

Rule 1920.42 *Affidavit and Decree Under Section 3301(c) or 3301(d) of the Divorce Code. Obtaining Decrees.*

- (a) If a complaint and the 3301(d) affidavit have been filed under Section 3301(d) of the Divorce Code and 20 days from service of the §3301(d) affidavit have elapsed¹ and the responding party has not filed a contested responsive pleading within 20 days of service of the affidavit, the moving party shall mail to the responding party's current address or otherwise deliver to the responding party a Notice of Intention as required by Pa.R.C.P. 1920.42(c) giving the responding party 20 additional days in which to deny these allegations. The 20 additional days to be given the responding party in the Notice of Intention begins to run on the date on which the notice is mailed or delivered. Registered or certified mail is not required. The moving party shall insert in the notice a date on which the court is in session that is at least 20 days from the date of mailing or delivery.
- (b) If the responding party has not responded to the additional notice of intention, the court, on praecipe in the form prescribed by Rule 1920.73 will review the complaint and the 3301(d) affidavit and, if appropriate, enter a final decree. An affidavit of service shall be filed for both the 3301(d) complaint and the 3301(d) affidavit. However, only one affidavit of service is necessary if the complaint and the 3301(d) affidavit were served at the same time.
- (c) In all cases the moving party is responsible for submitting a proposed decree in a form required by Pa.R.C.P. 1920.76 prior to court review of the divorce claim.
- (d) Scheduling a Conciliation Before the Court Under Section 3301(d)(1)(ii).
 - (A) Where the responding party has denied one or more of the allegations set forth in the moving party's affidavit under Section 3301(d) of the Code, either party may obtain a date for conciliation of the divorce claim from the docket clerk, 3rd Floor, Family Court Facility, 440 Ross Street, Pittsburgh, PA 15219, and then filing a "Praecipe for Conciliation Date" listing such date with the Prothonotary, 1st Floor, City-County Building, 414 Grant Street, Pittsburgh, PA 15219, and serving copies of same on all parties of record.

Note: Amended May 9, 1983, effective July 2, 1983, further amended January 5, 1996, effective February 26, 1996, amended January 18, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

¹ Conforms to amended State Rule 1920.42(d)(1) effective January 1, 1996.