

**STEPS FOR DIVORCE WHEN SPOUSE CANNOT BE LOCATED**  
**and parties have been separated more than one year**

1. File divorce Complaint (Form 1) and Section 3301(d) Affidavit with blank Counter-affidavit (Form 8).
2. File "Motion to Allow Service by Publication". Put a motion cover sheet on top.
3. Get Order allowing service by publication and waiving the requirement of service of the Section 3301(d) Affidavit and the Notice of Intention to Request Decree.
4. Publish Notice of Divorce Action in Sun-Gazette (252 West Fourth Street) and Lycoming Reporter (25 West Third Street, Suite 803). Use a copy of the Notice to Defend on your divorce complaint, at the top write "To \_\_\_\_\_" (missing spouse). (Note – if more than thirty days have passed since Complaint was filed, you will have to file a praecipe to reinstate the complaint (Form 4) before publishing.) Both Sun-Gazette and Lycoming Reporter will give you a Proof of Service. Keep a copy and file the originals.
5. Wait twenty days from date of publication.
6. File Notice of Intention to Request Entry of Decree with blank Counter-Affidavit (Form 9).
7. Wait twenty days.
8. File Praecipe to Transmit Record (Form 12) and proposed decree (Form 13), include one self-addressed (to you) envelope. (On Praecipe, date of service of complaint (line 2(a)) is date of publication, manner of service (line 2(b)) is "publication", manner of service of Affidavit (line 3(b)(2)) is "waived" and Notice of Intention, date served and manner of service (lines 5(a)(1) and (2)) are both "waived".)

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

_____ ,	:	NO.
Plaintiff	:	
	:	
vs.	:	CIVIL ACTION - LAW
	:	IN DIVORCE
_____ ,	:	
Defendant	:	

**Motion to Allow Service by Publication and Waive Requirement of Service of Section 3301(d) Affidavit and Notice of Intention to Request Decree**

1. Plaintiff, \_\_\_\_\_, is an adult individual residing at \_\_\_\_\_.
2. Plaintiff is filing/did file a Complaint in Divorce on \_\_\_\_\_,
3. Plaintiff cannot locate Defendant in order to serve the Divorce Complaint and Section 3301(d) Affidavit on Defendant.
4. Plaintiff has made the following efforts to locate Defendant:

---



---



---



---



---



---



---



---



---



---



---

WHEREFORE, Plaintiff requests this Court issue an Order allowing Plaintiff to serve the Complaint by Publication and waiving the requirement of service of the Section 3301(d) Affidavit and Notice of Intention to Request Decree.

Respectfully submitted,

---

(signature of Plaintiff)

### **VERIFICATION**

I, \_\_\_\_\_, state that I am the Plaintiff in the foregoing matter and that the facts set forth in the foregoing Motion are true and correct to the best of my knowledge, information and belief. I further understand that false statements made herein are subject to the penalties of 18 Pa.C.S. Section 4904, relating to unsworn falsification to authorities.

---

(signature of Plaintiff)

**LYCOMING COUNTY COURT OF COMMON PLEAS  
MOTION COVER SHEET**

_____	:	Docket No: _____
Plaintiff	:	
vs.	:	Case Assigned to Judge _____
_____	:	<input type="checkbox"/> None
Defendant	:	<input type="checkbox"/> Family Court Hearing Officer

1. Name of Filing Party: \_\_\_\_\_
2. Filing Party's Attorney: \_\_\_\_\_
3. Type of Filing: Motion to Allow Service by Publication

<p>4. The following is/are requested:</p> <p><input type="checkbox"/> Argument</p> <p><input checked="" type="checkbox"/> Evidentiary Hearing</p> <p><input type="checkbox"/> Court Conference</p> <p><input type="checkbox"/> Rule to Show Cause</p> <p><input type="checkbox"/> Entry of Uncontested Order (attach supporting documentation)</p> <p><input type="checkbox"/> Expedited Consideration. State the basis: _____</p> <p><input type="checkbox"/> Video conferencing requested. Request form has been submitted. See Lyc. Co. R.G.C.B. L8.</p> <p><input type="checkbox"/> Attach this cover sheet to original motion previously filed on: _____</p> <p>5. Time Required: _____</p>	<p>6. Name and addresses of all counsel of record and unrepresented parties:</p>          <p style="text-align: right;">_____ Continued on a Separate Sheet.</p>
--	--

**ORDER**

1. \_\_\_\_\_ An \_\_\_\_\_ argument  factual hearing \_\_\_\_\_ court conference is scheduled for \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., in courtroom No. \_\_\_\_\_, Lycoming County Courthouse, Williamsport, PA.
2. \_\_\_\_\_ Briefs are to be filed by the following dates:  
Filing Party \_\_\_\_\_.  
Responding party (ies) \_\_\_\_\_.
3. \_\_\_\_\_ A rule is issued upon Respondent to show cause why the Petitioner is not entitled to the relief requested.
4. \_\_\_\_\_ A response to the Motion/Petition shall be filed as follows: \_\_\_\_\_.
5. \_\_\_\_\_ See order attached. \_\_\_\_\_ See separate order issued this date.
6. \_\_\_\_\_ Other: \_\_\_\_\_.

_____	_____
Judge	Date

c: **ALL PARTIES OR OTHERS TO BE SERVED WITH NOTICE MUST BE DESIGNATED IN "6" ABOVE.**

**NOTICE:** The parties are directed to confer for the purpose of resolving any issue raised in the motion/petition. If a resolution is reached prior to the scheduled date, the moving party shall immediately notify the court scheduling technician, the judge or hearing officer assigned to hear the matter, and all counsel of record or parties if unrepresented. Such notice may be in writing or by email.

## INSTRUCTIONS FOR COMPLETING MOTION COVER SHEET

1. Write your name on the line above the word "Plaintiff".
2. Write your spouse's name on the line above the word "Defendant"
3. Write the case number of your divorce case on the line after the words" Docket No".
4. Write your name on the line in Paragraph 1, "Name of Filing Party".
5. Write "pro se" on the line in Paragraph 2, "Filing Party's Attorney". (This means you are "for yourself".)
6. Write your name and address in the box numbered 6.

Leave the rest of the form blank.