

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

	:	FAMILY COURT DIVISION
	:	
Plaintiff	:	CIVIL ACTION – IN DIVORCE
	:	
vs.	:	_____ TERM, 20_____
	:	
Defendant	:	NO.: _____
	:	

COUNSELING NOTICE

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: **Delete the ones not used in the Complaint**

- Section 3301 (b) - Serious Mental Disorder & Confinement
- Section 3301 (c) - Irretrievable breakdown - Mutual Consent
- Section 3301 (d) - Irretrievable breakdown - Two year separation
- Section 3301(a) (1) - Desertion
- Section 3301(a) (2) - Adultery
- Section 3301(a) (3) - Cruel and Barbarous treatment
- Section 3301(a) (4) - Bigamy
- Section 3301(a) (5) - Sentenced to Imprisonment of Two or More Years
- Section 3301(a) (6) - Indignities

A list of certain professionals is available for inspection in the Prothonotary's Office, Family Court Division, 1134 Chestnut Street, Philadelphia, PA 19106.

Plaintiff

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

_____	:	FAMILY COURT DIVISION
	:	
Plaintiff	:	CIVIL ACTION – IN DIVORCE
	:	
vs.	:	_____ TERM, 20_____
	:	
	:	NO.:_____
Defendant	:	
_____	:	

COMPLAINT IN DIVORCE

Pick what Counts or paragraphs to use, delete rest and re-number paragraphs

1. Plaintiff is [name of plaintiff], who currently resides at [address of plaintiff].
2. Defendant is [name of defendant], who currently resides at [address of defendant].
3. Plaintiff has been a resident of the Commonwealth of Pennsylvania for more than six months immediately prior hereto.
4. The parties were married on [date of marriage], in [place of marriage]. Attached hereto and marked Exhibit "A" is a certified copy of the marriage certificate.
5. Neither the plaintiff nor the defendant is in the military services or the naval service of the United States or its allies within the provisions of the Soldiers' and Sailors' Civil Relief Act of the Congress of 1940 and its amendments.
6. There have been no prior actions for divorce or annulment instituted by either party in this and/or in any other Court.
7. Plaintiff has been advised of the availability of counseling and that Plaintiff may have the right to request that the court require the parties to participate in counseling.
8. The marriage of the parties is irretrievably broken.
9. After ninety (90) days have elapsed from the date of service of this Complaint upon Defendant, Plaintiff intends to file an affidavit consenting to a divorce. Plaintiff believes that Defendant may also file such an affidavit.

WHEREFORE, if both parties file affidavits consenting to a divorce after ninety (90) days have elapsed from the date of service of this Complaint upon Defendant, Plaintiff respectfully requests the Court to enter a decree of divorce pursuant to §3301 (c) of the Divorce Code.

COUNT II – DIVORCE

10. Paragraphs 1 through 8 of this Complaint are incorporated herein by reference as though set forth in full.

11. The marriage of the parties is irretrievably broken.

12. The parties are now living separate and apart and, at the time of the hearing, plaintiff will submit an affidavit alleging that the parties have lived separate and apart for at least two years.

WHEREFORE, Plaintiff respectfully requests that the Court enter a decree of divorce Pursuant to §3301 (d) of the Divorce Code when the Plaintiff becomes eligible to obtain same.

COUNT III – DIVORCE

13. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

14. Defendant did, on or about [date of desertion], at [city/town of desertion], willfully and maliciously, and without reasonable cause, desert the Plaintiff, the injured and innocent spouse, and absent himself from their common habitation at [name of county and state], and has continued in said desertion for a period in excess of one year.

WHEREFORE, Plaintiff respectfully requests this Court to enter a Decree of Divorce pursuant to §3301(a)(1) of the Divorce Code.

COUNT IV – DIVORCE

15. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

16. In violation of Defendant's marriage vows, Defendant did, on or about [date of adultery], at [city/town of adultery], and on other occasions prior and subsequent thereto, at various places in and about [city/town and state of adultery], commit adultery with one [name of person]

WHEREFORE, Plaintiff respectfully requests this Court to enter a Decree of Divorce pursuant to §3301(a)(2) of the Divorce Code.

COUNT V – DIVORCE

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

18. Defendant has, by cruel and barbarous treatment, endangered the life of Plaintiff, the injured and innocent spouse.

WHEREFORE, Plaintiff respectfully requests this Court to enter a Decree of Divorce pursuant to §3301(a)(3) of the Divorce Code.

COUNT VI – DIVORCE

19. The prior paragraphs of this Complaint are incorporated herein by reference thereto

20. In violation of his marriage vows and of the laws of this Commonwealth, the Defendant did, on or about [date], at [city/town and state], knowingly enter into a second marriage with one [name of person], although his marriage to Plaintiff still subsists.

WHEREFORE, Plaintiff respectfully requests this Court to enter a Decree of Divorce pursuant to §3301(a)(4) of the Divorce Code.

COUNT VII – DIVORCE

21. The prior paragraphs of this Complaint are incorporated herein by reference thereto

22. On [date of conviction], Defendant was convicted of the crime of grand larceny in the [name and county of Court] and was sentenced therefor by said court to a term of imprisonment of more than two years.

WHEREFORE, Plaintiff respectfully requests this Court to enter a Decree of Divorce pursuant to §3301(a)(5) of the Divorce Code,

COUNT VIII – DIVORCE

23. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

24. Defendant has offered such indignities to Plaintiff, the injured and innocent spouse, as to render her condition intolerable and life burdensome.

WHEREFORE Plaintiff respectfully requests the Court to enter a decree of divorce pursuant to § 3301 (a)(6) of the Divorce Code.

COUNT IX – DIVORCE

25. The prior paragraphs of this Complaint are incorporated herein by reference thereto

26. Defendant has been confined in a mental institution as a result of serious mental disorder for a period of more than eighteen months, and there is no reasonable foreseeable prospect of Defendant being discharged from inpatient care during the next eighteen months.

27. No prior action for divorce or annulment has been filed by either of the parties hereto against the other (except the Complaint in Divorce filed by Plaintiff against Defendant at No. _____, which was discontinued).

WHEREFORE, Plaintiff respectfully requests this Court to enter a Decree of Divorce pursuant to §3301(b) of the Divorce Code.

COUNT X – ATTORNEY FEES, COSTS AND EXPENSES

28. The prior paragraphs of this Complaint are incorporated herein by reference thereto.
29. Plaintiff has employed _____, Esquire to represent him/her in this matrimonial cause.
30. Plaintiff is unemployed, has no earning capacity and lacks the economic resources needed to support herself and the parties' minor child and to pay counsel fees and expenses in order to properly litigate this action.
- (or)
30. Plaintiff is employed but has a limited earning capacity and lacks the economic resources to support herself and the minor child of the parties and to pay counsel fees and expenses in order to properly litigate this action.
31. Defendant has the ability to pay Plaintiff's counsel fees, costs and expenses.
32. 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 §§ 3104(a)(1), 3323(b) 3702 and 4351(a) of the Divorce Code, the Court enter an order directing Defendant to pay Plaintiff's reasonable counsel fees, costs, and expenses.

COUNT XI – EQUITABLE DISTRIBUTION OF MARITAL PROPERTY

33. The prior paragraphs of this Complaint are incorporated herein by reference thereto
34. Plaintiff and defendant have legally and beneficially acquired property, both real and personal, during their marriage until their date of separation, all of which property is "marital property".
35. Plaintiff and defendant have acquired, prior to the marriage or subsequent thereto, "non-marital" property which has increased in the value since the date of the marriage and or subsequent to its acquisition during the marriage, which increase in value is "marital property".
36. Plaintiff and defendant have been unable to agree as to an equitable division of said property to the date of the filing of this Complaint.
37. Plaintiff requests the Court to equitably divide all marital property.

WHEREFORE, Plaintiff requests that the marital property of the parties be equitably divided and distributed and that she be granted such other and further equitable relief as the nature of her cause may require.

COUNT XII - INSURANCE

38. The prior paragraphs of this Complaint are incorporated herein by reference thereto
39. During the marriage, Defendant acquired certain life insurance policies insuring Defendant's life for the benefit of Plaintiff and the parties' child.
40. During the marriage, Defendant acquired certain health and disability insurance.
41. The aforesaid insurance is essential to the security of Plaintiff and the parties' child.
42. If Defendant changes the beneficiary designation on the aforementioned insurance policies, Plaintiff will suffer irreparable harm.
43. Plaintiff has no adequate remedy at law.
44. Defendant will not be prejudiced by the relief requested herein.

WHEREFORE, Plaintiff respectfully requests that this court enter an order, directing Defendant

- (a) to maintain, with Plaintiff as the designated beneficiary and without encumbrances, those life, health and disability insurance policies acquired during the parties' marriage;
- (b) to reinstate Plaintiff as beneficiary on all life insurance policies acquired during the parties' marriage;
- (c) to forthwith file an accounting with this court listing the name and address of the insurer, the policy number, the amount of insurance coverage, the loan value, the cash value, the amount of any outstanding loan, the identity of the designated beneficiary and the current whereabouts of all insurance policies constituting a part of the marital property of the parties; and
- (d) to grant Plaintiff such other and further equitable relief as the Court may determine just and proper under the circumstances.

COUNT XIII - ALIMONY

45. The prior paragraphs of this Complaint are incorporated herein by reference thereto.
46. Plaintiff, who was a full-time homemaker during most of the [number of years of marriage] years that the parties were married to each other, lacks the earning capacity to fully support herself through appropriate employment.
47. Plaintiff's sole and separate property, including that marital property subject to distribution, is insufficient to provide for her reasonable needs.
48. Plaintiff's years of unpaid services as a full-time homemaker contributed to the greatly increased earning power of Defendant, by permitting him to devote his full energies to increasing his own earning capacity.

49. Defendant is financially able to provide for the reasonable needs of Plaintiff.

WHEREFORE, Plaintiff requests that she be awarded a reasonable sum as alimony following the entry of a decree in divorce.

COUNT XIV - INCORPORATION OF AGREEMENT

50. The prior paragraphs of this Complaint are incorporated herein by reference thereto.

51. In the event the parties enter into an agreement for division of property of any other matter after the filing of this Complaint, it is hereby requested that such agreement be incorporated into the divorce degree.

Respectfully submitted,

Plaintiff

VERIFICATION

I, _____, hereby certify that I am the plaintiff in the within action, that the facts set forth in the foregoing Complaint are true and correct to the best of my knowledge, information and belief, and that I am aware that false statements herein are subject to the penalties of the 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated _____

Plaintiff