuant to subdivision (c).

**(b) Service by Mail.**

- (1) In domestic relations matters, except Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, a party may serve the original process, a notice or order to appear, if required, and other orders or documents, as necessary, by United States Postal Service (USPS) first class regular and certified mail to the defendant's last known address.

- (i) The party serving the original process by mail shall:

- (A) restrict delivery of the certified mail to the addressee only; and
- (B) request a return receipt, which may be an electronic return receipt.

- (ii) **Completed Service by Mail.** Service of original process is complete when:

- (A) the return receipt bears the defendant's purported signature indicating receipt of the certified mail;
- (B) the return receipt acknowledges delivery of the certified mail to the defendant consistent with USPS policy and the first class regular mail is not returned within 15 days of mailing; or
- (C) USPS returns the certified mail indicating the defendant refused delivery, but the first class regular mail is not returned within 15 days of mailing.

- (iii) **Incomplete Service by Mail.**

- (A) Service of original process is incomplete when:

(I) USPS returns the certified mail with a notation indicating that the mail was unclaimed by the defendant; or

(II) is otherwise inconsistent with subdivision (b)(1)(ii).

(B) If service by mail is incomplete, the party attempting service shall utilize another method pursuant to these rules to effectuate service.

(2) **Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.** A party may serve original process by mail, if authorized by the court under subdivision (a)(2)(ii).

(c) **Service by Commercial Carrier.**

(1) In all domestic relations matters, except Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters, a party may serve the original process, a notice or order to appear, if required, and other orders or documents, as necessary, by commercial carrier and USPS first class regular mail to the defendant's last known address.

(i) The party serving the original process by commercial carrier shall:

(A) restrict delivery of the commercial carrier's package to the defendant's address only; and

(B) request that the commercial carrier provide a return receipt, which may be an electronic return receipt, detailing the date of delivery, the delivery address, and to whom the package was delivered.

(ii) **Completed Service by Commercial Carrier.** Service of original process is complete when:

(A) the return receipt bears the defendant's purported signature indicating receipt of the commercial carrier's package;

(B) the return receipt acknowledges delivery of the

commercial carrier's package to the defendant's address consistent with the commercial carrier's policy and the first class regular mail is not returned within 15 days; or

- (C) the commercial carrier returns the package indicating the defendant refused delivery, but the first class regular mail is not returned within 15 days of mailing.

(iii) **Incomplete Service by Commercial Carrier.**

- (A) Service of original process is incomplete when:

- (I) the commercial carrier returns the package indicating that the package was unclaimed by the defendant; or

- (II) is otherwise inconsistent with subdivision (c)(1)(ii).

- (B) If service by commercial carrier is incomplete, the party attempting service shall utilize another service method pursuant to these rules.

(2) **Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.** A party may serve original process by commercial carrier, if authorized by the court under subdivision (a)(2)(ii).

- (d) **Acceptance of Service.** The defendant or the defendant's authorized agent may accept service of original process as set forth in Pa.R.Civ.P. 402(b).

(e) **Time for Service.**

- (1) **Service Within the Commonwealth.** Within 30 days of filing the original process, a person or party shall serve the original process on a defendant located within the Commonwealth.

- (2) **Service Outside of the Commonwealth.**

- (i) Within 90 days of filing the original process, a person or party shall serve the original process on a defendant located

outside the Commonwealth as:

- (A) authorized by this rule;
- (B) provided by the law of the jurisdiction in which defendant will be served;
- (C) provided by treaty; or
- (D) directed by the foreign authority in response to a letter rogatory or request.

(ii) **Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation Matters.**

- (A) A person shall serve original process on a defendant located outside of the Commonwealth by personal service as provided:
  - (I) in subdivision (a); or
  - (II) by the law in the jurisdiction where the defendant resides or is located.
- (B) If personal service is not completed within 48 hours after the filing of the original process, a person or party may serve a defendant located outside of the Commonwealth by other means authorized by this rule.

(f) **Service of Original Process on an Incarcerated Party.**

- (1) A party serving original process on an incarcerated party in a domestic relations action shall include:
  - (i) a notice of any proceeding; and
  - (ii) a specific notice of the incarcerated party's right to petition the court to participate in the proceeding.
- (2) A party may petition the court to request that the incarcerated party participate in a proceeding when:
  - (i) the incarcerated party seeks to participate as provided by

statute or rule; or

- (ii) another party requires the incarcerated party's participation or testimony.

(g) **Reinstatement of Original Process.**

- (1) If a person or party cannot complete service within the time required by subdivision (e), the prothonotary shall reinstate the original process upon the party's *praecipe*:

- (i) accompanied by the original process; or
- (ii) indicating that the original process has been lost or destroyed and accompanied by a substituted original process.

- (2) A person or party shall serve the reinstated original process within the time periods set forth in subdivision (e).

- (3) A party may:

- (i) request the prothonotary reinstate the original process at any time or any number of times; or
- (ii) name a new party defendant in a reinstated original process only if the complaint or petition has not been served on a defendant.

(h) **Proof of Service.**

(1) **Original Process Served.**

- (i) A party or person serving the original process shall complete a proof of service, which shall be by an affidavit if an individual other than a sheriff serves the original process.
- (ii) The proof of service shall state:
  - (A) the date and time of service;
  - (B) the place of service;
  - (C) the manner in which service was made;

- (D) the identity of the person served;
  - (E) other facts necessary for the court to determine whether proper service has been made; and
  - (F) the additional documents required in subdivision (h)(3), as necessary.
- (2) **Personal Service Pursuant to Subdivision (a).** The proof of service shall be filed in the appropriate filing office within ten days of the date of service.
- (3) **Service by Mail or Commercial Carrier Pursuant to Subdivisions (b) or (c).**
- (i) **Service Complete under Subdivision (b)(1)(ii)(A) or (c)(1)(ii)(A).**
    - (A) The proof of service shall include the return receipt bearing the defendant's purported signature; and
    - (B) The proof of service shall be filed within ten days of the date the defendant signed the return receipt.
  - (ii) **Service Complete under Subdivision (b)(1)(ii)(B) or (c)(1)(ii)(B).**
    - (A) The proof of service shall include:
      - (I) the return receipt or envelope acknowledging delivery to the defendant's residence consistent with USPS or the commercial carrier's policy; and
      - (II) an affidavit indicating the first class regular mail was not returned within 15 days of mailing.
    - (B) The proof of service shall be filed within ten days of the date:
      - (I) the return receipt acknowledges delivery to the defendant's address consistent with USPS or

the commercial carrier's policy; and

- (II) after the passage of time set forth in subdivisions (b)(1)(ii)(B) or (c)(1)(ii)(B).

(iii) **Service Complete under Subdivision (b)(1)(ii)(C) or (c)(1)(ii)(C).**

- (A) The proof of service shall include:

- (I) the return receipt or envelope acknowledging the attempted delivery to the defendant's residence and that delivery had been refused; and

- (II) an affidavit stating the first class regular mail was not returned within 15 days after mailing.

- (B) The proof of service shall be filed within ten days of the date:

- (I) the return receipt acknowledges the attempted delivery to the defendant's address consistent with USPS or the commercial carrier's policy; and

- (II) after the passage of time set forth in subdivisions (b)(1)(ii)(C) or (c)(1)(ii)(C).

(4) **Acceptance of Service Pursuant to Subdivision (d).**

- (i) If the defendant or the defendant's authorized agent accepts service of the original process as authorized in subdivision (d), the defendant or the defendant's authorized agent shall sign an Acceptance of Service on the form set forth in Pa.R.Civ.P. 402(b).

- (ii) The Acceptance of Service shall be filed in the appropriate filing office within ten days of accepting service.

(5) **Original Process Not Served.**

- (i) If a party or person cannot serve the defendant within the time

allowed in subdivision (e), the party or person attempting service:

- (A) shall complete a proof of no service promptly; and
  - (B) file the proof of no service in the appropriate filing office within ten days of the expiration of time allowed for service in subdivision (e).
- (ii) If a party or a person other than a sheriff attempts service of the original process, the proof of no service shall be by an affidavit stating with particularity the efforts made to effect service.

(i) **Appearance at Hearing or Conference.** A party appearing for a hearing or conference will be deemed to have been served.

\* \* \*

**Comment: Additional alternative procedures for service outside the Commonwealth are set forth in 42 Pa.C.S. §§ 5323 and 5329(2). For Protection from Abuse and Protection of Victims of Sexual Violence or Intimidation matters served outside of the Commonwealth, the party shall attempt personal service first before service can be made by certified and first class regular mail or by other means prescribed in subdivision (e)(2).**

**Subdivision (f) addresses service of original process on an incarcerated party, and the incarcerated party's right to seek permission to appear and testify. See *Vanaman v. Cowgill*, 526 A.2d 1226 (Pa. Super. 1987) and *Salemo v. Salemo*, 554 A.2d 563 (Pa. Super. 1989).**

**The Domestic Relations Section is the filing office for child support, spousal support, and alimony *pendente lite* cases. See Pa.R.Civ.P. 1910.4(a).**

**The timing of an attorney's solicitation of a prospective client in actions governed by the Family Court Rules, see Pa.R.Civ.P. 1931(a), and actions pursuant to the Protection of Victims of Sexual Violence or Intimidation Act, see 42 Pa.C.S. §§ 62A03 - 62A20, are restricted until proof of service appears on the docket. See Pennsylvania Rule of Professional Conduct 7.3(b)(4).**