



Continuing Legal
Education Course

Divorce

“Just The Basics”

Presenter:

Megan Watson, Esq., Berner, Klaw, and Watson, LLP

Drinker Biddle and Reath, LLP

Wednesday, November 28, 2018

About Philadelphia VIP

Mission Statement:

VIP promotes equal justice for the poor by providing civil legal services not otherwise available collaborating with other legal services organizations and promoting a culture of volunteerism by educating and exposing attorneys and law students to issues of poverty.

Philadelphia VIP is the hub of pro bono legal services in Philadelphia. For the past thirty-four years, we have provided legal services for low-income residents and families facing civil legal problems that threaten their basic human needs – shelter, employment, financial stability, education, and health.

VIP, through its volunteers and staff, serves more than 3,500 individuals and families yearly who could not afford attorneys and whose cases could or would not be handled by other public interest organizations. We are the agency of last resort for the majority of our clients.

Our clients are among the poorest in the city and region and their numbers are growing.¹ To be eligible for our services a client's income must be at or below 200% of the federal poverty guidelines.² Thus, our *most financially secure* clients earn approximately \$22,000, while a family of 4 lives on \$44,000.

VIP serves a multi-lingual population, principally Spanish speaking, but increasingly we see clients who speak Russian, Creole (Haitians), Chinese, Vietnamese and Cambodian, a reflection of growing and changing immigration patterns in the Greater Philadelphia area.

VIP handles any civil matter that is non-fee generating and for which there is no right to counsel. Our caseload has four priority areas:

- Maintaining family income (child support, employment/wage claims, tax issues, disability)
- Preventing homelessness (mortgage foreclosure, landlord/tenant appeals, public housing evictions, probate, tangled title, consumer debt, litigation defense)
- Supporting family stability (child custody, adoption/guardianship, special education and school discipline, name change); and
- Promoting community economic development.

Most of VIP's cases are referred to us from our partner organizations, Community Legal Services and Philadelphia Legal Assistance; an additional number come from specialized legal services organizations throughout Philadelphia.

In stark terms, VIP is the agency of last resort for many low-income individuals and families who face critical legal problems that affect their basic needs.

Biography

Megan E. Watson, Esq.

Ms. Watson is a partner with Berner Klaw & Watson LLP, a boutique family law firm. She is licensed to practice in Pennsylvania and New Jersey, having received her B.A. from Muhlenberg College and her J.D. from Temple University School of Law. Ms. Watson is a past chair of the Philadelphia Bar Association's Family Law Section and current member of the Civil Gideon Task Force, co-chairing the family law working group. She also serves as an Investigator for the Bar's Judicial Commission. Ms. Watson routinely volunteers as an attorney for the Philadelphia Volunteers for the Indigent Program (Philadelphia VIP) and the Support Center for Child Advocates. In addition, she sits on the Board of Directors of Philadelphia VIP and Good Shepherd Mediation Program, and previously served as a member of the Board of Education of Washington Township, Gloucester County, New Jersey for four years. Ms. Watson has been appointed in Philadelphia Family Court as a child advocate, a guardian ad litem and a parenting coordinator. She has been named to the First Judicial District of Pennsylvania's Pro Bono Roll of Honor for exemplary pro bono work from 2012 to the present and received the First Judicial District of Pennsylvania's Pro Bono Publico Award, Family Division, in 2007 and 2015. She also received a Distinguished Child Advocate Award from the Support Center for Child Advocates in 2015. Ms. Watson has been consistently recognized by Super Lawyers® since 2005 and Best Lawyers® in America since 2016. She has previously presented at the Philadelphia Bar Association's bench-bar conference, Temple's law school, Drexel's law school, the Philadelphia Bar Institute, the Free Library of Philadelphia, Half Moon Seminars, LLC and Philadelphia VIP. Ms. Watson has also served as an adjunct professor at Beasley School of Law, Temple University and has been published in The Philadelphia Lawyer magazine and The Legal Intelligencer.

Frequently Asked Volunteer Questions

Q: What happens after I accept a VIP case?

A: After accepting a VIP case you will be sent a VIP referral form, all information included in the VIP file about the case and the VIP representation agreement. At this same time, your client will receive a letter with your name, address and phone number, and the request that they contact you within 7 days. You will receive a copy of this letter. At the first meeting you and the client should sign the VIP representation agreement. *The scope of representation should be filled in carefully, so that you and the client are clear about any limitations on your services.* (Contact VIP's Managing Attorney if you have any questions about the extent of your representation.) Keep the original in your file, give a copy to your client and send a copy to VIP.

Q: What if my client does not contact me?

A: Your client may fail to follow through for several reasons. Your client may not be able to read or understand the letter, may not have received the letter or may have other more pressing problems. If your client does not call you within a few days of your receipt of the VIP letter, try to call the client. If after 10 days your client has not contacted you, and you cannot reach them by telephone, write your client stating that if you do not hear from them within 5 days, VIP will close their file. After 5 days, if your

client still has not contacted you, call or write VIP, describing your attempts to contact the client. Under most circumstances, VIP will close the case, and another client can be referred to you.

Q: What if my client doesn't have a telephone?

A: Contacting a client who doesn't have a telephone can be challenging. We recommend that you send your client a letter asking the client to call you at a specific time on a specific date and time. If your client calls while you are on another line or away from your desk, ask your assistant to suggest a time for your client to call back. After your client reaches you, ask them for the telephone number of a neighbor, relative, and/or employer where you can leave a message if necessary. Another way that you can keep in touch with a client who doesn't have a telephone is to schedule weekly telephone "appointments". (For example, the client would call you every Friday at 1:00 p.m.) By keeping "appointments" you will have the opportunity to communicate information to the client.

Q: What if my client does not keep our appointments?

A: Terminating representation of a client due to his/her failure to cooperate is left up to the discretion of the volunteer. Some clients are simply uncooperative, while other clients have personal problems or mental impairments that interfere with their ability to keep appointments. Address this problem with your client and make it clear that without his/her cooperation you will be unable to help him/her. If, after the discussion, the situation continues, you should contact VIP's Managing Attorney and discuss closing the case.

Q: What if my client doesn't speak English?

A: If you are not fluent in the primary language of your client, VIP can arrange a volunteer to translate. Our pool of volunteers is limited, however, so we request that you first draw on your firm's resources. If your firm is unable to arrange an interpreter, please contact VIP and we will assist you. If the client speaks Spanish, VIP has Spanish-speaking staff members who have already translated many forms into Spanish. It is a good idea to ask your client for the telephone number of a friend, neighbor or relative of the client who can communicate with both of you. If you plan to relay confidential information through the client's interpreter, you should discuss this with your client.

Additional steps must be taken with the Court if your client does not speak English. If a hearing has been scheduled, you should contact the Court to inform the Court that your client will need an interpreter. In addition to the Court's interpreter who interprets the proceedings, you may want to have an interpreter with you at counsel table, so that you can communicate confidentially with your client during the proceedings. This interpreter is not provided by the Court. If you are submitting any documents that are not in English, the documents must be translated and the translation must be certified. VIP can provide information on how to certify the translation.

Q: What if I am fluent in a foreign language and would like to volunteer to interpret for other volunteers?

A: VIP is always in need of volunteers with proficiency in foreign languages. We generally need interpreters who speak Spanish, Russian, French or Vietnamese. Whatever foreign languages you speak, however, please contact VIP because we may have a client who needs your help.

Q: What if there are costs associated with my representation?

A: VIP will cover certain costs only if approval is obtained from VIP before the cost is incurred. The costs encountered most often are:

- Photocopying medical records - You should first write the doctor and/or hospital and request that the fee be waived. If the doctor refuses, you should ask the client if he/she has the money to pay for the expense. If they do not, VIP may pay to obtain the records if VIP approves the cost before it is incurred.
- Filing fees - The client should qualify for In Forma Pauperis (IFP) status. An IFP petition must be filed with the Court. If the client's IFP petition is denied, the client must pay the filing fees unless VIP determines that the denial was unjustified. VIP has copies of IFP petitions and can explain to you the procedure for filing an IFP.
- VIP determines whether or not to cover litigation expenses on a case-by-case basis. If you would like VIP to cover a cost that is not listed above, please contact VIP's Managing Attorney or Executive Director before incurring any expense.

Q: What if I determine that my case lacks merit?

A: You should not represent a client if you believe the case is not meritorious. Even if you do not represent your client, you provide a valuable service by explaining the situation to your client, advising your client of available options, and suggesting ways to avoid the problem in the future. If you are not sure of the merits of the case, call VIP and discuss the matter with the Managing Attorney or the Executive Director.

Q: What do I do when my case is finished?

A: You should write a letter to VIP stating the outcome of the case, estimating the number of hours you spent on the case, and indicating whether you are available to take another case.

The VIP staff can be reached for questions and assistance at (215) 523-9550, fax (215) 564-0845. **Todd W. Nothstein** is the staff VIP staff attorney responsible for supporting our family law volunteers. You may contact him directly at tnothstein@phillyvip.org, or 215-523-9554.

Thank You for Volunteering!

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***Updated 11/28/18. Please direct questions to Megan Watson at Berner Klaw & Watson LLP.**

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An Introduction to VIP Divorce Cases

Divorce is consistently an area of high need at Philadelphia VIP. Due to our substantial backlog of divorce clients awaiting volunteer attorneys, we were forced to close intake of new divorce cases throughout much of 2018. We have only recently re-opened intake for no-asset divorce cases and we anticipate accepting equitable distribution cases again early in 2019. We depend on volunteers like you to recognize the importance of assisting low income clients with divorce.

Divorce presents numerous obstacles to the pro se litigant that most attorneys can manage with ease. The process is replete with waiting periods, and even the simplest divorces require multiple pleadings. Attorneys, however, are accustomed to managing such procedures.

That's where you come in as a VIP volunteer attorney. You can help balance the scales for VIP clients as they navigate divorce. To support you in this task, this introduction outlines divorce in a step-by-step fashion. Greater detail about each step is offered later in the manual. The purpose of this section, however, is to provide a roadmap of the overall process.

How to Use This Manual

This manual, and the training which accompanies it, are intended to provide the tools necessary to represent a divorce client in a basic divorce where there are no assets to be distributed among the parties. At VIP these are commonly called "no-asset divorces." Some of these may include requests for certain forms of economic relief such as child support, and alimony pendente lite (APL). In our efforts to create a user-friendly manual, we begin with a step-by-step description of the process of a no asset divorce in Philadelphia County. We then proceed through each step of the process with a discussion of the forms involved in the order that an attorney will need. We recommend using the forms as guide to the process of divorce. Along the way you will find useful checklists and timelines to guide you in assisting a VIP divorce client. The general checklist on the following page provided by VIP Volunteer James Rocco, Esq., is a good tool to guide you through the process of divorce. This checklist provides alternate instruction depending on the facts of your case in the right hand column after the word "or." The remainder of this manual then moves through the various steps on this general divorce checklist.

DIVORCE CHECKLIST
(courtesy of James A. Rocco, III, Esquire)

NB: Names Must Match Marriage Certificate

Complaint in Divorce filed

Separation Date _____

File Date _____

Service Date _____ (w/i 30 days of filing)

Affidavit of Service of Complaint

Execution Date _____

File Date _____

And

Affidavit of Signature

Execution Date _____

File Date _____

Acceptance of Service

Execution Date _____

File Date _____

Or

Affidavit of Signature

Execution Date _____

File Date _____

N.B.: If Personal Service, No Need for Affidavit of Signature

After 90 days from date of SERVICE:

3301(c) Affidavit of Consent (no waiver)

H's Execution Date _____

H's File Date _____

W's Execution Date _____

W's File Date _____

Or

Affidavit of Consent (w/ waiver)

H's Execution Date _____

H's File Date _____

W's Execution Date _____

W's File Date _____

After 1 year SEPARATION:

3301(d) Affidavit 1-yr separation

Execution Date _____

Service Date _____

(w/ Counter-Affidavit)

File Date _____

Or

(Note: 3301(d) can be filed simultaneously w/ Complaint if 1 year already elapsed.)

After 20 days from filing 3301(c) OR 3301(d) w/o waiver:

NB: Have Waiver, No Notice of Intent

Notice of Intent to Request Divorce Decree

Mailing Date _____

Notice of Intention to File Praecipe to Transmit for Approval of Divorce Grounds

Mailing Date _____

After 20 days from filing of mailing of Notices of Intent:

Praecipe to Transmit Record (\$66.22.00 filing fee)

w/ envelopes (for self + opposing counsel/unrepresented party)

Original Property Settlement Agreement (if applicable)

Execution Date _____

Divorce Decree

3301(c) w/o PSA _____

3301(d) w/o PSA _____

3301(c) w/ PSA _____

3301(d) w/ PSA _____

Certification for a Hearing Before a Permanent Master (\$496.98 filing fee)

10 Days before Equitable Distribution hearing, file Pretrial Memorandum

I. Preliminary Information on Divorce

Divorce in Pennsylvania is governed by 23 Pa. C.S. § 3301 et seq. Related rules of civil procedure are found at Pa. R.C.P. 1920.1 *et seq.* This introduction only addresses no-fault divorce, which constitutes the vast majority of contemporary divorces. A no-fault divorce can be obtained on the basis of 23 Pa. C.S. § 3301 (c), or on the basis of 23 Pa. C.S. §3301 (d). A §3301(c) divorce requires mutual consent of the parties. In contrast, a §3301 (d) divorce requires that the marriage be irretrievably broken, and the parties have lived separate and apart for one year if their date of separation is after December 5, 2016. If the date of separation was before December 5, 2016, the parties must have been separated for two years. In equitable distribution cases and alimony cases, discovery may be conducted without leave of court. See Pa. R.C.P. 1930.5(b). **VIP recommends that you plead both §3301(c) and §3301(d) in your divorce complaint.**

Residency Requirements:

(Pa.R.C.P. 1920.12(a)(4)/Phila.Civ.R. 1920.72(a))

- 1) 6 months - PA - Philadelphia County at least one party
- 2) “bona fide” - paragraph 3 of complaint

m-w.com:



The screenshot shows the Merriam-Webster website interface. At the top, there is a navigation bar with links for 'GAMES', 'BROWSE THESAURUS', 'WORD OF THE DAY', 'VIDEO', and 'WORDS'. The search bar contains the text 'bona fide'. Below the search bar, there are tabs for 'DICTIONARY' and 'THESAURUS'. The main content area displays the word 'bona fide' in a large font, followed by its part of speech 'adjective' and its phonetic transcription. Below this, there is a section for 'Definition of BONA FIDE' with three numbered entries: 1) 'made in good faith without fraud or deceit <a bona fide offer to buy a farm>', 2) 'made with earnest intent : SINCERE', and 3) 'neither specious nor counterfeit : GENUINE'. There are also social media sharing icons on the left and utility buttons like 'Examples: BONA FIDE in a sentence', 'Editor's note: Did You Know?', and 'Tip: Synonym guide'.

Consult Information:

Information needed for both parties (in addition to any pleadings already filed):

- 1) Income (Pay Stubs/Tax Returns)

- 2) Assets (Real Estate, Auto, Bank Account, Pension/ Retirement Account)
- 3) Debts (Mortgage, Credit Card, Car Loan, Student Loan, Personal Loan)

Date of Separation:

[important for attorney to determine as applied to division of assets and length of separation for 3301(d) divorce]

- 1) Living separate and apart under the same roof.
- 2) Separate residences
- 3) Date of filing complaint—the date of separation can never be later than the date on which a complaint was filed.
 - Has a complaint already been filed (another jurisdiction)?

Separation/No-Fault Grounds:

(23 Pa.C.S.A. §3301(c); 23 Pa.C.S.A. §3301(d))

- 1) §3301(c) of the Divorce Code - 90 days
- 2) §3301(d) of the Divorce Code – 2 years if prior to 12/5/2016; 1 year if after.

Fault Grounds:

(23 Pa.C.S.A. §3301(a))

- | | |
|--|--------------------------------------|
| -§3301(a)(1)/desertion | -§3301(a)(4)/bigamy |
| -§3301(a)(2)/adultery | -§3301(a)(5)/imprisonment (2+ years) |
| -§3301(a)(3)/cruel and barbarous treatment | -§3301(a)(6)/indignities |

Note : VIP does not handle fault-based divorces. This is background information.

§ 3301(d) Divorce Steps

1. Prepare, file and serve the divorce complaint and all accompanying documents Philadelphia Family Court does not offer e-filing. File in person at the clerk's office on the 11th floor of 1501 Arch St. You will need an original that is unredacted, one redacted copy (if redacting is necessary) and however many time-stamped copies you want back. If your complaint includes counts for child support or spousal support you will need an original that is unredacted, one redacted copy (if redacting is necessary) and seven more copies. VIP can provide you with sample complaints and most of the forms you may need. Consult Pa. R.C.P. 1920.4; 1930.4, and Phila.D.R.R 1920.4(c) for guidance on service. You may serve an unrepresented defendant by including an Acceptance of Service form for them to sign and filing it along with an Affidavit of Signature where your client avers that the signature belongs to the opposing spouse. See Phila.D.R.R 1920.4(c). Here is a checklist for what must be filed along with a complaint for divorce:
 - Praecipe to Proceed In Forma Pauperis (IFP)
 - Notice to Defend
 - Counseling Notice (must be second page)
 - Original Client Verification (signed and dated)
 - Domestic Relations Information Sheet (no copies—attach one to the original complaint only)
 - If the complaint includes counts for spousal support or child support, file an Application for Child or Spousal Support Services (one original only, no copies required)
 - If the parties have been separated for the requisite period at the time of filing, your client should sign a § 3301 (d) Affidavit. It should be filed and served with the complaint. If the necessary period of separation has yet not passed, the client must wait until it has passed to file and serve the § 3301 (d) Affidavit
 - A blank § 3301 (d) counter-affidavit form must be served with the § 3301 (d) Affidavit. The Defendant may or may not sign and file the form.
 - You may send the defendant a waiver form asking them to waive the requirement that you provide a notice of intent to file a praecipe to transmit the record for approval of grounds. However, you cannot file the waiver until 20 days after service of the §3301(d) affidavit and form counter-affidavit. This can spare the parties a twenty-day waiting period in the future.
2. File Affidavit of Service within 30 days (or 90 days for service outside the Commonwealth) of the filing of the Complaint. If the defendant signs an acceptance of service, you must file it along with an Affidavit of Signature where your client attests that the signature is that of the opposing spouse. See Pa. R.C.P 1920.4; Phila.D.R.R 1920.4(c). An Affidavit of Signature is also required when service is completed by registered mail. For proof of service required in cases of personal service consult Pa. R.C.P. 1930.4.
3. Defendant may file a counter-affidavit, Answer, and/or Counterclaim. If defendant's counter-affidavit disputes whether the necessary period of separation has elapsed (1 or 2 years depending on date of separation), the case will automatically be listed for a master's hearing on grounds for divorce. Defendants may also raise their own economic issues via a counterclaim. Allow the defendant 30 days to respond to the complaint.

4. If any economic issues are resolved, or non-existent, and the defendant has not disputed the requisite length of separation within 20 days of service of the 3301(d) Affidavit, you can send a Notice of Intent to File Praecipe to Transmit Record for Entry of A Decree of Divorce. If the parties did not execute waivers of the notice of intent, this notice of intent must be filed and served 20 days before a Praecipe to Transmit may be filed. If Waivers were signed, you can file the Praecipe along with the Waivers. Note that a different form of the notice of intent is required depending on whether the opposing party is represented or unrepresented. See VIP's website, or ask VIP staff for the appropriate form.
5. If there are economic issues, including alimony, a hearing must be held. This requires different documentation and additional filings not addressed in this manual or training. Information is available on the VIP website.
6. File the Praecipe to Transmit Record for A Decree of Divorce. Include a blank decree form with a red seal obtained from the Family Court on the 11th floor.
7. Claims for child support, spousal support and alimony pendente lite (APL) can no longer be included in a complaint for divorce. If your client wants those forms of economic relief, you will need to file a separate complaint. See Pa. R.C.P. 1920.31(a)(2).

§ 3301(c) Divorce Steps

1. Prepare, file and serve the divorce complaint and all accompanying documents. Philadelphia Family Court does not offer e-filing. File in person at the clerk's office on the 11th floor of 1501 Arch St. You will need an original that is unredacted, one redacted copy (if redacting is necessary) and however many time-stamped copies you want back. If your complaint includes counts for child support or spousal support you will need an original that is unredacted, one redacted copy (if redacting is necessary) and seven more copies. VIP can provide you with sample complaints and most of the forms you may need. Consult Pa. R.C.P. 1920.4; 1930.4, and Phila.D.R.R 1920.4(c) for guidance on service. You may serve an unrepresented defendant by including an Acceptance of Service form for them to sign and filing it along with an Affidavit of Signature where your client avers that the signature belongs to the opposing spouse. See Phila.D.R.R 1920.4(c). Here is a checklist for what must be filed along with a complaint for divorce:
 - Praecipe to Proceed In Forma Pauperis (IFP)
 - Notice to Defend
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 - If the complaint includes counts for spousal support or child support, file an Application for Child or Spousal Support Services (one original only, no copies required)
2. File Affidavit of Service within 30 days (or 90 days for service outside the Commonwealth) of the filing of the Complaint. If the defendant signs an acceptance of service, you must file it along with an Affidavit of Signature where your client attests that the signature is that of the opposing spouse. See Pa. R.C.P 1920.4; Phila.D.R.R 1920.4(c). An Affidavit of Signature is also required when service is completed by registered mail. For proof of service required in cases of personal service consult Pa. R.C.P. 1930.4.
3. Defendant may file an Answer, and/or Counterclaim. Defendants may raise their own economic issues via a counterclaim. Allow the defendant 30 days to respond to the complaint.

4. 90 days after service has been made both parties can sign Affidavits of Consent (3301(c) Affidavits). You may also send the defendant a waiver form asking them to waive the requirement that you provide a Notice of Intent to file a Praecipe to Transmit the record for approval of grounds.
5. If any economic issues are resolved, or non-existent, you can send a Notice of Intent to File Praecipe to Transmit Record for Entry of A Decree of Divorce. If the parties did not execute waivers of the notice of intent, this notice of intent must be filed and served 20 days before a Praecipe to Transmit may be filed. If Waivers were signed, you can file the Praecipe along with the Waivers. Note that a different form of the notice of intent is required depending on whether the opposing party is represented or unrepresented. See VIP's website, or ask VIP staff for the appropriate form.
6. If there are economic issues, including alimony, a hearing must be held. This requires different documentation and additional filings not addressed in this manual or training. Information is available on the VIP website.
7. File the Praecipe to Transmit Record for A Decree of Divorce. Include a blank decree form with a red seal obtained from the Family Court on the 11th floor.
8. Claims for child support, spousal support and alimony pendente lite (APL) can no longer be included in a complaint for divorce. If your client wants those forms of economic relief, you will need to file a separate complaint. See Pa. R.C.P. 1920.31(a)(2). *

* If you are filing for divorce, it makes sense to file for APL, not spousal support as there are no defenses to APL but there are defenses to spousal support. Spousal support really is only for clients where you want to get them support but don't want to file the divorce, either because it doesn't benefit them to get divorced or because there is a reason for them not to be the filing party.

II. The Initial Documents Commencing a Divorce Action

Notice to Defend

(Phila.Civ.R. 1920.*93(2) - Note That This Asterisk Is Part Of The Rule)

BERNER KLAW & WATSON LLP
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E-mail: mwatson@bkwfamily.com
1528 Walnut Street
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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE
a/k/a M. Jane Rockefeller
c/o Berner Klaw & Watson LLP
1528 Walnut Street, Suite 1100
Philadelphia, PA 19102

v.

JOHN DEERE DOE
John D. Dosie-Doe [sic Dosi]
123 Main Street
Philadelphia, PA 19100

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PAFAMILY COURT DIVISION
:
: DIVORCE
:
: AUGUST TERM, 2016
:
: NO.
:
:

NOTICE TO DEFEND AND CLAIM RIGHTS

You have been sued in court for:

- Divorce Annulment of Marriage
- Support Custody & Visitation
- Division of Property Alimony
- Temporary Alimony Attorney Fees
- Costs

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 or 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 Family Court, Clerk of Court, 1501 Arch Street, 11th Floor, Philadelphia, PA 19102.

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 TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

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 Reference Service
1101 Market Street (One Reading Center/11th Floor)
Philadelphia, Pennsylvania 19107
Telephone: 215-238-6333/1701

ADVERTENCIA SOBRE COMO DEFENDERSE Y RECLAMAR DERECHOS Usted ha sido demandado en corte para

- Divorcio Anulación de Matrimonio
- Pensión Alimenticia División de Propiedad (Mantenimiento) Custodia y Visitation
- Pensión Alimenticia Pensión Alimenticia
- Costos Temporaria
- Costos de Abogado

Usted ha sido demandado en corte. Si usted desea defender el reclamo puesto en contra suya en las siguientes paginas, tiene que tomar accion inmediatamente. Se le advierte que si falla en hacerlo, el caso puede ser procesado sin su de usted por la corte. Un juicio tambien puede ser registrado en su contra de usted por la corte. Un juicio tambien puede ser registrado en su contra por cualquier otro reclamo o petición requerida en estos papeles por el querellante. Usted puede perder dinero, propiedad u otros derechos importantes para usted, incluyendo custodia para sus hijos. Cuando la causa del divorcio es maltrato o trastorno irreparable en el matrimonio, usted debe solicitar consejeria matrimonial. Una lista de consejeros matrimoniales esta disponible en las oficinas del protonotario, Edificio de la Corte Familiar 1133 Calle Chestnut, Filadelfia, PA 19107 (1133 Chestnut Street, Philadelphia, PA 19107)

SI USTED NO REGISTRA UN RECLAMO PARA LA PENCIÓN ALIMENTICIA, LA REPARTICIÓN DE PROPIEDADES, EL HONORARIO DEL ABOGADO O GASTOS DE QUE EL UN DIVORCIO O ANULACIÓN SEA OTORGADO, USTED PUEDE PERDER EL DERECHO DE RECLAMAR CUALQUIERA DE ESTOS.

USTED DEBE LLEVAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE UN ABOGADO, ESTA OFICINA PUEDE PROPORCIONARLE INFORMACION ACERCA DE LA CONTRATACION DE UN ABOGADO.

SI USTED NO CUENTA CON LOS RECURSOS NECESARIOS PARA CONTRATAR UN ABOGADO, ESTA OFICINA PODRA BRINDARLE INFORMACION ACERCA DE OTRAS AGENCIAS QUE PUDIERAN OFRECER SERVICIOS LEGALES PARA PERSONAS ELEGIBLES A UN PRECIO REDUCIDO O EN FORMA GRATUITA.

ASOCIACIÓN DE LICENCIADOS FILADELFIA
SERVICIO DE REFERENCIA E INFORMACIÓN LEGAL
1101 Market St., 11th Floor

Former Domestic Relations Proceeding Yes No
If child support is claimed, is such Yes No
child receiving Public Assistance

Domestic Relations No:

Counseling Notice

(23 Pa.C.S.A. §3302(d)/Pa.R.C.P. 1920.45(a)/Phil.Civ.R. 1920.45(a))

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bernerklaw.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(215) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE
a/k/a M. Jane Rockefeller
c/o Berner Klaw & Watson LLP*
1528 Walnut Street, Suite 1100
Philadelphia, PA 19102

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
:
: DIVORCE
:
: AUGUST TERM, 2016
: NO.

v.

JOHN DEERE DOE
a/k/a John D. Dosie-Doe [sic Dosi]
123 Main Street
Philadelphia, PA 19100

COUNSELING NOTICE UNDER Pa.R.C.P. 1920.45(a)

THE DIVORCE CODE OF PENNSYLVANIA REQUIRES THAT YOU BE NOTIFIED OF THE AVAILABILITY OF COUNSELING WHERE A DIVORCE IS SOUGHT UNDER ANY OF THE FOLLOWING GROUNDS:

- Section 3301(a)(6) - Indignities
- Section 3301(c) - Irretrievable Breakdown - Mutual Consent
- Section 3301(d) - Irretrievable Breakdown - One Year/Two Years Separation - Where the Court determines there is no reasonable prospect of reconciliation

A list of qualified professionals is available for inspection in the Office of the Clerk of Family Court, 1501 Arch Street, 11th floor, Philadelphia, PA 19102.

BERNER KLAW & WATSON LLP

By: Megan E. Watson

MEGAN E. WATSON

Date: 09/01/2016

Attorneys for Mary Jane Rockefeller Doe

Complaint

(23 Pa.C.S.A. §3101 et seq./Pa.R.C.P. 1920.12, 1920.72(a)/
Phil.Civ.R. 1920.72(a)) [need to file Attorney Pro Bono Praeceptum with this]

BERNER KLAW & WATSON LLP
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Philadelphia, PA 19102
(215) 790-8800
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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE
a/k/a M. Jane Rockefeller
c/o Berner Klaw & Watson LLP*
1528 Walnut Street, Suite 1100
Philadelphia, PA 19102

: COURT OF COMMON PLEAS
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Philadelphia, PA 19100

COMPLAINT IN DIVORCE

COUNT I DIVORCE

1. Plaintiff is Mary Jane Rockefeller Doe, who currently resides at a confidential location. Her mailing address is c/o Berner Klaw & Watson LLP, 1528 Walnut Street, Philadelphia, PA 19102.
2. Defendant is John Deere Doe, who currently resides at 123 Main Street, Philadelphia, PA 19100.

*You do not have to disclose Jane's address if her safety is at issue. If the parties reside at the same address, you may still file a complaint.

**In Philadelphia, the term will always be the month of the Monday before your filing date. So, if we are filing a complaint on September 1, 2016, the month in the caption would be August as the preceding Monday was August 29, 2016.

3. Plaintiff and Defendant have been bona fide residents of the Commonwealth of Pennsylvania for at least six months immediately preceding the filing of this Complaint.
4. The parties are husband and wife and were lawfully married on February 14, 1995 in Seoul, South Korea.
5. There has been no prior action for divorce or annulment instituted by either of the parties in this or any other jurisdiction.
6. Plaintiff has been advised of the availability of **counseling*** and that Plaintiff or Defendant has the right to request the Court to require the parties to participate in such counseling.
7. Plaintiff is proceeding for divorce from the Defendant on the following grounds:
 - a) Section 3301(c), as the marriage is irretrievably broken and after ninety (90) days have elapsed from the date of service of this Complaint, Plaintiff intends to file an affidavit consenting to a divorce. Plaintiff believes that Defendant may also file such an affidavit.
 - b) Section 3301(d), as the marriage is irretrievably broken and the parties live separate and apart and, when the requisite period of time has passed, Plaintiff may submit an affidavit alleging that the parties have lived separate and apart for at least one (1) year if the date of separation is on or after December 5, 2016 or for at least two (2) years if the date of separation is before December 5, 2016.

WHEREFORE, Plaintiff respectfully requests the Court to enter a Decree of Divorce, divorcing Plaintiff from Defendant.

**COUNT II
REQUEST FOR EQUITABLE DISTRIBUTION OF MARITAL PROPERTY
UNDER §3502 OF THE DIVORCE CODE****

8. The prior paragraphs of this Complaint are incorporated herein by reference thereto.
9. Plaintiff and Defendant have acquired property, both real and personal, during their marriage.
10. Plaintiff and Defendant may be unable to agree as to an equitable distribution of said property.
WHEREFORE, Plaintiff respectfully requests the entry of an Order distributing all of the aforementioned property, real and personal, as the Court may deem equitable and just, plus costs pursuant to §3502 of the Divorce Code.

*While including this language here and in the Counseling Notice and Notice to Defend, you should be aware that either party is entitled to insist that the other attend three counseling sessions if the grounds fall under 23 Pa.C.S.A. §3301(a)6/Indignities, 23 Pa.C.S.A. §3301(c)/Irretrievable Breakdown/Mutual Consent, or 23 Pa.C.S.A. §3301(d)/Irretrievable Breakdown/Two-Year or One-Year Separation. The Clerk of Family Court (a/k/a Prothonotary) keeps a list of qualified professionals on hand for inspection - 1501 Arch Street, 11th Floor; Philadelphia, PA 19102.

**See also Count V.

**COUNT III
REQUEST FOR ALIMONY
UNDER §3701 AND §3104(a)(1) OF THE DIVORCE CODE**

11. The prior paragraphs of this Complaint are incorporated herein by reference thereto.
 12. Plaintiff is unable to sustain herself during the course of litigation.
 13. Plaintiff lacks sufficient property to provide for her reasonable needs and is unable to sustain herself through appropriate employment.
 14. Plaintiff requires reasonable support to adequately maintain herself in accordance with the standards of living established during the marriage.
 15. Plaintiff requests the Court to enter an Order of alimony in her favor, pursuant to §3701 and §3104(a)(1) of the Divorce Code.
- WHEREFORE, Plaintiff respectfully requests the Court to enter to enter an Order of alimony in her favor, pursuant to §3701 and §3104(a)(1) of the Divorce Code.

**COUNT IV
REQUEST FOR COUNSEL FEES, COSTS AND EXPENSES
UNDER §3702 OF THE DIVORCE CODE**

16. The prior paragraphs of this Complaint are incorporated herein by reference thereto.
 17. Plaintiff has employed Berner Klaw & Watson LLP to represent her in this action.
 18. Plaintiff is unable to pay the necessary counsel fees, costs and expenses and Defendant is more than able to pay them.
 19. Reserving the right to apply to the Court for temporary counsel fees, costs and expenses, prior to final hearing, Plaintiff requests that, after final hearing, the Court order Defendant to pay Plaintiff's reasonable counsel fees, costs and expenses.
- WHEREFORE, Plaintiff respectfully requests that, pursuant to §3702 of the Divorce Code, the Court enter an Order directing Defendant to pay Plaintiff's reasonable counsel fees, costs and expenses.

**COUNT V*
REQUEST FOR APPROVAL OF ANY SETTLEMENT AGREEMENT
AND INCORPORATION THEREOF INTO DIVORCE DECREE
UNDER §3104(a)(1) AND §3323(b) OF THE DIVORCE CODE**

20. The prior paragraphs of this Complaint are incorporated herein by reference thereto.
21. The public policy of the Commonwealth of Pennsylvania encourages parties to a marital dispute to negotiate a settlement of their differences.
22. While no settlement has been reached as of the date of the filing of this Complaint, Plaintiff is and has always been willing to negotiate a fair and reasonable settlement of all matters with Defendant. To the extent that a written settlement agreement might be entered into between the parties prior to the time of hearing on this Complaint, Plaintiff desires that the parties' written agreement be approved by the Court and incorporated in any divorce decree which may be entered dissolving the

marriage between the parties. OR The parties entered into a settlement on December 1, 2011 [date agreement signed]. Plaintiff desires that the parties' written agreement be approved by the Court and incorporated in any divorce decree which may be entered dissolving the marriage between the parties.

WHEREFORE, if a written settlement agreement is reached between the parties prior to the time of hearing on this Complaint, Plaintiff respectfully requests that, pursuant to §3104(a)(1) and §3323(b) of the Divorce Code, the Court approve and incorporate the parties' agreement into the final divorce decree. OR As a written settlement agreement has been reached between the parties, Plaintiff respectfully requests that, pursuant to §3104(a)(1) and §3323(b) of the Divorce Code, the Court approve and incorporate into the final divorce decree the parties' agreement of September 1, 2016 [date agreement signed].

BERNER KLAW & WATSON LLP

By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

Date: 09/01/2016

*When including a count for equitable distribution, it is best to err on the side of caution and always include this count for incorporation of a settlement agreement. Too many practitioners leave this out and are then forced to amend the complaint (and serve it, etc.) at the end of the case so that the agreement is incorporated as a part of the final decree.

VERIFICATION

I, Mary Jane Rockefeller Doe, verify that the statements made in this Complaint in Divorce are true and correct to the best of my knowledge, understanding and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE*

Date: 9-1-2016**

*As with most legal documents, Mary Jane must always sign her name as it appears “Mary Jane Rockefeller Doe” even though she uses “Mary Jane Doe.” Your complaint and future pleadings could be rejected if she only signs as “Mary Jane Doe.”

**Yikes. Don’t ever try to file something with an undated verification. Also, while most pleadings should be filed within 30 days of signing, Philadelphia is more lenient with regard to filing a complaint with a verification dated over 30 days ago (60 would be pushing it though).

§3301(d) AFFIDAVIT*:
(23 Pa.C.S.A. §3301(d)/Pa.R.C.P. 1920.72(d))

BERNER KLAU & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

NOTICE

If you wish to deny any of the statements set forth in this affidavit, you must file a counter-affidavit within twenty days after this affidavit has been served on you or the statements will be admitted.

AFFIDAVIT UNDER SECTION 3301(d) OF THE DIVORCE CODE

1. The parties to this action separated on September 1, 2014**, and have continued to live separate and apart for a period of at least two years***.
2. Check (a) or (b):
 - (a) The date of separation was prior to December 5, 2016, and the parties have continued to live separate and apart for a period of at least two years.
 - (b) The date of separation was on or after December 5, 2016, and the parties have continued to live separate and apart for a period of at least one year.
3. The marriage is irretrievably broken.
4. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

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. §4904 relating to unsworn falsification to authorities.

Mary Jane Rockefeller Doe
MARY JANE ROCKEFELLER DOE

Date: 09-01-2016

[See Notes on Following Page]

*Only one party needs to sign a §3301(d) Affidavit; it can be signed and filed by either party, but must be "served" on the opposing party, just like the original complaint. An attorney affidavit of service must be filed. If the other party is unrepresented, you must simultaneously send a counter-affidavit.

IMPORTANT: This form must be filed within 30 days of signing, so the last day to file it would be Friday, 09/30/16.

****This form may only be filed simultaneously with the divorce complaint if the two year/one year separation has occurred by the time of filing the complaint.**

*****This Complaint was filed before the Act of October 4, 2016 went into effect reducing the separation time under 3301(d) from two years to one year.**

Affidavit of Service*

(§3301(d) Affidavit):

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA

v.

: FAMILY COURT DIVISION

JOHN DEERE DOE

: DIVORCE
: SEPTEMBER TERM, 2013; NO. 1111

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA

:
: SS
:

COUNTY OF

I hereby certify that on September 1, 2016, I caused a true and correct copy of Plaintiff's 3301(d) Affidavit** to be mailed to counsel for Defendant as follows:

LARRY ATTORNEY
1500 Chestnut Street, Suite 9A
Philadelphia, PA 19102

Attached as Exhibit "A" is the September 1, 2016 correspondence to Larry Attorney.

Megan E. Watson

MEGAN E. WATSON

Sworn to and subscribed
before me, this day
of , 2016.

NOTARY PUBLIC

*Family Court filings occur at the "Clerk of Family Court," located at 1501 Arch Street; 11th floor, Philadelphia, PA 19102; 215-686-3805/06 between 8 a.m.-3:45 p.m.

**Be sure to include "along with a 3301(d) Counter-Affidavit," if sent to a pro se party.

DOMESTIC RELATIONS INFORMATION SHEET					Date:	Case ID No.
INFORMATION ON FATHER OF CHILDREN OR HUSBAND						
First Name			Middle Initial		Last Name	
					Alias (If any)	
Mailing Address: City, State & Zip Code				Residential Address (If different from mailing)		
Home Phone No.		Cell No.		Work Phone No.		E-Mail Address
Date of Birth:		Social Security No.			DPW No.	
Height:		Weight:		Race:		Hair:
				Eyes:		Distinguishing Features:
Primary Language:				Interpreter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO		
Place of Employment:		Occupation:		Medical Insurance Carrier Name, Address		
Policy No.		Children Covered?		Attorney's Name and Address		
		<input type="checkbox"/> Yes / <input type="checkbox"/> No				
Salary \$ _____ per _____				Attorney ID No.		Attorney Phone No.
INFORMATION ON MOTHER OF CHILDREN OR WIFE						
First Name			Middle Initial		Last Name	
					Alias (If any)	
Mailing Address: City, State & Zip Code				Residential Address (If different from mailing)		
Home Phone No.		Cell No.		Work Phone No.		E-Mail Address
Date of Birth:		Social Security No.			DPW No.	
Height:		Weight:		Race:		Hair:
				Eyes:		Distinguishing Features:
Primary Language:				Interpreter Needed: <input type="checkbox"/> YES / <input type="checkbox"/> NO		
Place of Employment:		Occupation:		Medical Insurance Carrier Name, Address		
Policy No.		Children Covered?		Attorney's Name and Address		
		<input type="checkbox"/> Yes / <input type="checkbox"/> No				
Salary \$ _____ per _____				Attorney ID No.		Attorney Phone No.
INFORMATION IF THERE IS A CLAIM FOR SUPPORT						
Receiving Assistance? <input type="checkbox"/> Yes / <input type="checkbox"/> No		DPW No.		District Address		Semi-Monthly Grant Amount \$
						No. of People in House Hold
Parties Ever Married? <input type="checkbox"/> Yes / <input type="checkbox"/> No		Marriage Date		Place		Separation Date
						Divorce Date
Maternal Grandmother's Maiden Name				Maternal Grandfather's Name		

Attorney Pro Bono Praeipice
(Pa.R.C.P. 240(i))

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
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(215) 790-8800
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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016/NO.

PRAEICIPE TO PROCEED IN FORMA PAUPERIS

TO THE PROTHONOTARY:

Kindly allow Mary Jane Rockefeller Doe, Plaintiff, to proceed in forma pauperis.

I, Megan E. Watson, attorney for the party proceeding in forma pauperis, certify that I believe the party is unable to pay the costs and that I am providing free legal service to the party, referred to me by Philadelphia VIP.

BERNER KLAW & WATSON LLP

Date: 09/01/16

By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

CHECKLIST FOR FILING* COMPLAINT:

- Praecepte to Proceed In Forma Pauperis
(1 Original/separate from complaint - If you include extra copies, they will not be time-stamped, so do not include them.)

- Notice to Defend
- Counseling Notice (must be second page)
- Original Complaint (signed by attorney)
- Original Client Verification (signed and dated)

(Original + 4 copies (1 redacted copy for the court, 1 for you, 1 for your client, 1 for service) - collated and stapled - if no spousal or child support counts)

(Original + 10 copies - collated and stapled - if spousal or child support counts (the Court will keep the Original + 7 including a redacted copy))

- DRIS attached to original complaint only

- Complaint for spousal support, or alimony pendente lite if your client seeks these forms of relief. See Pa.R.C.P. 1920.31 (a)(2), 1910.4.
- Application for Child or Spousal Support Services (do not attach) – If your client is seeking spousal, support, alimony pendente lite, or child support.

NOTE: If the parties have been separated for 2 years or for 1 year or more as of December 5, 2016 or after, you should have your client sign a §3301(d) Affidavit above to file and serve with the divorce complaint.

*Family Court filings occur at the “Clerk of Family Court,” located at 1501 Arch Street, 11th floor, Philadelphia, PA 19102; 215-686-3805/06 between 8 a.m.-3:45 p.m.

III. Issues Arising Upon Filing Complaint

Discovery:

(Pa.R.C.P. 1930.5)

- If there is an attorney on other side, an informal (letter) discovery request is appropriate. Remember to calendar a 30-day follow-up if no response.
- Or, you may want to consider serving interrogatories and a request for production of documents with the complaint, or at a later date.

Service:

(Pa.R.C.P. 1920.4; 1930.4)

- A complaint must be served in-state within 30 days of filing (90 days out-of-state).
- There are three methods of service for an unrepresented defendant:
 - 1) Informal: First Class U.S. Mail with an Acceptance of Service form
 - 2) Formal: Certified Mail/Restricted Delivery/Return Receipt Requested, simultaneously with a separate (duplicate) mailing via First Class Mail
 - 3) Personal: Sheriff, process server or other competent adult

LOCATING A MISSING DEFENDANT:

1. The best way to locate a defendant is to ask your client, who may be able to locate their spouse through friends, relatives, co-workers, etc.
2. When your client has no idea where the defendant may reside, one option - if you have the defendant's Social Security Number- is to run a LexisNexis check through their Public Records link.
3. Another option is to send the USPS Locate Form (p. 28) to the Postmaster at the defendant's last known address.
4. Another simple tip is to "Google" the defendant, or run their name through the residential section of SuperPages.com (not necessarily helpful if the defendant has a common name).
5. You can also check Philadelphia County civil dockets at <https://fjdefile.phila.gov/dockets> or Pennsylvania's criminal dockets at <http://ujportal.pacourts.us/docketsheets/cp.aspx>

NOTE: To check all 67 Pennsylvania counties simultaneously for criminal records, put in the defendant's last name and first name, but do not put in a DOB; then, select "criminal" as the docket type. You also have the option of running separate searches for "miscellaneous" and "summary appeal" docket types using this method as well.

<https://about.usps.com/who-we-are/foia/coa-or-boxholder-form.pdf>

USPS Locate Form:

Exhibit 5-2b

Change of Address or Boxholder Request Format — Process Servers

Postmaster _____

Date _____

City, State, ZIP Code

REQUEST FOR CHANGE OF ADDRESS OR BOXHOLDER INFORMATION NEEDED FOR SERVICE OF LEGAL PROCESS

Please furnish the new address or the name and street address (if a boxholder) for the following:

Name: _____
Address: _____

Note: Only one request may be made per completed form. The name and last known address are required for change of address information. The name, if known, and Post Office box address are required for boxholder information.

The following information is provided in accordance with 39 CFR 265.6(d)(5)(ii). There is no fee for providing boxholder or change of address information.

1. Capacity of requester (e.g., process server, attorney, party representing self): _____
2. Statute or regulation that empowers me to serve process (not required when requester is an attorney or a party acting pro se - except a corporation acting pro se must cite statute): _____
3. The names of all known parties to the litigation: _____
4. The court in which the case has been or will be heard: _____
5. The docket or other identifying number (a or b must be completed):
a. Docket or other identifying number: _____
b. Docket or other identifying number has not been issued.
6. The capacity in which this individual is to be served (e.g., defendant or witness) _____

WARNING

THE SUBMISSION OF FALSE INFORMATION TO OBTAIN AND USE CHANGE OF ADDRESS INFORMATION OR BOXHOLDER INFORMATION FOR ANY PURPOSE OTHER THAN THE SERVICE OF LEGAL PROCESS IN CONNECTION WITH ACTUAL OR PROSPECTIVE LITIGATION COULD RESULT IN CRIMINAL PENALTIES INCLUDING A FINE OF UP TO \$10,000 OR IMPRISONMENT OF NOT MORE THAN 5 YEARS, OR BOTH (TITLE 18 U.S.C. SECTION 1001).

I certify that the above information is true and that the address information is needed and will be used solely for service of legal process in conjunction with actual or prospective litigation.

Signature Printed Name

Address

City, State, ZIP Code

POST OFFICE USE ONLY

No change of address order on file. NEW ADDRESS OR BOXHOLDER'S NAME

Moved, left no forwarding address. AND STREET ADDRESS

No such address. _____

Special Service of a Divorce Complaint

(courtesy of Michael L. Viola, Esquire)

Sometimes, when you try to serve the divorce complaint by certified mail, the Defendant does not sign for the certified mail, but does not refuse the certified mail either. In this situation, even if the regular mail does not come back, you do not have good service of the divorce complaint.

If you do not think that you will be able to personally serve the Defendant, you may need to petition the Court for special service, which could include service by regular mail at the Defendant's last known address or at some other address. The relevant rule to follow is Phila.D.R.R. 1920.4. One must file a Petition seeking permission for special service. That petition must include an Affidavit signed by the plaintiff indicating the following information:

1. Time and place where the parties last resided together as spouses;
2. Defendant's address and phone number where the parties last had contact with each other;
3. Name and address of his last known employer;
4. Names and addresses of defendant's known relatives;
5. Proof of inquiry of voter's registration records to ascertain address;
6. Other information which could furnish a fruitful basis to learn the present whereabouts of the defendant; and
7. The affidavit has to detail the efforts made to ascertain his address.

This is an opportunity to be creative in your request for relief so long as your request addresses the goal of the petition, which is to make sure that the Defendant is given notice of the divorce action. Publication is an option, but it can be expensive. The fees are paid to the newspaper that prints the notice, i.e. the Legal Intelligencer, the Daily News, and/or the Philadelphia Inquirer); therefore, those fees are not eliminated by the granting of an IFP petition. Please refer to Pa.R.C.P. 430 for the requirements for service by publication.

This Petition is filed like any other motion in Family Court, i.e. with a Motion Court cover sheet and proposed Order. There would be a filing fee so please be sure to file an IFP petition if one was not filed when the divorce complaint was filed. If the IFP petition was previously granted, attach a copy of that Order to your Petition. Under the local rule, this Petition is not going to be scheduled for a hearing, unless the Court directs otherwise. Instead it is sent to the appropriate judge for review and the entry of an Order.

Obtaining Voter's Registration Information

(courtesy of Dina Ronsayro and Esquire and Mark Alan Taylor, Esquire)

Before a Petition for Special Service is filed with the Court, an inquiry must be made to determine where the Defendant is registered to vote. You may be able to search the Defendant's voter registration status (Active or Inactive), party affiliation, and the polling place address at this website: <https://www.pavoterservices.state.pa.us/Pages/VoterRegistrationStatus.aspx>

However, that information may not be sufficient. You may be more successful sending a letter similar to the following:

Voter Registration
520 North Delaware Avenue
Riverview Place
Philadelphia, PA 19123

Re:

TO WHOM IT MAY CONCERN:

We are attempting to locate [DEFENDANT]. Kindly advise us whether or not she is registered to vote in Philadelphia and provide the address that you have for her. The last known address we have for [DEFENDANT] is [LAST KNOWN ADDRESS], Philadelphia, PA 191??. [DEFENDANT]'s date of birth is ??/??/????.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

It may be necessary to complete a formal Right-to-Know form which is available to download from the Pennsylvania Office of Open Records:

http://openrecords.state.pa.us/portal/server.pt/community/open_records/4434.

Obtaining Driver's License Information

(courtesy of Michael L. Viola, Esquire)

Phila.D.R.R. 1920.4 requires in inquiry with the Pennsylvania Department of Transportation to ascertain the Defendant's address based on his or her current driver's license. On PennDOT's website there is a form to get information about a driver:
http://www.dmv.state.pa.us/pdotforms/dl_forms/dl-503.pdf.

However, to get the information, you either need the driver/defendant's signature or a court order. Neither of which is going to be possible in your case. It is suggested, therefore, that you write to the Bureau of Driver Licensing, P.O. Box 68695, Harrisburg, PA 17106-8695 and ask if that office can confirm or deny whether or not the Defendant has a valid PA driver's license and if that office can provide you with the Defendant's address. Your inquiry should make reference to the form and indicate that, because you are trying to locate the Defendant, you cannot get the Defendant to sign that form. Further, you should indicate that you cannot get a court order under Phila.D.R.R. 1920.4 without first making an inquiry of PennDOT. While you may not have the information requested, you will have made the inquiry.

SERVING INCARCERATED PARTIES:

(courtesy of Eileen G. Murphy, Esquire)

Incarcerated parties are easy to find, but not always easy to serve.

Commitment ("Commit") Name vs. True Name

Incarcerated parties sometimes have a commitment name (the name in which they have been arrested and/or prosecuted and committed into the prison system) which differs from their true name (the name which is reflected on the marriage license). A party's commit name is the name that is used to identify the party in the prison system for the purpose of service.

If you know that the opposing party is incarcerated, you should include the commit name on the divorce caption as mail will need to be addressed to that name and the certificate of service, provided by the prison, may use that name.

You can find a party's commit name by using the PA Inmate Locator (<http://inmatelocator.cor.state.pa.us/inmatelocatorweb/Criteria.aspx>). If you search using the party's inmate number, the party's commit name and true name will be displayed. If you only know the party's true name, you may search using that name with their date of birth, but be aware the results will be listed by commit name only (so if you are searching William Jones and Christopher Smith comes up, it is worth reviewing Mr. Smith's profile as he may actually be Mr. Jones). After you click on the Inmate Number in the search results, both a true name and a commit name will be displayed.

I address mail to 'True Name' a/k/a 'Commit Name'. I also use the commit name in the divorce complaint both in the caption and in the second paragraph (*i.e.*, Defendant is _____, currently incarcerated at Camp Hill State Correctional Institution under the Commit Name “_____”).

Service of the Pleadings

Unless the party will accept service, all pleadings must be personally served on the parties. *You cannot serve return receipt requested as incarcerated parties do not sign for their mail.* Different prisons handle service differently - some will use the Warden who is located at the prison to effectuate service while others make use of their local sheriff's department. I advise calling the prison where the party is incarcerated to determine which method they use.

Serving though the Warden: Enclose, along with your documents, an Affidavit of Service to be filled out by the Warden and a self-addressed, stamped envelope so that it may be returned to you.

Serving through the Sheriff's Department: If serving through the Sheriff's Department, you will likely need to fill out a Service Request Form (frequently available online) and you will

need to send a filed copy of your Praecipe to Proceed In Forma Pauperis. Note: If you have an IFP Order, sending that is preferred. The Sheriff's Department will send you an Affidavit of Personal Service - you do not need to enclose one. The Sheriff's Department may not personally serve prisoners every day, instead effectuating service when it is convenient to do so. They may be willing to estimate how often they serve prisoners for purposes of timing your complaint, etc.

I suggest enclosing two cover letters when sending anything that needs to be served. Enclose a cover letter to the Sheriff or Warden explaining what you are asking them to serve (i.e., a divorce complaint, 3301(d) affidavit and 3301(d) counter-affidavit) and enclose a cover letter to the party explaining the contents of what is being served on them (as you would with any unrepresented party). I include the letter to the Sheriff, even if there is also a Service Request Form included, because it becomes something substantial to reference if the Affidavit of Service later sent by the Department has an omission or mistake.

I will frequently serve a complaint or affidavit by both personal service and regular mail. Clients may not appropriately gauge the incarcerated party's position on the divorce and, if you have waited to personally serve a party because you believe they will accept service and they do not do so, you will likely need to reinstate the complaint before attempting personal service.

Praecipe to Reinstate*

(Pa.R.C.P. 401(b)(2))

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

PRAECIPE TO REINSTATE COMPLAINT

TO THE PROTHONOTARY:

Kindly reinstate the attached Complaint in Divorce.

BERNER KLAW & WATSON LLP

By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

Date: 12/02/16

*Be sure to attach a photocopy of the time-stamped complaint.

Acceptance of Service (defendant) (Pa.R.C.P. 1920.4(d))

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Time-Stamp is 09/30/16

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

ACCEPTANCE OF SERVICE

I, John Deere Doe, defendant in the above-captioned divorce action, hereby acknowledge that I received a copy of Plaintiff's Complaint in Divorce [include any other documents such as a §3301 (d) affidavit, counteraffidavit, Interrogatories, etc.] filed in this matter.

The address must be included. →

John Deere Doe

JOHN DEERE DOE
123 Main Street
Philadelphia, PA 19100

Date: 09-30-2016*

*The acceptance must be signed within 30 days of filing the complaint (90 days if out-of-state), or 30/90 days from the filing date of a reinstated complaint. This date triggers the 90-day waiting period under §3301(c).

NOTE: You cannot file a defendant's acceptance without an affidavit of signature in Philadelphia.

SAMPLE LETTER TO DEFENDANT

September 1, 2016

VIA CERTIFIED MAIL*, RETURN RECEIPT
REQUESTED, RESTRICTED DELIVERY**
AND VIA FIRST CLASS U.S. MAIL

John Deere Doe
123 Main Street
Philadelphia, PA 19100

Re: Doe v. Doe

Dear John:

Mary Jane has asked me to represent her in a divorce action which both she and I hope can be resolved quickly and amicably. To that end I have filed a simple divorce complaint in the Court of Common Pleas of Philadelphia County, a time-stamped copy of which is enclosed.

Since I must ultimately demonstrate to the Court that you received a copy of this complaint, I have also enclosed a simple acknowledgment form which I ask you to sign and return to me. I have enclosed a self-addressed, stamped envelope for your convenience.

Please feel free to call me if you have any questions, or invite your attorney to do so if you retain one.

Very truly yours,

Megan E. Watson
MEGAN E. WATSON

Enclosures (Complaint; Acceptance of Service***; SASE)

pc: Mary Jane Doe (with Complaint)

Acceptance of Service
(attorney) (Pa.R.C.P. 1930.4(d))

Larry Attorney, Atty. I.D. No. 12345
E-mail: larryattorney@yahoo.com
1500 Chestnut Street
Suite 9A
Philadelphia, PA 19102
(215) 123-4567
(215) 123-4568 [facsimile]

Attorneys for Defendant,
John Deere Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

ACCEPTANCE OF SERVICE

I, Larry Attorney, accept service of Plaintiff's Complaint in Divorce [include any other documents such as a §3301 (d) affidavit, counteraffidavit, interrogatories, etc.] filed in this matter. I certify that I am authorized to accept service on behalf of Defendant, John Deere Doe.

By:

Larry Attorney

LARRY ATTORNEY
1500 Chestnut Street
Suite 9A
Philadelphia, PA 19102
Attorney for John Deere Doe

The address must be repeated here:

Date: 09-30-2016*

*The acceptance must be dated within 30 days of filing the complaint (90 days if out-of-state), or 30/90 days from the filing date of a reinstated complaint. This date triggers the 90-day waiting period under §3301(c).

Affidavit as to Signature
(Phila.Civ.R. 1920.4(C))

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

v.

JOHN DEERE DOE

AFFIDAVIT AS TO SIGNATURE

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF :

Plaintiff, being duly sworn according to law, deposes and says that she is the Plaintiff in the above-captioned divorce action; that she is familiar with the signature of the Defendant, and that the signature on the Acceptance of Service* of the Complaint in Divorce [include any other documents such as a §3301d affidavit, counteraffidavit, interrogatories, etc.] attached hereto as Exhibit "A" is the signature of Defendant.

Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

Sworn to and subscribed
before me this day
of , 2016.

NOTARY PUBLIC

*Substitute "Domestic Return Receipt for Certified Mail" as needed.

Affidavit of Personal Service
(Pa.R.C.P. 1930.4(a), (h))

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
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Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

v.

JOHN DEERE DOE

AFFIDAVIT OF SERVICE

COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF :

I, _____ [printed name], being duly sworn according to law, depose and say that:

1. I am a competent, adult individual who is not a party to this action; and

2. On _____ [date], at _____ [time], I served a time-stamped copy of the COMPLAINT IN DIVORCE filed in this matter on behalf of plaintiff upon JOHN DEERE DOE by personally handing it to him at _____ [place].

[signature]

Sworn to and subscribed
before me this day
of , 2016.

NOTARY PUBLIC

Affidavit of Service*

(Pa.R.C.P. 1930.4(c)(1-2); 1930.4(h)(4))

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Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
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Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

AFFIDAVIT OF SERVICE BY CERTIFIED MAIL*

Megan E. Watson, being duly sworn according to law, deposes and says that she caused to be mailed a true and correct copy of the Complaint in Divorce [include any other documents such as a §3301(d) affidavit, counteraffidavit interrogatories, etc.] filed in this matter by Certified and First Class U.S. mail to the Defendant, John Deere Doe, at 123 Main Street, Philadelphia, PA 19100 on September 30, 2016**. The Domestic Return Receipt signed by the Defendant and evidencing delivery to him is attached hereto as Exhibit "A."

Megan E. Watson

MEGAN E. WATSON

Date: 11/07/16

*This certification must be filed with the Clerk of Family Court when: 1) the complaint is served via certified mail and the defendant will not sign an Acceptance of Service form; or 2) when a process server does not provide you with a formal Affidavit of Service. For personal service via process server, change the title above to "Certification of Service by Personal Service," as well as the language in the body of the paragraph above.

**Use the date of mailing (or date of personal service).

Entry of Appearance*

(Philadelphia Family Court Administrative Regulation 92-4)

[If representing the defendant, you need to file an Attorney Pro Bono Praecepte with this.]

- It is not necessary to file a formal entry of appearance if you are filing the divorce complaint. Of course, if your client's complaint was filed prior to your representation, you should secure prior counsel's withdrawal and/or file this entry.
- If you are filing an Answer and Counterclaim, you must file a formal Entry of Appearance (with the pro bono praecipe to waive defendant's fee for "first filing" in a divorce case).

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FAMILY DIVISION

MARY JANE ROCKEFELLER DOE : COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
v. : FAMILY COURT DIVISION
:
JOHN DEERE DOE : DIVORCE
: AUGUST TERM, 2016; NO. 1111

ATTORNEY'S ENTRY/WITHDRAWAL** OF APPEARANCE
PLEASE ENTER/WITHDRAW** OF RECORD MY APPEARANCE FOR:

John Deere Doe
CLIENT'S NAME

Larry Attorney
ATTORNEY'S NAME

1500 Chestnut Street - Suite 9A
ATTORNEY'S ADDRESS

Philadelphia PA 19102
CITY STATE ZIP

215-123-4567
ATTORNEY'S TELEPHONE NUMBER

12345
ATTORNEY'S ID NO.

Larry Attorney
SIGNATURE OF ATTORNEY

*Counsel-of-record and parties to a case are eligible for online access to the Family Court docket for that particular case. See https://fjdefile.phila.gov/efsfjd/zk_fjd_prvt_efile_00.secured_logon/ and select "To Apply for a User Name, click here."

**The form is the same for either an entry or withdrawal; simply omit the one that does not apply here

IV. Responding To A Divorce Complaint

Answer and Counterclaim

(Pa.R.C.P. 1920.14-15)

[need to file Attorney Pro Bono Praecipe with this]

Larry Attorney, Atty. I.D. No. 12345
E-mail: larryattorney@yahoo.com
1500 Chestnut Street
Suite 9A
Philadelphia, PA 19102
(215) 123-4567
(215) 123-4568 [facsimile]

Attorneys for Defendant,
John Deere Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

DEFENDANT'S ANSWER TO PLAINTIFF'S COMPLAINT IN DIVORCE AND COUNTERCLAIM

ANSWER

1.-*15. Pursuant to Pa.R.Civ.P. 1920.14(a), all averments are deemed denied.

COUNTERCLAIM

COUNT I REQUEST FOR NO-FAULT DIVORCE

16. Counterclaim-Plaintiff (hereinafter "Husband") is proceeding for divorce from Counterclaim-Defendant (hereinafter "Wife") on the following grounds:

a. Section 3301(c), as the marriage is irretrievably broken and after ninety (90) days have elapsed from the date of service of this Complaint, Defendant intends to file an affidavit consenting to a divorce. Defendant believes that Plaintiff may also file such an affidavit.

OR b. Section 3301(d), as the marriage is irretrievably broken and the parties live separate and apart and, when the requisite period of time has passed, Defendant may submit an affidavit alleging that the parties have lived separate

and apart for at least one (1) year if the date of separation is on or after December 5, 2016 or for at least two (2) years if the date of separation is before December 5, 2016.*

COUNT II**
REQUEST FOR EQUITABLE DISTRIBUTION* OF MARITAL PROPERTY**
UNDER §3502 OF THE DIVORCE CODE

17. The prior paragraphs of this Counterclaim are incorporated herein by reference thereto.

18. Husband and Wife have acquired property, both real and personal, during their marriage.

19. Husband and Wife have been unable to agree as to an equitable distribution of said property.

WHEREFORE, Husband prays for the entry of an Order distributing all of the aforementioned property, real and personal, as the Court may deem equitable and just, plus costs pursuant to §3502 of the Divorce Code.

INCLUDE ADDITIONAL COUNTS AS APPLICABLE

COUNT III****
REQUEST FOR APPROVAL OF ANY SETTLEMENT AGREEMENT
AND INCORPORATION THEREOF INTO DIVORCE DECREE
UNDER §3104(a)(1) AND §3323(b) OF THE DIVORCE CODE

20. The prior paragraphs of this Counterclaim are incorporated herein by reference thereto.

21. The public policy of the Commonwealth of Pennsylvania encourages parties to a marital dispute to negotiate a settlement of their differences.

22. While no settlement has been reached as of the date of the filing of this Counterclaim, Husband is and has always been willing to negotiate a fair and reasonable settlement of all matters with Wife. To the extent that a written settlement agreement might be entered into between the parties prior to the time of hearing on this Counterclaim, Husband desires that the parties' written agreement be approved by the Court and incorporated in any divorce decree which may be entered dissolving the marriage between the parties.

WHEREFORE, if a written settlement agreement is reached between the parties prior to the time of hearing on this Counterclaim, Husband respectfully requests that, pursuant to §3104(a)(1) and §3323(b) of the Divorce Code, the Court approve and incorporate the parties' agreement into the final divorce decree.

By: Larry Attorney
LARRY ATTORNEY
Attorney for John Deere Defendant

Date: 09/30/16

[See Notes on Following Page]

*This Answer is being filed prior to December 5, 2016 so the one-year separation period is irrelevant.

**See also Count III.

***Be sure to include the Equitable Distribution count in case the other side withdraws their claim.

****When including a count for equitable distribution, it is best to err on the side of caution and always include this count for incorporation of a settlement agreement. Too many practitioners leave this out and are then forced to amend the complaint (and serve it, etc.) at the end of the case so that the agreement is incorporated as a part of the final decree.

§3301(d) Counter-Affidavit

(23 Pa.C.S.A. §3301(d)/Pa.R.C.P. 1920.72(e)(2))

Note: To be filed only if you wish to oppose entry of divorce or raise an economic claim

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E-mail: mwatson@bkwfamily.com
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Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: SEPTEMBER TERM, 2016; NO. 1111

v.

JOHN DEERE DOE

COUNTER-AFFIDAVIT UNDER § 3301(d) OF THE DIVORCE CODE

1. Check either (a) or (b):
 - (a) I do not oppose the entry of a divorce decree.
 - (b) I oppose the entry of a divorce decree because:
Check (i), (ii), (iii) or all:
 - (i) The parties to this action have not lived separate and apart for the required separation period: two years for parties that separated prior to December 5, 2016, and one year for parties that separated on or after December 5, 2016.
 - (ii) The marriage is not irretrievably broken.
 - (iii) There are economic claims pending.
2. Check either (a), (b) or (c):
 - (a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.
 - (b) I wish to claim economic relief which may include alimony, division of property, lawyers' fees or expenses or other important rights. understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

(c) Economic claims have been raised and are not resolved.

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

Date

JOHN DEERE DOE

NOTICE: IF YOU DO NOT WISH TO OPPOSE THE ENTRY OF A DIVORCE DECREE AND YOU DO NOT WISH TO MAKE ANY CLAIM FOR ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

CHECKLIST FOR FILING*ANSWER-COUNTERCLAIM**:

- Praecepte to Proceed In Forma Pauperis
(Original only - separate from answer)

- Entry of Appearance (if not filed separately)
(Original + 3 copies - 1 for you; 1 for your client and 1 for the opponent (the Clerk will keep the Original))

- Notice to Defend

- Answer and Counterclaim (signed by attorney))

- Original Client Verification (signed and dated)

(Original + 4 copies (1 redacted for the court, 1 for you, 1 for your client, 1 for service) - collated and stapled - if no custody, spousal or child support counts)
(Original + 10 copies - collated and stapled - if custody, spousal or child support counts (the Clerk will keep the Original + 7 including a redacted copy)).

- §3301(d) Counter-affidavit
Only file this if the appropriate period of separation has passed.

- DRIS attached to original answer only

- Application for Child or Spousal Support Services
(do not attach) - required if there is a count for either Child and/or Spousal Support (one form only if both are included). Original only is needed, with as many copies as you need time-stamped.

*Family Court filings occur at the "Clerk of Family Court," located at 1501 Arch Street, 11th Floor; Philadelphia, PA 19102; 215-686-3805/06 between 8 a.m. - 3:45 p.m.

**An Answer with Counterclaim(s) is treated just like the complaint, and must be served on the opposing party.

V. Alimony Pendente Lite

Petition for Alimony Pendente Lite (APL)

(Pa.R.C.P. 1920.31/Phila.Civ.R. 1920.31)

[need to file Attorney Pro Bono Praecipe with this]

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street, Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
: DIVORCE/AUGUST TERM, 2016; NO. 1111
: APL/SUPPORT NO.
: PACSES** NO.

PETITION FOR ALIMONY PENDENTE LITE WITH RULE TO SHOW CAUSE COVER SHEET

PLEASE CHECK FOLLOWING BLOCKS

- INCOME AND EXPENSE STATEMENT***
If not, why: (to be provided)
- PAY STUBS FOR LAST SIX (6) MONTHS****
If not, why: (Attached is Wife's 03/01/16 Statement from the U.S. Department of Labor, which reflects her current monthly income of \$1,035 for workers' compensation through the U.S. Department of Labor. This has not changed since 01/01/16)
- MOST RECENT FEDERAL INCOME TAX FORM*****
If not, why:
- IS A HEARING SCHEDULED FOR SUPPORT BEFORE P.H.O.? No*****
If yes, please fill in below:
What Date: _____ Before: _____
Time: _____ Place _____
William P. Schenk, Jr.
Clerk of Family Court

[See Notes on Following Page]

*“*Pendente Lite*” means pending the litigation.

**PACSES = Pennsylvania/PA Child Support Enforcement System,
https://www.humanservices.state.pa.us/cswws/home_controller.aspx.

***It is acceptable to file the Petition for APL without an expense statement (p. 45); however, your client must have it completed before the support conference. If APL is awarded, the award goes back to the date of filing the APL petition, and not the date the divorce complaint was filed.

****It is acceptable to attach a representative pay stub (or a year-end pay stub) if the client’s pay is steady or if the pay stub shows the year-to-date total. However, if the client’s pay fluctuates (e.g., fluctuating hours, commissions), six months of recent stubs are required.

*****If your client does not have access to a joint tax return (and only the other party has it), it is acceptable to file the Petition for APL without a tax return, indicating that it is solely in the other party’s possession.

*****Remember that counts for APL, child support, and spousal support included in a divorce complaint – as long as the requisite number of copies are filed – are automatically scheduled for a conference before a Permanent Hearing Officer (PHO).

BERNER KLAW & WATSON LLP
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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

: COURT OF COMMON PLEAS
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:
: APL/SUPPORT NO.
: PACSES NO.

v.

JOHN DEERE DOE

ORDER

AND NOW, this _____ day of _____, 2016, it is hereby ORDERED that Respondent, John Deere Doe, file on or before the _____ day of _____, 2016 with the Clerk of Family Court, 1501 Arch Street, 11th Floor, Philadelphia, PA 19102 and serve on Petitioner, Mary Jane Rockefeller Doe, via her counsel, Megan E. Watson, the following:

- a. A true and correct copy of your most recent Federal Income Tax Return, as filed;
- b. Your pay stubs for the preceding six (6) months; and
- c. A completed Income and Expense statement.

In the event Respondent fails to comply with this Order by the date set above, Respondent is ordered to appear and a Contempt hearing shall be held on the day of _____, 2016 in Courtroom _____, 1501 Arch Street, Philadelphia, PA, at which time appropriate sanctions shall be issued.

Petitioner's attorney shall serve a copy of the Order on Respondent and/or counsel.

BY THE COURT:

J.

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE/AUGUST TERM, 2016; NO. 1111
:
: APL/SUPPORT NO.
: PACSES NO.

ORDER

AND NOW, this day of , 2016, upon consideration of the Petition for Alimony *Pendente Lite* filed on behalf of Mary Jane Rockefeller Doe, it is hereby ORDERED AND DECREED that John Deere Doe shall pay Mary Jane Rockefeller Doe alimony *pendente lite* in the amount of \$_____ per month, effective _____, which amount is consistent with the Pennsylvania Support Guidelines.

BY THE COURT:

J.

Expense Statement

(Pa.R.C.P. 1910.27(c))

Note: There are many forms of Guidelines Income and Expense Statements. In a pro bono divorce action, this Berner Klaw & Watson LLP form is sufficient.

EXPENSES	WEEK	MONTH	YEAR	EXPENSES (continued)	WEEK	MONTH	YEAR
<u>Home:</u>							
Mortgage (including real estate taxes and homeowner's insurance) or							
<u>Medical:</u>							
Health Insurance Premiums							
Unreimbursed Medical Expenses:							
Doctor							
Dentist							
Orthodontist							
Hospital							
Medicine							
Special Needs (glasses, braces, orthopedic devices, therapy)							
Child Care							
Private School							
Parochial School							
Loans/Debts							
Support of Other Dependents:							
Other child support							
Alimony payments							
Other: (Specify)							
MONTHLY TOTAL:							??

CHECKLIST FOR FILING* APL PETITION:

- Praecepte to Proceed In Forma Pauperis
(Original only - separate from petition - if you include extra copies, they will not be time-stamped, so do not include them.)

- Cover Sheet
- Rule to Show Cause
- Order (for Respondent to produce documents)
- Order (APL award)
- Petition for APL (signed by attorney)
- Original Client Verification (signed and dated)
- Exhibits: Expense Statement (if you are able to provide this without delaying the filing of the petition) - Pay Stub(s) - Federal Income Tax Return

(Original + 6 copies (1 for you, 1 for your client, 1 for service) - collated and stapled - (the Clerk will keep the Original + 3))

- Application for Child or Spousal Support Services** (p. 23)
(do not attach) - required if there is a count for either APL, Child and/or Spousal Support (one form only if all are included). Original only is needed, with as many copies as you need time-stamped.

*Family Court filings occur at the "Clerk of Family Court," located at 1501 Arch Street, 11th Floor; Philadelphia, PA 19102; 215-686-3805/06 between 8 a.m.-3:45 p.m.

VI. Additional Divorce Related Filings

Notice to Retake Prior Name

(54 Pa.C.S. §704) To be filed before entry of a divorce decree.

BERNER KLAU & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

NOTICE OF INTENTION TO RETAKE PRIOR NAME

Notice is hereby given that Plaintiff in the above matter, Mary Jane Rockefeller Doe, hereby elects to retake and hereafter use her previous name of Mary Jane Rockefeller, and gives this written notice avowing her intention in accordance with the provisions of the Act of May 2, 2000, P.L. 1523, 54 PA. C.S.A. Sec 704.

This notice is to be incorporated into the divorce decree once entered under the above term and number.

Mary Jane Rockefeller Doe
MARY JANE ROCKEFELLER DOE

TO BE KNOWN AS:

Mary Jane Rockefeller
MARY JANE ROCKEFELLER

*Have your client sign at least six originals (before a notary), and then file them with the Clerk of Family Court. The Court will keep one, and time-stamp and return the remaining originals. Transmit all originals to your client for use with the SSA, PennDOT, banks and other agencies who will require an original form.

§3301(C) Affidavit

(23 Pa.C.S.A. §3301(c)/Pa.R.C.P. 1920.42(a)(1)/Pa.R.C.P. 1920.72(b))

To be filed where both parties consent to the divorce. §3301(c) affidavits are to be signed at least 90 days after the acceptance of service of the divorce complaint.

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

AFFIDAVIT OF CONSENT

1. A Complaint in divorce under §3301(c) of the Divorce Code was filed on September 1, 2016.
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 the affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

Mary Jane Rockefeller Doe
MARY JANE ROCKEFELLER DOE

Date: 12-30-2016*

*If the acceptance of service or certified mail receipt was signed for on 09/30/16, the 90th day is 12/29/16. Do not send the §3301(c) Affidavit before the 90th day (i.e., the first possible day to sign this consent affidavit is 12/30/16).

IF FILING UNDER §3301(c), BOTH PARTIES MUST SIGN CONSENT AFFIDAVITS - THE SAME RULES WOULD APPLY TO JOHN'S CONSENT AFFIDAVIT:

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

v.

JOHN DEERE DOE

AFFIDAVIT OF CONSENT

1. A Complaint in divorce under §3301(c) of the Divorce Code was filed on September 1, 2016.
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 the affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsification to authorities.

John Deere Doe

JOHN DEERE DOE

Date: 01-06-2017*

IMPORTANT: These form must be filed within 30 days of signing, so the last day to file it would be Friday, 02/03/17 (as the 30th day falls on Sunday, 02/5/17, the general rule of having until the following business day does not apply - file it on or before 02/03/17).

COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

Plaintiff

v.

Defendant

: FAMILY COURT DIVISION
:
:
: PACSES NO.
:
:
:

SUPPORT EXCEPTIONS

1. I, _____, am the Plaintiff/Defendant in this case.
(circle one)
2. I _____, hereby disagree with the Proposed Order of Support of
(your name)
_____, Esq., Permanent Hearing Officer, which was entered on
(name of Master who signed Order)

_____, _____, 20____.
(month) (date) (year)

3. The last day I am allowed to file Exceptions is _____, _____, 20____.
(month) (day) (year)

4. My Exceptions to the Proposed Order are as follows: _____

WHEREFORE, I request that my Exceptions be granted.

Date: _____ Signature: _____

VII. Approaching the Finish Line

Affidavit of Non-Military Service

(needed in (3301(d) unrepresented cases only):
(Pa.R.C.P. 1920.46)

BERNER KLAW & WATSON LLP
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Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

AFFIDAVIT OF NON-MILITARY SERVICE

COMMONWEALTH OF PENNSYLVANIA

:

COUNTY OF

: SS

:

Mary Jane Rockefeller Doe, Plaintiff, being duly sworn according to law, deposes and says that she knows of personal knowledge and therefore avers that John Deere Doe, Defendant, is at least 18 years of age; that he resides at 123 Main Street, Philadelphia, PA 19100, that he is employed; and that he is not in the military or naval service of the United States or its allies, or otherwise within the provisions of the Servicemembers Civil Relief Act of 2003.

Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

Sworn to and subscribed
before me this day
of , 2017.

NOTARY PUBLIC

Stipulation to Withdraw Economic Claims

- Let's assume that the complaint included a count for Equitable Distribution but the parties either resolved the equitable distribution in a manner not requiring an agreement or that there really wasn't anything to divide. In that case, the economic claims in the complaint need to be withdrawn. The parties can either stipulate to withdraw these claims or a party may file and serve on the other party written notice that the party intends to withdraw the claim of equitable distribution 20 days after service of the notice. (p.108)
- If the parties have property to divide, it is preferable to have a written agreement that will get incorporated into the final decree. That is not addressed in this manual or training

BERNER KLAU & WATSON LLP
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(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

STIPULATION TO WITHDRAW CLAIMS FOR ECONOMIC RELIEF

AND NOW, this 10th* day of February, 2017, Plaintiff, Mary Jane Rockefeller Doe, and Defendant, John Deere Doe, hereby agree that all economic claims raised in the above-captioned divorce action, including but not limited to equitable distribution, are hereby withdrawn.

02/01/17

Date
02/10/17

Date

Mary Jane Rockefeller Doe
MARY JANE ROCKEFELLER DOE
Megan E. Watson
MEGAN E. WATSON**,

02/07/17 _____
Date

Attorney for Mary Jane Rockefeller Doe
John Deere Doe
JOHN DEERE DOE

Page 1 of 1***

*This date must be filled in and should have the date the last person signed.
**All attorneys-of-record are required to sign any stipulations between the parties in Philadelphia Family Court; or, the parties' signatures need to be notarized.
***All stipulations must have the number of pages in this format on each page of the stipulation.

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
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(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

ORDER

AND NOW, this day of , 2017, upon consideration of the one-page Stipulation signed by Wife on February 1, 2017 and by Husband on February 7, 2017, it is hereby ORDERED and DECREED that the economic claims raised in Count II of Wife's divorce complaint and Count II of Husband's answer and counterclaim are hereby dismissed.

BY THE COURT:

J.

If there is no agreement to withdraw an economic claim, notice must be given to the other side and they are given a chance to object.

MARY JANE ROCKEFELLER DOE : COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
v. : FAMILY COURT DIVISION
:
: DIVORCE
JOHN DEERE DOE : AUGUST TERM, 2016; NO. 1111

NOTICE OF INTENTION TO WITHDRAW CLAIM FOR EQUITABLE DISTRIBUTION

To: John Deere Doe
1234 My Street
Philadelphia, PA 19000

Plaintiff, Mary Jane Rockefeller Doe, intends to withdraw her pending claim for equitable distribution of property twenty days after the service of this notice. Unless you have already filed with the court a written claim for equitable distribution, you should do so within twenty days of service of this notice, or you may lose the right to assert a claim for equitable distribution. If a decree in divorce is entered and you have not filed a claim for equitable distribution, you will forever lose the right to equitable distribution of property.

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.

Philadelphia Bar Association
Lawyer Referral and Information Service
One Reading Center
Philadelphia, Pennsylvania 19107
Telephone: (215) 238-1701

Date:

MEGAN E. WATSON

CHECKLIST FOR FILING* DIVORCE STIPULATIONS:

- Self-Addressed, Stamped Envelopes for you and either opponent/opposing attorney

- Proposed Order

- Original Stipulation

(Court needs original only; send at least one copy over for time-stamping and return)

- DRIS sheet attached to original stipulation only

NOTE: It is good practice to calendar a reminder to check in 30 days whether you have received your order; and, if not, to call the Clerk of Family Court (215-686-3805/06).

*Family Court filings occur at the “Clerk of Family Court,” located at 1501 Arch Street; 11th Floor; Philadelphia, PA 19102; 215-686-3805/06 between 8 a.m.-3:45 p.m.

Notice of Intent to File Praecipe to Transmit for Decree of Divorce §3301(c) or (d)/represented*

(Pa.R.C.P. 1920.73(a)(1))
[if no waiver of notice has been signed]

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamil.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

NOTICE OF INTENT TO FILE PRAECIPE TO TRANSMIT FOR ENTRY OF DIVORCE DECREE*

TO: JOHN DEERE DOE
c/o LARRY ATTORNEY
1500 Chestnut Street, Suite 9A
Philadelphia, PA 19102

Mary Jane Rockefeller Doe, Plaintiff, intends to file with the court the attached Praecipe to Transmit Record on or after March 21, 2017*** requesting that a final decree in divorce be entered.

BERNER KLAW & WATSON LLP

Date: 02/28/17

By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

*The notice for a §3301(c) unrepresented defendant differs; The notice for a §3301(d) unrepresented defendant differs.

**Calculate 20 full days from mailing date.

Notice of Intent to File Praecipe to Transmit for Decree of Divorce §3301(c) - unrepresented
(Pa.R.C.P. 1920.73(a)(2)(i))
(if not waiver of notice has been signed)

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

NOTICE OF INTENTION TO REQUEST ENTRY OF §3301(c) DIVORCE DECREE

TO: JOHN DEERE DOE
123 Main Street
Philadelphia, PA 19100

You have signed a §3301(c) affidavit consenting to the entry of a divorce decree. Therefore, on or after March 21, 2017, the other party can request the Court to enter a final decree in divorce.

Unless you have already filed with the Court a written claim for economic relief, you must do so by the day in the paragraph above, or the Court may grant the divorce and you will lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, 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 Reference Service
1101 Market Street (One Reading Center/11th Floor)
Philadelphia, Pennsylvania 19107
Telephone: 215-238-6333/1701

Date: 02/28/17

BERNER KLAW & WATSON LLP

By: Megan E. Watson

MEGAN E. WATSON

Attorneys for Mary Jane Rockefeller Doe

*Calculate 20 full days from mailing date.

Notice of Intent to File Praecipe for Decree of Divorce

§3301(d) - unrepresented

(Pa.R.C.P. 1920.73(a)(2)(ii))

If no waiver of notice has been signed

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
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1528 Walnut Street
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Philadelphia, PA 19102
(215) 790-8800
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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
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:
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: AUGUST TERM, 2016; NO. 1111

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

TO: JOHN DEERE DOE
123 Main Street
Philadelphia, PA 19100

You have been sued in an action for divorce. You have failed to answer the complaint or file a counter-affidavit to the §3301(d) affidavit. Therefore, on or after March 21, 2017*, the other party can request the court to enter a final decree in divorce.

If you do not file with the prothonotary of the court an answer with your signature notarized or verified or a counter-affidavit by the above-date, the court can enter a final decree in divorce. A counter-affidavit which you may file with the prothonotary of the court is attached to this notice. **

Unless you have already filed with the court a written claim for economic relief, you must do so by the above date or the court may grant the divorce and you will lose forever the right to ask for economic relief. The filing of the form counter-affidavit alone does not protect your economic claims.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, 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 Reference Service
1101 Market Street (One Reading Center/11th Floor)
Philadelphia, Pennsylvania 19107
Telephone: 215-238-6333/1701

Date: 02/28/17

BERNER KLAW & WATSON LLP
By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

*Calculate 20 full days from mailing date.

**Do not forget to attach a §3301(d) Counter-affidavit.

Praecipe to Transmit Record for Decree

§3301(c) (Pa.R.C.P. 1920.73(b))

(need to file IFP/Attorney Pro Bono Praecipe)

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
E-mail: mwatson@bkwfamily.com
1528 Walnut Street
Suite 1100
Philadelphia, PA 19102
(215) 790-8800
(877) 790-1421 [facsimile]

Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

v.

JOHN DEERE DOE

PRAECIPE TO TRANSMIT RECORD FOR DECREE*

To the Prothonotary:

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

1. Grounds for divorce: **Irretrievable breakdown under Section 3301(c)* of the Divorce Code.**
2. Date and manner of service of the complaint: **September 1, 2016** via Certified and First Class U.S. Mail (Acceptance of Service filed on 9/30/16***).**
3. Complete either paragraph (a) or (b):
 - (a) Date of execution of the Affidavit of Consent required by §3301(c) of the Divorce Code: **by plaintiff: January 29, 2017 (filed on 03/10/17); by defendant: February 6, 2017 (filed on 03/10/17).**
 - (b) Date of execution of Plaintiff's Affidavit required by §3301(d) of the Divorce Code: **n/a**
Date of filing of Plaintiff's Affidavit required by §3301(d): **n/a**
Date of service of Plaintiff's Affidavit under §3301(d) upon Defendant: **n/a**
4. Complete the appropriate paragraphs:
 - (a) Related claims pending: **None. The parties signed a stipulation on 02/10/17 (which was approved as an Order of Court on 03/25/2017) withdrawing all economic claims. (or, the parties reaches an agreement which is attached)**
 - (b) Claims withdrawn: **that part of Count I requesting a divorce under §3301(d) of the Divorce Code.******
5. Complete either (a) or (b):
 - (a) Date and manner of service of the notice of intention to file praecipe, a copy of which is attached: **n/a**

- (b) Date plaintiff's Waiver of Notice was filed with the prothonotary:
simultaneously with this praecipe.
Date defendant's Waiver of Notice was filed with the prothonotary:
simultaneously with this praecipe.

BERNER KLAW & WATSON LLP

By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

Date: 03/21/17

*The praecipe for entry of a divorce decree for a §3301(d) case differs.

**Use the date of mailing.

***Use the date of filing, and not the date signed.

****If there is a property settlement agreement, incorporate the following paragraphs after 4(b):

- (c) Claims settled by agreement: **Count II**
- (d) State whether any written agreement is to be incorporated into the Divorce Decree: **Yes**. Attached is a true and correct **original****, fully-executed agreement, dated *, to the proposed Decree that is submitted herewith.
- (e) I, Megan E. Watson, hereby certify that the Counseling Notice was sent to Defendant with the Complaint in Divorce which was served on Defendant on **October 1, 2016**.

The Court requires an original. If the parties want original copies of the agreement for their records, be sure to have triplicate, original agreements signed by the parties.

Praeipce to Transmit Record for Decree §3301(d)

(Pa.R.C.P. 1920.73(b))

(Must file IFP/Attorney Pro Bono Praeipce)

BERNER KLAW & WATSON LLP
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Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
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: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

PRAEIPCE TO TRANSMIT RECORD FOR DECREE*

To the Prothonotary:

Transmit the record, together with the following information, to the court for entry of an order approving grounds for divorce:

1. Grounds for divorce: **Irretrievable breakdown under Section 3301(d)* of the Divorce Code.**
2. Date and manner of service of the complaint: **September 30, 2016** via Certified and First Class U.S. Mail (Acceptance of Service filed on 09/30/16***).**
3. Complete either paragraph (a) or (b):
 - (a) Date of execution of the Affidavit of Consent required by §3301(c) of the Divorce Code: **n/a**
 - (b) Date of execution of Plaintiff's Affidavit required by §3301(d) of the Divorce Code: **October 1, 2016**
Date of filing of Plaintiff's Affidavit required by §3301(d): **October 1, 2016**
Date of service of Plaintiff's Affidavit under §3301(d) upon Defendant: **October 31, 2016**
4. Complete the appropriate paragraphs:
 - (a) Related claims pending: **None. The parties signed a stipulation on 02/10/17 (which was approved as an Order of Court on 03/25/17) withdrawing all economic claims.**
 - (b) Claims withdrawn: **that part of Count I requesting a divorce under §3301(c) of the Divorce Code.******
5. Complete either (a) or (b):
 - (a) Date and manner of service of the notice of intention to file praecipce, a copy of which is attached: **February 28, 2017**

- (b) Date plaintiff's Waiver of Notice was filed with the prothonotary: n/a
Date defendant's Waiver of Notice was filed with the prothonotary: n/a

BERNER KLAW & WATSON LLP

By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

Date: 02/28/17

*The praecipe for entry of a divorce decree for a §3301(c) case differs

**Use the date of mailing.

***Use the date of filing, and not the date signed.

****If there is a property settlement agreement, incorporate the following paragraphs after 4(b):

(c) Claims settled by agreement: **Count II**

(d) State whether any written agreement is to be incorporated into the Divorce Decree: **Yes**. Attached is a true and correct original**, fully-executed agreement, dated February 28, 2017, to the proposed Decree.

§3301(c)/(d) Waiver of Notice of Intent

(23 Pa.C.S.A. §3301(c); 23 Pa.C.S.A. §3301(d)/Pa.R.C.P. 1920.72(c))

BERNER KLAW & WATSON LLP
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Philadelphia, PA 19102
(215) 790-8800
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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

WAIVER OF NOTICE OF INTENTION TO REQUEST ENTRY OF A DIVORCE DECREE UNDER § 3301(c) **OR** § 3301(d) 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 expenses 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 prothonotary. 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. §4904 relating to unsworn falsification to authorities.

Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

Date: 02-28-2017

*Both parties need to sign identical forms to waive an extra 20-day waiting period. The forms cannot be filed with the §3301(c) or (d) Affidavit, and cannot be filed separately. The only time the Clerk of Family Court will accept these forms is simultaneously with a Praecipe to Transmit.

Divorce Decree Sample

In the Court of Common Pleas of Philadelphia County
Family Court Division

_____ : _____ TERM, 20____
vs. : NO.
_____ :
IN DIVORCE - CAUSE: 3301(c)
Irretrievable Breakdown-Mutual Consent

SAMPLE

AND NOW, this _____ day of _____, 20____, it is ordered and decreed that
_____ and _____
are hereby divorced from the bonds of matrimony.



BY THE COURT:

_____ J.

Checklist for Filing*Praecipe to Transmit For Decree of Divorce:

- Praecipe to Proceed In Forma Pauperis
(Original - separate from praecipe)
- §3301(c) or (d) Waivers of Notice of Intent
(Originals only - separate from praecipe - the Clerk will not time-stamp copies, so do not bother sending any.)
- Affidavit of Non-Military Service (3301(d) cases only)
(Original only - separate from praecipe)
- Original Divorce Decree**
- Self-Addressed, Stamped Envelopes for you and either
opponent/opposing attorney

- Praecipe to Transmit (signed by attorney)
- Certification of Service of Notice of Intent (signed by attorney)
- Notice of Intent
- Copy of cover Letter to Opponent or Opposing Attorney***

(If opponent is pro se, be sure to include a copy of the counter-affidavit in this package.)

(Original + 3 copies (1 for you, 1 for your client, 1 for opposing party) - collated and stapled)

NOTE: It is good practice to calendar a reminder to check in 30 days whether you have received your order; and, if not, to call the Clerk of Family Court (215-686-3805/06).

VIII. Divorce Motions/Petitions, etc.

NOTICE TO RETAKE PRIOR NAME*

(post-divorce) (54 Pa.C.S. §704)

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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

v.

JOHN DEERE DOE

NOTICE OF INTENTION TO RETAKE PRIOR NAME

Notice is hereby given that Plaintiff in the above matter, Mary Jane Rockefeller Doe, having been granted a Final Decree in Divorce on April 24, 2017, hereby elects to retake and hereafter use her prior name of Mary Jane Rockefeller, and gives this written notice avowing her intention in accordance with the provisions of the Act of December 16, 1982, P.L. 1309, 54 PA. C.S.A. Sec 704, as amended.

This notice is to be incorporated into the divorce decree previously entered on April 24, 2017.

Mary Jane Rockefeller Doe
MARY JANE ROCKEFELLER DOE

TO BE KNOWN AS:

Mary Jane Rockefeller
MARY JANE ROCKEFELLER

*Have your client sign at least six originals (before a notary), and then file them with the Clerk of Family Court. The Court will keep one, and time-stamp and return the remaining originals. Transmit all originals to your client for use with the SSA, PennDOT, banks and other agencies who will require an original form.

Motion Court Cover Sheet

(Philadelphia Family Court Administrative Regulation)

[need to file Attorney Pro Bono Praeceptum with this]

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Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

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: COURT OF COMMON PLEAS
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MOTION COVER SHEET

Name of Filing Party: MARY JANE ROCKEFELLER DOE
Status of Filing Party: PLAINTIFF
Type of Filing: DIVORCE
State Full Description of Motion:

PLAINTIFF'S PETITION FOR EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE CASE (answer all questions)

1. Has this case been listed before a Judge for any other Domestic Relations matter?
n/a If YES, identify the Judge(s)
2. If a Decree in Divorce has been entered, identify the Judge who entered Decree and date of Decree: n/a
3. Has another Motion been decided in this case? No
If YES, identify the Judge and date of Order
Is another Motion pending? No
If YES, identify the type of Motion and hearing date if assigned n/a
4. List name, address and telephone number of other counsel of record and any unrepresented parties. (Attach a self-addressed, stamped envelope for each attorney and any unrepresented party).

JOHN DEERE DOE
123 Main Street
Philadelphia, PA 19100
(215) 222-2222
e-mail: lookingforlove@yahoo.com

I verify that the information listed above is true and correct and I understand that sanctions may be imposed for inaccurate or incomplete answers.

Date: _____

BERNER KLAW & WATSON LLP
By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

Petition for Exclusive Possession

(23 Pa.C.S.A. §3502(c))

[need to file Attorney Pro Bono Praecipe with this]

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Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

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RULE TO SHOW CAUSE

AND NOW, this _____ day of _____, 2016, upon consideration of the foregoing Petition for Exclusive Possession of the Marital Residence, a Rule is hereby issued upon Respondent, John Deere Doe, to show cause, if any, why Petitioner, Mary Jane Rockefeller Doe, should not be granted exclusive possession of the marital residence pending resolution of this case.

This Rule is returnable on the _____ day of _____, 2016, in Courtroom _____, at _____ a.m./p.m., 1501 Arch Street, Philadelphia, Pennsylvania, 19102.

BY THE COURT:

J.

BERNER KLAW & WATSON LLP
Megan E. Watson, Atty. I.D. No. 84029
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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
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PROPOSED ORDER

AND NOW, this _____ day of _____, 2016, upon consideration of Plaintiff's Petition for Exclusive Possession of the Marital Residence, it is hereby ORDERED and DECREED that Plaintiff, Mary Jane Rockefeller Doe, is awarded exclusive possession of the marital residence located at 123 Main Street, Philadelphia, Pennsylvania 19100, effective immediately, pending resolution of the economic issues in the divorce.

BY THE COURT:

J.

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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE : COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
:
v. : FAMILY COURT DIVISION
:
JOHN DEERE DOE : DIVORCE
: AUGUST TERM, 2016; NO. 1111

**PLAINTIFF'S
PETITION FOR EXCLUSIVE POSSESSION OF THE MARITAL RESIDENCE**

1. Petitioner is Mary Jane Rockefeller Doe (“Wife”), an adult individual residing at a confidential location at present.
2. Respondent is John Deere Doe (“Husband”), an adult individual residing at 123 Main Street, Philadelphia, Pennsylvania 19100.
3. The parties were married on February 14, 1995.
4. The parties are the parents of two minor children: Jane Doe, age 8, born 10/02/05; and John D. Dosie-Doe, II, age 16, born 02/13/98.
5. Until October 1, 2011, Wife and Husband resided together at 123 Main Street, Philadelphia, Pennsylvania 19100, the marital residence of the parties.
6. On October 1, 2013, a Complaint in Divorce was filed by Wife.
7. The aforementioned residence is the only home ever known to the minor children.
8. Section 3323(f) of the Pennsylvania Divorce Code provides in its entirety as follows:

In all matrimonial causes, the Court shall have full equity power and jurisdiction and may issue injunction or other orders which are necessary to protect the interests of the parties or to effectuate the purposes of this part and may grant such other relief or remedy as equity and justice require against either party or against any third person over whom the court has jurisdiction and who is involved in or concerned with the disposition of the cause.

9. Section 3502(c) of the Pennsylvania Divorce Code provides, in its entirety, as follows: The Court may award during the pendency of the action or otherwise to one or the other of the parties the right to reside in the marital residence.
10. Since January 1, 2013, the following has occurred:
 - a. Husband has physically abused Wife in front of the children; and
 - b. Husband has demonstrated violent behavior in front of the children, including

throwing their toys and clothing out the window. *these are case-specific;
11. The aforementioned actions by Husband have caused great upset to Wife and the minor children.

12. WHEREFORE, Wife respectfully requests this Honorable Court to enter an Order against Husband herein which Order Decrees and Directs that Petitioner is given exclusive possession of the marital residence pending the resolution of all issues in this divorce.

BERNER KLAW & WATSON LLP

By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

Date: 09/15/16

VERIFICATION*

I, Megan E. Watson, attorney for Mary Jane Rockefeller Doe, verify that I am authorized to assert, on Mary Jane Rockefeller Doe's behalf, that the statements made in the forgoing Petition for Exclusive Possession of the Marital Residence are true and correct. It is appropriate that I make this verification, as I am personally familiar with the content of the pleading, as I have made my client aware of the content of the petition and as my client may be prejudiced by the delay created if I do not make this verification on her behalf. Mary Jane Rockefeller Doe and I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §904, relating to unsworn falsification to authorities.

Megan E. Watson
MEGAN E. WATSON

Date:

OR

VERIFICATION

I verify that I am the attorney for Mary Jane Rockefeller Doe and that I am authorized to verify that the statements made in this Petition for Exclusive Possession of the Marital Residence are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

Megan E. Watson
MEGAN E. WATSON

Date:

*An attorney can sign the motion or petition verification; however, if there is fact-specific information known only to your client, you should use this form.

Motion to Amend Caption*

[need to file Attorney Pro Bono Praecipe with this]

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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

MARY JANE ROCKEFELLER DOE

v.

JOHN DEERE DOE

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MOTION TO AMEND CAPTION

Mary Jane Rockefeller Doe, through her attorney, Megan E. Watson, hereby moves this Honorable Court to amend the caption in this case so as to conform with the parties' names to the marriage certificate. The new caption should read as follows:

M. JANE ROCKEFELLER
a/k/a MARY JANE ROCKEFELLER DOE

v.

JOHN D. DOSIE-DOE [sic Dosi]
a/k/a JOHN DEERE DOE

: IN THE COURT OF COMMON PLEAS
: PHILADELPHIA COUNTY, PA
:
: FAMILY COURT DIVISION
:
: DIVORCE
: AUGUST TERM, 2016; NO. 1111

WHEREFORE, plaintiff requests this Honorable Court to enter the attached proposed order.

BERNER KLAW & WATSON LLP

By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

Date: 03/21/17

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Attorneys for Plaintiff,
Mary Jane Rockefeller Doe

M. JANE ROCKEFELLER
a/k/a MARY JANE ROCKEFELLER DOE

v.

JOHN D. DOSIE-DOE [sic Dosi]
a/k/a JOHN DEERE DOE

: COURT OF COMMON PLEAS
: OF PHILADELPHIA COUNTY, PA
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CERTIFICATE OF SERVICE*

I hereby certify that on this date I caused a true and correct copy of Mary Jane Rockefeller Doe's Motion to Amend Caption to be mailed via First Class U.S. Mail to counsel for John Deere Doe, as follows:

LARRY ATTORNEY, ESQUIRE
1500 Chestnut Street
Suite 9A
Philadelphia, PA 19102

Megan E. Watson
MEGAN E. WATSON

Dated: 02/28/17

*Certificates of Service are not commonly used in Philadelphia County. With certain motions, it is good practice to use them.

Motion for Consolidated Case Management:

(Philadelphia Family Court Administrative Regulation 92-2)

[need to file Attorney Pro Bono Praecipe with this]

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MOTION FOR CONSOLIDATED CASE MANAGEMENT*

Mary Jane Rockefeller Doe, Plaintiff in this divorce action, by her attorney, Megan E. Watson, hereby moves that this matter be assigned to a single Judge pursuant to Family Court Administrative Regulation 92-2, and in support thereof avers as follows:

- X 1. Primary physical of a minor child is disputed between the parties hereto. The averments required under Pa.R.C.P. No. 1915.15 are included in the Complaint for Divorce or in a separate Complaint for Custody pending at D.R. No. _____.
- X 2. Support for a minor is an issue in this case by reason of an action pending in Philadelphia, at D.R. No. _____. Folio No. _____. The status of that action is as follows:
- X Awaiting disposition of original Complaint for Support (filed _____ [date] or Count VI of the Complaint in Divorce filed 10/01/13)
- _____ Awaiting disposition of Petition to Modify
- _____ Awaiting disposition of Petition for Contempt
- _____ No complaint or petition is outstanding at this time.
3. This is a complex action where there is a reasonable expectation that multiple pre-trial motions will be filed, discovery is expected to be extensive and forms of special relief will be sought. Pre-trial motions presently pending before the Court are as follows:

_____ 4. There are special or unusual circumstances in this case which are as follows:

I certify that all of the foregoing averments are true and correct, that a copy of the current docket entries** is attached hereto, and that a copy of this Motion has been served on the opposing party herein.

Respectfully submitted,

BERNER KLAW & WATSON LLP

By: Megan E. Watson
MEGAN E. WATSON
Attorneys for Mary Jane Rockefeller Doe

Date: 01/30/17

*This motion is permitted to be filed under the divorce caption at any time following service of the divorce complaint. This is a request that the Court assign one judge to hear all matters; it is assigned to the Administrative Judge for review and disposition without a hearing.

**Counsel-of-record and parties to a case are eligible for online access to the Family Court docket for that particular case. See https://fjdefile.phila.gov/efsfjd/zk_fjd_prvt_efile_00.secured_logon/ and select "To Apply for a User Name, click here." Docket entries may also be obtained by a party or counsel-of-record only at the "Clerk of Family Court," located at 1501 Arch Street; Philadelphia, PA 19102; 215-686-3805/06 between 8 a.m. - 3:45 p.m.

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ORDER

AND NOW, to wit, this _____ day of _____, 2017, it is hereby **ORDERED AND DECREED** that all matters filed with the court from this date forward, along with all matters already pending before the court, with regard to the above-captioned divorce, support and custody actions, shall be consolidated to one judge, the Honorable

_____.

BY THE COURT:

J.

Checklist For Filing*Divorce Motions:

- Praecipe to Proceed In Forma Pauperis
(1 copy - separate from motion)
- Self-Addressed, Stamped Envelopes for you and either
opponent/opposing attorney

- Motion Court Cover Sheet (file with “Petition” or
“Motion”)
- Rule to Show Cause
- Proposed Order
- Motion
- Original Attorney Verification (signed and dated)

(Original + 3 copies (1 for you, 1 for your client, 1 for service)
- collated and stapled)

- DRIS sheet attached to original motion only

NOTE: It is good practice to calendar a reminder to check in 30 days
whether you have received a hearing notice; and, if not, to call the
Clerk of Family Court (215-686-3805/06).

*Family Court filings occur at the “Clerk of Family Court,” located at 1501 Arch Street;
Philadelphia, PA 19102; 215-686-3805/06 between 8 a.m. - 3:45 p.m

IX. RESIDUAL ISSUES:

- Deed Transfers - Recorder of Deeds
- Will - Don't forget to advise the client to change her/his Will.
- Social Security - If married more than 10 years (from the date of marriage through the date of the divorce decree), when the ex-spouse is eligible for Social Security funds, he/she is entitled to receive his/her former spouse's benefit if she/he was the higher wage earner. This does not affect the ex-spouse's current spouse's benefit.

Other Terms:

- Bifurcate - To separate the issues in a case so that one issue or set of issues can be tried and resolved before the others. For example, to issue a divorce decree for spouses who have not yet decided lengthy economic issues (which are tabled for a later time).
- Equitable Distribution - A legal principle, followed by most states, under which assets and earnings acquired during marriage are divided equitably - not necessarily equally - at divorce. When the parties' financial circumstances are disparate, a strong argument can be made for the spouse with a substantially weaker financial position to get a larger share than the other.
- Qualified Domestic Relations Order (QDRO) - A court order that uses pension or retirement benefits to provide alimony or child support, or to divide marital property, at divorce. This special order is necessary to comply with federal law governing retirement pay.

New Confidentiality Rules and your VIP Cases in Trial and Appellate Courts

Effective January 6, 2018, the Unified Judicial System of Pennsylvania adopted new confidentiality requirements for all case records and exhibits. The new policy governs public access to documents filed with courts, and the term “public” does not include parties or attorneys of record. [204 Pa. Code §213.81](#). Case records that are, by law, already excluded from public access are exempt from this policy, e.g., support filings in family court. However, VIP case types affected by the policy change include:

Custody Divorce Adoption Guardianship Name Changes

Attorney Responsibilities

In Philadelphia, Compliance with the new Public Access Policy requires attorneys to:

- File a **redacted** version of all filings that contain confidential information (as defined below). Redactions must be made in a visibly apparent manner;
- File an **unredacted** version of all filings with confidential information. This should be marked “confidential” or “unredacted,” to aid the court in identifying confidential material;
- Include a [Confidential Document Form](#) with exhibits containing confidential documents (as defined below); **and**
- [Certify](#) compliance with the Public Access Policy.

*click underlined text above to download document

Confidential Information

- Social Security Numbers
- Financial Account Numbers
- Driver License Numbers
- State Identification (SID) Numbers
- Minors’ names and dates of birth
- Abuse victims’ addresses and other contact information. See Pa.R.C.P. No. 1931(a). Note: An abuse victim’s name is **not** confidential information

Confidential Documents

- Financial Source Documents
- Minors’ Educational Records
- Medical/Psychological Records
- Children and Youth Services Records
- Marital Property Inventory and Pre-Trial Statement as provided by Pa. R.C.P. No. 1920.33
- Income and Expense Statement as provided by Pa. R.C.P. No. 1920.27(c)
- Agreements between parties as used in 23 Pa. C.S. §3105



Protecting Confidential Information - Here's How

Effective January 6, 2018

A certification shall accompany each filing in accordance with the policy. A court or custodian is not required to review any filed document for compliance with this policy. Failure to comply may lead to imposed sanctions.

Confidential Information

Unless required by applicable authority, the following information shall not be included in any document filed with a court or custodian, except on a "Confidential Information Form" filed contemporaneously with the document.

1. **Social Security Numbers**
2. **Financial Account Numbers** except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified
3. **Driver License Numbers**
4. **State Identification (SID) Numbers**
5. **Minors' Names and Dates of Birth** except when a minor is charged as defendant in a criminal matter (see 42 Pa.C.S. §6355)
6. **Abuse Victim's Address and other Contact Information** including employer's name, address, and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name

Confidential Documents

Unless required by applicable authority, the following documents shall be filed with a court or custodian with the "Confidential Document Form."

1. **Financial Source Documents**
2. **Minors' Educational Records**
3. **Medical/Psychological Records**
4. **Children and Youth Services' Records**
5. **Marital Property Inventory and Pre-Trial Statement** as provided in Pa.R.C.P. No. 1920.33
6. **Income and Expense Statement** as provided in Pa.R.C.P. No. 1910.27(c)
7. **Agreements between the Parties** as used in 23 Pa.C.S. §3105

These requirements do not apply to case types (e.g. juvenile, adoption) that are sealed or exempted from public access pursuant to applicable authority.

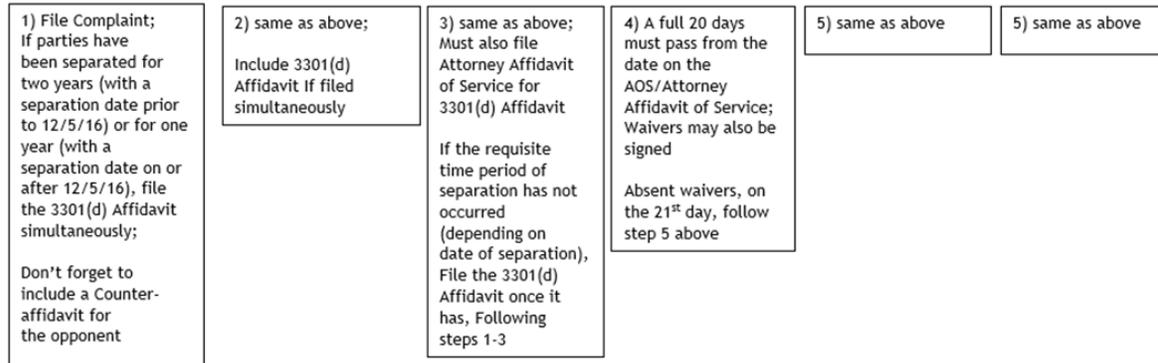
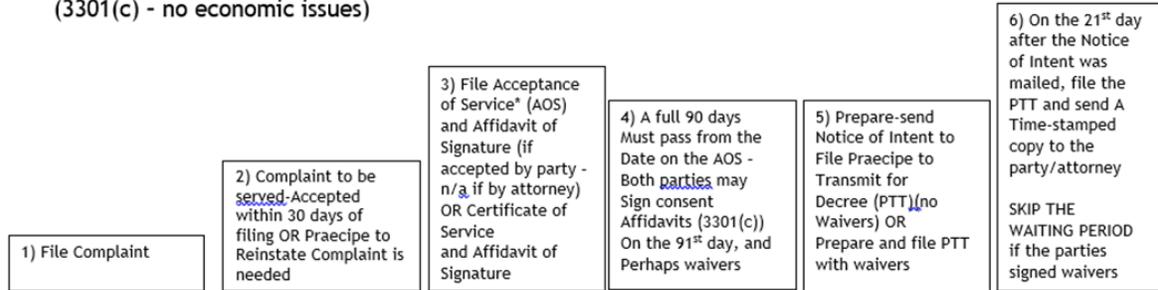
For forms and more information, reference the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts at the website below.

Please visit: <http://www.pacourts.us/public-record-policies>



TIMELINES

(3301(c) - no economic issues)



(3301(d) - no economic issues)

*The date on the Acceptance of Service triggers the 90-day 3301(c) waiting period. Note that Acceptance of Service and Affidavits must be filed within 30 days of the date signed.

Ready to Say YES?