

TIME LINE FOR 3301(d) DIVORCE AFTER OCTOBER 1, 2019

1. File divorce & serve – DO NOT FILE THE 3301(d) Affidavit with the Divorce Complaint.
2. Calculate 20 days from the date of service – Divorce Complaints are deemed denied unless an answer specifically admitting is filed. Defendants are entitled to the full 20 days to file an answer or answer and counter-claim.
3. File the affidavit or verification of service of the Complaint, not a CERTIFICATE of Service. If entitle Affidavit must have a jurat.
4. File the Plaintiff's 3301(d) Affidavit with a blank counter-affidavit. The counter-affidavit must be filed in conjunction with the affidavit or the Court assumes it was not provided to the Defendant.
5. Service the 3301(d) must be consistent with ORIGINAL process. File an affidavit or verification of service of the Affidavit & blank counter-affidavit and wait the 20 days for the Defendant to respond.
6. Once the 20 days has passed if the Defendant has failed to respond or has filed the counter-affidavit indicating no objection then file and serve the Notice of Intention with a SECOND COUNTER-AFFIDAVIT and a copy of the proposed Praecipe to Transmit. *
7. If the defendant objects to the divorce a master will need to be appointed to determine if the marriage is irretrievably broken. If the defendant checks the box for ancillary claims, said claims must be filed in writing at the Prothonotary. If no claims are filed by the date stated on the Notice, file the Praecipe to Transmit.
8. If either side has filed ancillary claims, all claims must be either resolved by PSA, heard by Master or withdrawn, after 20 day notice per CCRCP.
9. Once the date listed on the Notice of Intention passes, file the Praecipe to Transmit.

* Not necessary if both parties have executed and filed Waivers of Notice.