

# PACKET # 2

## INSTRUCTIONS

BASIC DIVORCE WITH PROPERTY  
DIVISION AND/OR ALIMONY  
REQUEST(S)



# Starting A Divorce Action

## 1. WHAT IS A DIVORCE ACTION?

Divorce is a way to legally end your marriage. A Divorce Action is how you tell the Family Court that you want a divorce, why you want a divorce and if and how you want the Family Court to decide matters regarding your divorce.

## 2. DO I HAVE TO GO THROUGH THE COURT SYSTEM TO GET A DIVORCE?

Yes. You are not legally divorced until the Family Court issues you a **Divorce Decree** (a **Court Order**).

## 3. WHO CAN FILE FOR DIVORCE?

If you are legally married **AND** either you or your spouse has resided in Delaware for at least 6 months or has been stationed in Delaware as a member of the military for at least 6 months, you may file for divorce in the Family Court of the State of Delaware.

## 4. DO MY SPOUSE AND I HAVE TO BE SEPARATED BEFORE I FILE FOR DIVORCE?

Yes, unless you are filing for divorce on the grounds of misconduct (such as physical abuse, psychological abuse, infidelity, abandonment). You must be separated before you file for divorce. In order to be "separated" you and your spouse must not share the same bedroom and you must not have sexual relations, with the exception of reasonable attempts of getting back together. You still can be separated if you live in the same house so long as you do not share the same bedroom or do not have sexual relations with your spouse.

## 5. HOW LONG MUST I BE SEPARATED FROM MY SPOUSE BEFORE I CAN HAVE MY DIVORCE HEARING?

So long as you and your spouse are separated, you may file for Divorce. However, before the Family Court will schedule your Divorce Hearing,

Delaware law requires that you and your spouse be separated for at least **6 months**, unless you are requesting a divorce on the grounds of misconduct. If you are requesting a divorce on the grounds of misconduct, then you do not have to be separated for any specified period of time. Within **30 days** of your Divorce Hearing, you and your spouse may **NOT** have sexual relations or occupy the same bedroom.

## 6. DO I NEED A LAWYER TO GET A DIVORCE?

No. You may have a lawyer represent you but it is not required. However, Family Court strongly suggests that you hire a lawyer because you could lose your home, custody of your children or important rights if the Court rules against you.

## 7. HOW DO I FILE FOR DIVORCE?

You must file a **Petition for Divorce/Annulment** and other related papers. The **Petition for Divorce/Annulment** is a paper that you file to tell the Family Court that you want a divorce and why and to give the Court information about you, your spouse, your marriage, your separation date and your children (either born or adopted). To find out what you need to do to file for divorce, please review the divorce packet that applies to your situation.

## 8. WHERE DO I FILE FOR DIVORCE?

You must file for divorce in the County of Delaware in which either you or your spouse lives.

## 9. DOES MY SPOUSE HAVE TO BE NOTIFIED THAT I AM FILING FOR DIVORCE?

Yes. The U.S. and State Constitutions require that whenever a Petition is filed with the Court, the other person must be notified. For example, if your spouse files for divorce against you, then you must be notified so that you have an opportunity to tell your side of the story, if you so choose. This is called **due process**. The specific act of notifying your spouse is called **service of process**.

# **DIVORCE PACKET #2**

## **BASIC DIVORCE WITH PROPERTY DIVISION AND/OR ALIMONY REQUEST(S)**



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Use **Divorce Packet #2 Basic Divorce With Property Division and/or Alimony Request(s) ONLY** when:

- You want a divorce or annulment; **AND**
- You and your spouse do **NOT** have children (born or adopted) who are younger than 18 years old; **AND**
- You **DO** want the Court to help you divide marital property and/or marital debts; **AND/OR**
- You **DO** want the Court to order your spouse to pay you alimony; **AND**
- Either you or your spouse has resided (lived) in Delaware for at least 6 months or has been stationed in Delaware as a member of the military for at least 6 months.

Although this packet appears to discuss only what you need to do if you want a divorce, you also should use this packet if you want an annulment.

### **HOW TO USE THE PACKET**

The beginning of this packet contains general information about the divorce process. The remainder of this packet is divided into sections that describe a different step you (Petitioner) must take to file a Divorce or Annulment Action (hereinafter referred to only in the context of divorce). If at a certain step, you must file a Court form, that section will contain instructions on how to complete the Court form and a sample of the completed form. **ONLY FILE THE FORMS IN THE FORMS PACKET.** The forms in this packet are designed only to assist you in completing the forms in the **FORMS PACKET.**

**YOU DO NOT HAVE TO COMPLETE ALL THE SECTIONS AT ONCE.** For example, you do not have to file the forms in Section 2 at the same time as the forms in Section 1. Read the information carefully to make sure you know what you are supposed to do and when.

Please look for the **shaded** written instructions and the following symbols throughout this packet. They will help guide you.



READ THIS SECTION CAREFULLY



THIS DOCUMENT MUST BE FILED



FILL IN THE BLANKS OR PROVIDE INFORMATION HERE



YOU DO NOT HAVE TO TAKE THESE STEPS IMMEDIATELY.

- Furthermore, instructions and samples of “certificates” and “licenses” are not included in this packet.
- When you see “(sample only)” next to the name of a form, only a sample of that form is included in the packet.
- If you must file both the original form **AND** a copy of the original form, you will see next to the name of the form “(*file original and one copy*).”
- Once again, review the instructions and sample forms carefully before completing each form you must file.



## TIPS AND REMINDERS

- ✓ Make sure to read any FAQ's on Divorce Actions. These will give you information you need to properly file the Divorce Action and to better understand the process.
- ✓ Remember, just because you properly complete the forms does not necessarily mean that the Court will give you (grant) what you want. It is up to you at the Court Hearing to prove why the Court should give you (grant) what you want.
- ✓ Representing yourself may take a lot of time, may be difficult, and may be confusing. The Court will expect you to follow the same rules that attorneys must follow. If at any point in the divorce process you are not sure about representing yourself, you should talk to an attorney.
- ✓ Please remember that **COURT STAFF CANNOT GIVE YOU LEGAL ADVICE.** Should you have a question as to what options you have or what you should do, you should talk to an attorney. Just because you talk to an attorney does not necessarily mean that you must hire that attorney to represent you. Ask the attorney if the attorney is willing to meet with you and answer your questions without having to hire such attorney for full representation. Also ask before meeting with the attorney what fees may be involved for such limited service.
- ✓ Bring your photo identification with you (such as your driver's license or state issued photo identification card) whenever you get a Court form notarized.

- ✓ THERE IS A LOT OF PAPER IN A COURT CASE AND HAVING THE COURT MAKE YOU COPIES CAN BE VERY EXPENSIVE.

***PLEASE READ AND REMEMBER THESE IMPORTANT TIPS***

## REMEMBER

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- Keep a copy of every document and Court paper.
- Keep all notes, documents, Court papers, etc. together and organized in a folder with the most recent papers on top.
- Bring the folder with your papers with you every time you go to Court.
- When you file a document with the Court, bring an extra copy with you and ask to have the extra copy “clocked in.” Keep the clocked in copy in your folder so you have proof of the time and date you filed each document.
- When you complete a document or form for filing with the Court, always include the full case name and docket number (if there is one).
- When you must mail something, we suggest you mail (on the same day) the document(s) 2 different ways: (1) U.S. mail; AND (2) “certified mail, return receipt requested” so that you have proof that the other party received the envelope. If you cannot afford to pay for “certified mail” we suggest you get a “certificate of mailing” at the post office to prove that you mailed the envelope to the other party.

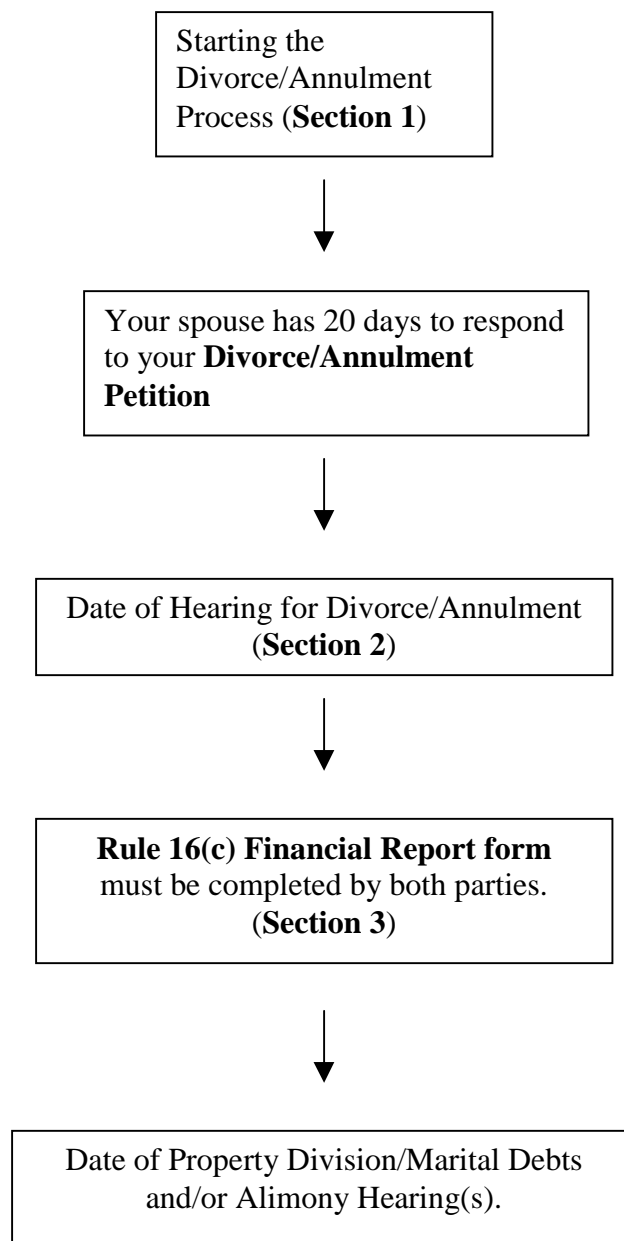


## PACKET SECTIONS




REMEMBER, ONLY FILE THE FORMS IN THE FORMS PACKET. The instruction and sample forms in this section are designed only to assist you in completing the forms in the Forms Packet.


### THE DIVORCE/ANNULMENT PROCESS



## Section 1

### STARTING THE DIVORCE

 Instructions on how to complete the Section 1 forms and samples of the Section 1 forms are at the end of this Section.


 You **MUST** file **ALL** the forms below when you file the **Petition for Divorce/Annulment**:

 **Petition for Divorce/Annulment form** (*file original and one copy*).

 **Information Statement form** (sample only).

 **Division of Public Health/Vital Statistics form** (sample only).

You can get this form at the Family Court.


 **A Certified Copy of your Marriage License** (*file original and one copy*).

If you were married in Delaware, you can get a **certified copy of your Marriage License** at the **Clerk of the Peace** of the county in which you got married. However, if you were married in Kent County, you must go to the Division of Public Health and Vital Statistics in Dover.


 **Request for Notice form.**

If you do not know your spouse's address (home, work, or otherwise,) you must ask to meet with someone in the Family Court Intake Unit. Ask the person who works in Intake for an **Affidavit that a Party's Address is Unknown form**.




 If you do not know where your spouse lives or your spouse does not live in Delaware, you must ask the Court on this form to publish **AT YOUR EXPENSE** notice that you are filing this action.


## ***BELOW ARE OPTIONAL FORMS***


 **ONLY** file the following forms if you and your spouse have agreed on the terms of your divorce and you want the Court to be able to have the power to make you and your spouse follow your agreement (“enforce the Separation Agreement”):

 **Original Separation Agreement** (*file original and one copy*).

The **Separation Agreement** is **NOT** a Court form and is **NOT** included in the **Divorce Packet**. You must write down how you and your spouse are dividing your marital property and/or marital debts and any other agreements (such as custody, visitation, child support, alimony etc.) that you and your spouse have regarding your divorce. On the top of the paper, write the case name, file number and petition number (if there is one). Title the paper “**Separation Agreement**.” Make sure you **AND** your spouse sign the **Separation Agreement** and that each signature is notarized. When you file this document, you **ALSO MUST** file a **Stipulation to Incorporate the Separation Agreement**.


 **Stipulation to Incorporate the Separation Agreement form** (*file original and one copy*).


 Make sure you **AND** your spouse sign the **Stipulation to Incorporate the Separation Agreement form** and that each signature is notarized. When you file this form, you **ALSO MUST** file your **Separation Agreement**.


 You may file a **Separation Agreement** and the **Stipulation to Incorporate the Separation Agreement AT ANY TIME** until the day of your Property Division/Alimony Hearing. However, if you check the “Incorporate our Separation Agreement” box on the **Petition for Divorce/Annulment**, you **MUST** file the **Separation Agreement** and the **Stipulation to Incorporate the Separation Agreement WITH** your **Petition for Divorce/Annulment**.





## **Additional Instructions for Section 1**

 **If your spouse IS in the military**, you either must have your spouse sign a **Waiver of Rights under the Soldiers and Sailors Civil Relief Act of 1940** or you must file a **Motion to Appoint an Attorney**. You should start this process as early as possible because it takes time. The Court will not schedule your Divorce Hearing until you complete this process.

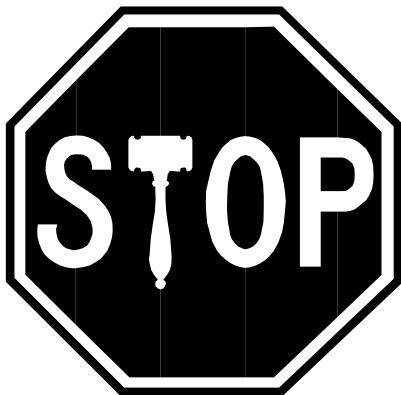
 Your spouse has **20 days** from the date of service (date of delivery of the Court papers) to respond to your **Petition for Divorce/Annulment**. Your spouse may file an **Answer** to your **Petition for Divorce/Annulment** on which your spouse may admit or deny any of the statements you made in your **Petition for Divorce/Annulment**. On the **Answer**, your spouse may counterclaim for divorce or annulment and/or may request that the Court determine matters of custody, visitation, child support, division of marital property/marital debts, alimony, attorney fees and/or court costs.

 If your spouse on the **Answer** does add a **counterclaim** you will have **20 days** from the date of service to file with the Court a response to the counterclaim and mail a copy of the **Answer** to your spouse.

 Instead of filing an **Answer** your spouse may file an **Affidavit of Appearance and Waiver of Rights** form on which your spouse will give up the right to file an **Answer**.

 **THE COURT CANNOT CONSIDER WHETHER OR NOT TO GRANT YOUR PETITION FOR DIVORCE AT THE HEARING IF WITHIN 30 DAYS OF THE DIVORCE HEARING, YOU AND YOUR SPOUSE HAVE OCCUPIED THE SAME BEDROOM OR HAVE HAD SEXUAL RELATIONS.** If you and your spouse have had sexual relations or occupied the same bedroom within **30 days** of your Divorce Hearing, please notify the Court as soon as possible so that the Court either can reschedule your Hearing or, if you prefer, can dismiss your **Petition for Divorce/Annulment**.

**SECTION 2 BEGINS AFTER  
INSTRUCTIONS AND SAMPLES OF THE SECTION 1 FORMS.**



**TAKE A DEEP BREATH,  
YOU DO NOT HAVE TO  
BEGIN SECTION 2 UNTIL  
THE MORNING OF YOUR  
DIVORCE HEARING.**



# The Family Court of the State of Delaware



In and For  New Castle  Kent  Sussex County  
**(Check the County in which you are filing this Petition)**

In re the Marriage of:

Petitioner **(You)**

v. Respondent **(Your spouse)**

**Court Use Only:**

Name		
Street Address		
Apt. or P.O. Box Number		
City	State	Zip Code
Social Security Number		Date of Birth
Attorney Name and Phone Number		

Name		
Street Address		
Apt. or P.O. Box Number		
City	State	Zip Code
Social Security Number		Date of Birth
Attorney Name and Phone Number		

File Number
<b>(Leave Blank)</b>
Petition Number
<b>(Leave Blank)</b>



## PETITION FOR DIVORCE/ANNULMENT

### I. GENERAL INFORMATION



1. Date of marriage: \_\_\_\_\_ Place of marriage: \_\_\_\_\_  
City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_



2. Date of separation: \_\_\_\_\_



3. Your occupation/job title: \_\_\_\_\_



4. Your spouse's occupation/job title: \_\_\_\_\_



5. How long you have lived in Delaware: \_\_\_\_\_



6. How long your spouse has lived in Delaware: \_\_\_\_\_



7. At what address is your spouse most likely to receive mail? **(Check ONE)**

My spouse's home address as described above.

My spouse receives mail at the following address that is different from the address described above: \_\_\_\_\_  
Street Address

Apt. or P.O. Box Number      City      State      Zip Code

My spouse lives out-of-state or after a reasonable search, I do not know where my spouse receives mail. It is unlikely that my spouse can be personally served. My spouse should be served by mail and/or publication of notice **AT MY EXPENSE**, as provided by 13 Del. C. § 1508.

My spouse is a foreign citizen and/or has resided in a foreign country within 2 years before filing this Petition. The Embassy address of the country in which my spouse is a citizen or has resided is : \_\_\_\_\_  
Name of Embassy

Street Address      Suite Number (if any)

City      State      Zip Code



8. **Check and complete ALL that apply for the following:**

- Wife **IS** currently pregnant.
- Wife is **NOT** currently pregnant.
- We have children of the marriage (born or adopted) who either are younger than 18 years old or are 18 years old and still in high school. ***(If you check this box, list the children below. Attach additional sheets if necessary.)***

NAME OF CHILD (First, Middle, Last)	DATE OF BIRTH (Month, Day, Year)	ADDRESS OF CHILD (Street Address, City, State, Zip Code)
	<b>Complete this section if you have children under 18 years old or 18 years old and still in high school.</b>	



9. **Check ONE and complete as directed.**

- I have not brought an action for divorce or annulment in any court against this spouse **AND** to the best of my knowledge, information and belief, my spouse has not brought an action for divorce or annulment against me in any court.
- Either my spouse or I have filed for divorce or annulment against the other before the date of filing this Petition. ***If you check this box, complete the below. Attach additional sheets if necessary.***

TYPE OF ACTION (divorce or annulment)	PERSON who filed the action	STATE the action was filed	COUNTY the action was filed	COURT the action was filed	DATE the action was filed	RESULT of the action
		<b>Complete this section ONLY if you or your spouse previously filed against the other for divorce or annulment.</b>				



**II.  DIVORCE (Check here if you want a divorce)**  
*(And complete this section.)*



1. ALL of the following must be true before the Family Court will consider your Petition for Divorce. **Check BOTH statements below to acknowledge that they are true:**

- MY MARRIAGE IS IRRETRIEVABLY BROKEN. (Our relationship as husband and wife is destroyed.)*
- RECONCILIATION (GETTING BACK TOGETHER) WITH MY SPOUSE IS NOT PROBABLE.*



2. I want a divorce and we have separated because of: **(Check ALL that apply) (At the Court Hearing, you must prove each reason that you check.)**

- Incompatibility between the parties (Because we cannot get along as husband and wife, our marital relationship is destroyed and we separated.)*
- Misconduct of my spouse (physical abuse, psychological abuse, infidelity, abandonment, etc.)*
- My spouse's mental illness (You must provide proof of mental illness)*
- Voluntary separation (Both my spouse and I have agreed to separate and to end the marriage.)*



**III.  ANNULMENT (Check here if you want an annulment)**  
*(And complete this section.)*



**You only may ask for an annulment if at least one of the below statements is true. At the Court Hearing, you must prove each reason you check. (Asking for an annulment is like asking the Court to declare that your marriage never happened.) If none of the below applies, you should meet with an attorney before asking the Court for an annulment.**



I want an annulment because of the following reasons: **(Check ALL that apply)**

It has been less than 91 days since I learned that:

- My spouse did not have the legal capacity to agree to the marriage (the ability to understand at the time of the wedding that we were getting married and the legal effect of the wedding) because of mental incapacity, alcohol, drugs or other incapacitating substances.*
- I got married to my spouse as a result of a fraudulent act or misrepresentation by my spouse AND such fraudulent act or misrepresentation goes to the essence of the marriage. (For example, my spouse promised me that he/she was single and after we got married, I learned my spouse never got divorced from his/her previous spouse. It has been less than 91 days since I learned of this misrepresentation.)*

- I got married to my spouse because my spouse or another person exercised duress over me **OR** another person exercised duress over my spouse. (For example, I was forced to get married to my spouse because my life was threatened if I did not marry my spouse.)
- We got married because of a jest or a dare.

**AND/OR**

It has been exactly one year (365 days) or less since:

- I learned that the marriage could not be consummated because of the physical inability to have sexual intercourse and at the time we got married I did not know of the physical inability.
- We have gotten married and/or my spouse was underage and we did not have the consent of his/her parents or guardian or of the Court to enter into the marriage.

**III. RELIEF REQUESTED (What you want the Court to do)**



***(YOU MUST COMPLETE THIS SECTION  
WHETHER YOU WANT A DIVORCE OR AN ANNULMENT)***

1. I ask that the Family Court:
  - A. Issue Summons directed to my spouse requiring my spouse to answer the Petition for Divorce/Annulment.
  - B. Enter an Order (Decree) for Divorce/Annulment, thereby divorcing Petitioner (me) and Respondent (my spouse) from the bonds of matrimony or annulling the marriage.



2. I also ask that the Family Court decide all the matters checked below. ***(Check what you want the Family Court to decide or to order. Some of the matters require an additional filing fee. At the Court Hearing, you must prove each reason that you check. If you do NOT want the Court to decide any of the below matters, do NOT check any of the boxes.)***

- |  |  |
|--|--|
| <input type="checkbox"/> Property Division<br>(divide our marital property and/or debts)                 | <input type="checkbox"/> Custody<br>(custody of children)  |
| <input type="checkbox"/> Visitation<br>(visitation of children)  | <input type="checkbox"/> Child Support<br>(have my spouse pay me for the support of our children)  |
| <input type="checkbox"/> Temporary Alimony<br>(have my spouse pay me alimony until the divorce is final) | <input type="checkbox"/> Court Costs<br>(have my spouse pay me for my court costs for this action) |

Permanent Alimony  
(have my spouse pay me alimony after  
the divorce is final)

Counsel fees  
(have my spouse pay me for my attorney  
fees for this action)

Change my name to \_\_\_\_\_  
(must be maiden or former name – **only wife may make this request**)

Incorporate our Separation Agreement  
(enforce your Separation Agreement)  
(If you want the Family Court to enforce your Separation Agreement, you **MUST** attach the  
original Separation Agreement signed by both parties and notarized **AND** the original  
Stipulation to Incorporate the Separation Agreement that also is signed by both parties and  
notarized).



**Sign here** \_\_\_\_\_  
Petitioner (person filing the Petition for Divorce/Annulment)  
or Petitioner’s Attorney



**The verification section below is to be completed by and signed in the presence of a Notary Public or Clerk of Court.**

### VERIFICATION

STATE OF DELAWARE )  
) SS.  
**(To be completed by Notary Public)** COUNTY )

BE IT REMEMBERED, that on this date **(To be completed by Notary Public)**, personally appeared  
before me, a Notary Public for the State and County aforesaid, **(To be completed by Notary Public)**  
who, being duly sworn by me did depose and say that he/she is the PETITIONER in the above  
captioned action and that all of the facts set forth in the Petition for Divorce/Annulment are true  
and correct to the best of his/her knowledge and belief.



**DO NOT SIGN YOUR NAME**  
**UNTIL YOU ARE IN FRONT OF A NOTARY PUBLIC**  
\_\_\_\_\_

Petitioner (person filing the Petition form Divorce/Annulment)

SWORN TO AND SUBSCRIBED before me on aforesaid date,

\_\_\_\_\_  
**(To be signed by Notary Public)**  
Notary Public or Clerk of Court





8. Check and complete **ALL** that apply for the following:

- Wife **IS** currently pregnant.
- Wife is **NOT** currently pregnant.
- We have children of the marriage (born or adopted) who either are younger than 18 years old or are 18 years old and still in high school. *(If you check this box, list the children below. Attach additional sheets if necessary.)*

NAME OF CHILD(REN) (First, Middle, Last)	DATE OF BIRTH (Month, Day, Year)	ADDRESS OF CHILD(REN) (Street Address, City, State, Zip Code)

9. (Check **ONE** and complete as directed)

- I have not brought an action for divorce or annulment in any court against this spouse **AND** to the best of my knowledge, information and belief, my spouse has not brought an action for divorce or annulment against me in any court.
- Either my spouse or I have filed for divorce or annulment against the other before the date of filing this Petition. *If you check this box, complete the below. Attach additional sheets if necessary.*

TYPE OF ACTION (divorce or annulment)	PERSON who filed the action	STATE the action was filed	COUNTY the action was filed	COURT the action was filed	DATE the action was filed	RESULT of the action

**II.  DIVORCE (Check here if you want a divorce)**  
*(And complete this section.)*

1. ALL of the following must be true before the Family Court will consider your Petition for Divorce. **Check BOTH statements below to acknowledge that they are true:**

- MY MARRIAGE IS IRRETRIEVABLY BROKEN. (Our relationship as husband and wife is destroyed.)*
- RECONCILIATION (GETTING BACK TOGETHER) WITH MY SPOUSE IS NOT PROBABLE.*

2. I want a divorce and we have separated because of: *(Check ALL that apply)* (At the Court Hearing, you must prove each reason you check.)

- Incompatibility between the parties *(Because we cannot get along as husband and wife, our marital relationship is destroyed and we separated.)*
- Misconduct of my spouse *(physical abuse, psychological abuse, infidelity, abandonment, etc.)*
- My spouse's mental illness *(You must provide proof of mental illness)*
- Voluntary separation *(Both my spouse and I have agreed to separate and to end the marriage.)*

**III.  ANNULMENT (Check here if you want an annulment)**  
*(And complete this section.)*

*You only may ask for an annulment if at least one of the below statements is true. At the Court Hearing, you must prove each reason you check. (Asking for an annulment is like asking the Court to declare that your marriage never happened.) If none of the below applies, you should meet with an attorney before asking the Court for an annulment.*

I want an annulment because of the following reasons: *(Check ALL that apply)*

It has been less than 91 days since I learned that:

- My spouse did not have the legal capacity to agree to the marriage (the ability to understand at the time of the wedding that we were getting married and the legal effect of the wedding) because of mental incapacity, alcohol, drugs or other incapacitating substances.
- I got married to my spouse as a result of a fraudulent act or misrepresentation by my spouse **AND** such fraudulent act or misrepresentation goes to the essence of the marriage. (For example, my spouse promised me that he/she was single and after we got married, I learned my spouse never got divorced from his/her previous spouse. It has been less than 91 days since I learned of this misrepresentation.)

- I got married to my spouse because my spouse or another person exercised duress over me **OR** another person exercised duress over my spouse. (For example, I was forced to get married to my spouse because my life was threatened if I did not marry my spouse.)
- We got married because of a jest or a dare.

**AND/OR**

It has been exactly one year (365 days) or less since:

- I learned that the marriage could not be consummated because of the physical inability to have sexual intercourse and at the time we got married I did not know of the physical inability.
- We have gotten married and/or my spouse was underage and we did not have the consent of his/her parents or guardian or of the Court to enter into the marriage.

**III. RELIEF REQUESTED (What you want the Court to do)**

***(YOU MUST COMPLETE THIS SECTION  
WHETHER YOU WANT A DIVORCE OR AN ANNULMENT)***

- 1. I ask that the Family Court:
  - A. Issue Summons directed to my spouse requiring my spouse to answer the Petition for Divorce/Annulment.
  - B. Enter an Order (Decree) for Divorce/Annulment, thereby divorcing Petitioner (me) and Respondent (my spouse) from the bonds of matrimony or annulling the marriage.

2. I also ask that the Family Court decide all the matters checked below. *(Check what you want the Family Court to decide or to order. Some of the matters require an additional filing fee. At the Court Hearing, you must prove each reason that you check. If you do **NOT** want the Court to decide any of the below matters, do **NOT** check any of the boxes.)*

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Property Division<br>(divide our marital property and/or debts)      | <input type="checkbox"/> Custody<br>(custody of children)  |
| <input type="checkbox"/> Visitation<br>(visitation of children)  | <input type="checkbox"/> Child Support<br>(have my spouse pay me for the support of our children)  |
| <input type="checkbox"/> Temporary Alimony<br>(have my spouse pay me alimony until the divorce is final) | <input type="checkbox"/> Court Costs<br>(have my spouse pay me for my court costs for this action) |

Permanent Alimony  
(have my spouse pay me alimony after  
the divorce is final)

Counsel fees  
(have my spouse pay me for my attorney  
fees for this action)

Change my name to \_\_\_\_\_  
(must be maiden or former name – only wife may make this request)

Incorporate our Separation Agreement  
(enforce your Separation Agreement)  
(If you want the Family Court to enforce your Separation Agreement, you **MUST** attach the original Separation Agreement signed by both parties and notarized **AND** the original Stipulation to Incorporate the Separation Agreement that also is signed by both parties and notarized).

Sign here Jonathan T. Smith  
Petitioner (person filing this Petition) or Petitioner’s Attorney

The verification section below is to be completed by and signed in the presence of a Notary Public or Clerk of Court.

**VERIFICATION**

STATE OF DELAWARE )  
 ) SS.  
New Castle COUNTY )

BE IT REMEMBERED, that on this date August 1, 2000, personally appeared before me, a Notary Public for the State and County aforesaid, Jonathan T. Smith who, being duly sworn by me did depose and say that he/she is the PETITIONER in the above captioned action and that all of the facts set forth in the Petition for Divorce/Annulment are true and correct to the best of his/her knowledge and belief.

Jonathan T. Smith  
Petitioner (person filing the Petition for Divorce/Annulment)

SWORN TO AND SUBSCRIBED before me on aforesaid date,

Nancy Notary  
Notary Public or Clerk of Court



# The Family Court of the State of Delaware

## INFORMATION SHEET - PLEASE PRINT

Date: \_\_\_\_\_ File No. : \_\_\_\_\_

**COMPLETE  
ENTIRE FORM**

**Please fill in A to K pertaining to you the Applicant (Petitioner). (Person filing petition for Divorce/Annulment)**

A. Name: Jonathan T. Smith

B. Address: 999 Oak Street, Apartment #2A

Newark, DE 22233

C. Phone: Home: (302) 555-1111 Work: (302) 555-9999

D. Employer & Work Address: Acme Steele, Inc. 800 Green Street, Wilmington, DE 19801

Hours/Shift: 8:00 a.m. – 5:00 p.m.

E. Social Security No.: 111-22-3333 F. Date of Birth: 2/11/66

G. Description: Sex: M Race: White Height: 5'11" Weight: 200 lbs Hair: Drk Brwn Eyes: Brown

Marks/Scars/Tattoos: None

H. Type of Vehicle operated by you : 98 Toyota Avalon

I. License No.: DE45098 J. Your relationship to the Defendant/Respondent: Spouse

K. Attorney: None

**Please fill in L to V pertaining to the Defendant/Respondent. (Person who did not file Petition for Divorce/Annulment)**

L. Defendant/Respondent is a: (Check One)  ADULT  JUVENILE

M. Name: Jane L. Smith

N. Address: 123 Pine Street, P.O. Box 1234

Wilmington, DE 12345

O. Phone: Home: (302) 555-1234 Work: (302) 555-2222

P. Employer and Work Address: ABC Corporation

900 Main Street

Wilmington, DE 19801

Hours/Shift: 8:30 a.m. – 4:30 p.m.

Q. Social Security No.: 111-23-4567 R. Date of Birth: 3/10/66

S. Description: Sex: M Race: White Height: 5'11" Weight: 200 lbs Hair: Brown Eyes: Blue

Marks/Scars/Tattoos: None

T. Drivers License No.: DE72495 U. Type of vehicle operated by Defendant/Respondent 96 Plymouth Voyager

V. Parents Name (if a juvenile): \_\_\_\_\_

**If you are filing for Custody, Visitation or Support please fill out the information on the other side in reference to the child(ren) that are involved.**

**Children (Custody/Visitation/Support)**

Name	Relationship	Birthdate
		/ /
		/ /
		/ /
		/ /
		/ /

**DIRECTIONS TO RESPONDENT'S RESIDENCE**

**WRITE DIRECTIONS TO YOUR SPOUSE'S (WHERE YOUR SPOUSE LIVES) FROM THE FAMILY COURT**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Please fill in AA to JJ pertaining to any additional Respondents. (For more respondents use additional sheets)**

AA. Defendant/Respondent is a: (Check One) **ADULT** **JUVENILE**

BB. Name: \_\_\_\_\_

CC. Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DD. Phone: Home: \_\_\_\_\_ Work: \_\_\_\_\_

EE. Employer and Work Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Hours/Shift \_\_\_\_\_

FF. Social Security No: \_\_\_\_\_ GG. Date of Birth: \_\_\_\_\_

HH. Description: Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_

Marks/Scars/Tattoos: \_\_\_\_\_

II. Drivers License No.: \_\_\_\_\_ T. Type of vehicle operated by Defendant/Respondent. \_\_\_\_\_

JJ. Parents Name (if a juvenile): \_\_\_\_\_

# The Family Court of the State of Delaware



In and For  New Castle  Kent  Sussex County

**(Check the County in which you are filing the Petition)**

In re the Marriage of:

Petitioner **(You)**

v. Respondent **(Your spouse)**

**Court Use Only:**

Name		
Street Address		
Apt. or P.O. Box Number		
City	State	Zip Code
Social Security Number		Date of Birth
Attorney Name and Phone Number		

Name		
Street Address		
Apt. or P.O. Box Number		
City	State	Zip Code
Social Security Number		Date of Birth
Attorney Name and Phone Number		

File Number
<b>(Leave Blank)</b>
Petition Number
<b>(Leave Blank)</b>



## REQUEST FOR NOTICE



**Did your spouse notify you that he/she will pick up a copy of the Petition for Divorce/Annulment at the Family Court?**

*If NO, complete Section A and the bottom of the page.  
If YES, complete Section B and the bottom of the page*

**TO: Clerk of Court – Divorce**

A. PLEASE ISSUE SUMMONS. **(Check ONE)**



Service of a copy of the Summons and Petition shall be effected upon Respondent (my spouse) by delivering copies thereof to Respondent (my spouse) personally.

My spouse does not live in Delaware **OR** after a reasonable search, I do not know where my spouse lives or receives mail. It is unlikely that my spouse can be personally served. Therefore, please send a copy of the Summons and Petition by certified or registered mail **AT MY EXPENSE** to Respondent (my spouse) at the address specified in the Petition and publish notice as provided in 13 Del. C. §1508 in the following newspaper in the County where I am filing this action:

Name of Newspaper: \_\_\_\_\_

Address of Newspaper: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Fax No.: \_\_\_\_\_

B. PLEASE WITHHOLD ISSUANCE OF SUMMONS. **(Check below)**



Respondent (my spouse) has notified me that he/she or his/her attorney will appear in your office at the Family Court to receive a copy of the Petition and will sign an Appearance document. Should Respondent (my spouse) or Respondent's attorney fail to so appear, you will receive further direction.



Date: **Date you file Petition**

**Sign here**

\_\_\_\_\_  
Petitioner (person filing the Petition) or Petitioner's Attorney



# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County

In re the Marriage of:

Petitioner

v. Respondent

Court Use Only:

Name	<b>Jonathan T. Smith</b>	
Street Address	<b>999 Oak Street</b>	
Apt. or P.O. Box Number	<b>Apartment 2A</b>	
City	State	Zip Code
<b>Newark</b>	<b>DE</b>	<b>12333</b>
Social Security Number	Date of Birth	
<b>111-22-3333</b>	<b>2/11/66</b>	
Attorney Name and Phone Number		

Name	<b>Jane L. Smith</b>	
Street Address	<b>123 Pine Street</b>	
Apt. or P.O. Box Number	<b>P.O. Box No. 1234</b>	
City	State	Zip Code
<b>Wilmington</b>	<b>DE</b>	<b>12345</b>
Social Security Number	Date of Birth	
<b>111-23-4567</b>	<b>3/10/66</b>	
Attorney Name and Phone Number		

File Number
Petition Number

## REQUEST FOR NOTICE

*Did your spouse notify you that he/she will pick up a copy of the Petition for Divorce/Annulment at the Family Court?*

*If NO, complete Section A and the bottom of the page.  
If YES, complete Section B and the bottom of the page*

**TO: Clerk of Court – Divorce**

A. PLEASE ISSUE SUMMONS. (*Check ONE*)

Service of a copy of the Summons and Petition shall be effected upon Respondent (my spouse) by delivering copies thereof to Respondent (my spouse) personally.

My spouse does not live in Delaware **OR** after a reasonable search, I do not know where my spouse lives or receives mail. It is unlikely that my spouse can be personally served. Therefore, please send a copy of the Summons and Petition by certified or registered mail **AT MY EXPENSE** to Respondent (my spouse) at the address specified in the Petition and publish notice as provided in 13 Del. C. §1508 in the following newspaper in the County where I am filing this action:

Name of Newspaper:

Address of Newspaper:

Contact Name:

Phone No.:

Fax No.:

B. PLEASE WITHHOLD ISSUANCE OF SUMMONS. (*Check below*)

Respondent (my spouse) has notified me that he/she or his/her attorney will appear in your office at the Family Court to receive a copy of the Petition and will sign an Appearance document. Should Respondent (my spouse) or Respondent's attorney fail to so appear, you will receive further direction.

Date: August 1, 2000

Jonathan T. Smith

Petitioner (person filing the Petition) or Petitioner's Attorney

# The Family Court of the State of Delaware



In and For  New Castle  Kent  Sussex County

**(Check the county in which you filed the Petition for Divorce/Annulment)**



**Name of person who filed for divorce/annulment** \_\_\_\_\_, )

Petitioner, )

v. )



**Name of person who did NOT file for divorce/annulment** \_\_\_\_\_ )

Respondent. )

File No.: \_\_\_\_\_



**Get these numbers from Court notices, if there are any.**

Petition No.: \_\_\_\_\_

## STIPULATION TO INCORPORATE THE SEPARATION AGREEMENT

IT IS HEREBY STIPULATED and agreed by and between the Parties that the



attached Separation Agreement, signed by both Parties on this date **Date of signatures**,

be incorporated into the Final Decree of Divorce.



**DO NOT SIGN YOUR NAME UNTIL YOU ARE IN FRONT OF THE NOTARY PUBLIC**



Petitioner (Person who filed for divorce/annulment)



**DO NOT SIGN YOUR NAME UNTIL YOU ARE IN FRONT OF THE NOTARY PUBLIC**



Respondent (Person who did not file for divorce/annulment)



Date: **Date signed in front of Notary Public** \_\_\_\_\_



Date: **Date signed in front of Notary Public** \_\_\_\_\_

Sworn to and subscribed before me this date, **Notary Public writes here**.

**Notary Public will sign here** \_\_\_\_\_

Notary Public

Sworn to and subscribed before me this date, **Notary Public writes here**.

**Notary Public will sign here** \_\_\_\_\_

Notary Public

IT IS SO ORDERED this date, **LEAVE BLANK** \_\_\_\_\_.

**LEAVE BLANK**

Judge

# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County

Jonathan T. Smith, )  
Petitioner, )  
v. )  
Jane L. Smith, )  
Respondent. )

File No.: CN00-99999  
Petition No.: 00-99999

## STIPULATION TO INCORPORATE THE SEPARATION AGREEMENT

IT IS HEREBY STIPULATED and agreed by and between the Parties that the attached Separation Agreement, signed by both Parties on this date July 18, 2000, be incorporated into the Final Decree of Divorce.

Jonathan T. Smith  
Petitioner

Jane L. Smith  
Respondent

Date: 7/19/2000

Date: 7/22/2000

Sworn to and subscribed before me this date, 7/19/2000.

Sworn to and subscribed before me this date, 7/22/00.

Nancy Notary  
Notary Public


Sean Clark  
Notary Public

IT IS SO ORDERED this date, \_\_\_\_\_.

\_\_\_\_\_  
Judge


## Section 2

### DATE OF YOUR DIVORCE HEARING

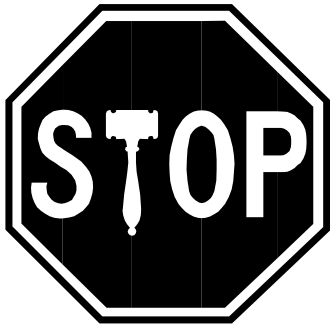
 Complete the form below on the day of your Divorce Hearing and bring it to the Hearing. If your spouse **IS** in the military, do **NOT** complete this form.

 **Affidavit of Non-Military Service.** (*This form must be notarized.*)

(Instructions and sample are on next pages).

 *If your divorce is granted, your divorce will be final on the day the Judge signs the **Divorce Decree (Order)** which may not necessarily be the same day as your Divorce Hearing or the day a Special Master signs the **Order**. A Special Master's signature is a recommendation to the Judge to sign the **Divorce Decree**.*

SECTION 3 BEGINS AFTER  
INSTRUCTIONS AND SAMPLE OF THE SECTION 2 FORM.



**TAKE A DEEP BREATH,  
YOU SHOULD BEGIN  
SECTION 3 IMMEDIATELY  
AFTER YOUR DIVORCE  
HEARING.**



# The Family Court of the State of Delaware



In and For  New Castle  Kent  Sussex County

**(Check the county in which you filed the Petition for Divorce/Annulment)**

In re the Marriage of:

Petitioner **(You)**

v. Respondent **(Your Spouse)**

Name		
Street Address		
Apt. or P.O. Box Number		
City	State	Zip Code
Social Security Number		Date of Birth
Attorney Name and Phone Number		

Name		
Street Address		
Apt. or P.O. Box Number		
City	State	Zip Code
Social Security Number		Date of Birth
Attorney Name and Phone Number		

File Number <b>(Get number from Hearing Notice)</b>
Petition Number <b>(Get number from Hearing Notice)</b>



**The section below is to be completed by and signed in the presence of a Notary Public/Clerk of Court on the day of your Divorce Hearing.**

## AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF DELAWARE )

**(To be completed by Notary Public)** COUNTY )

)  
)  
)

ss.



- You must bring this form to the Divorce Hearing.**
- This form must be signed and notarized on the day of the Divorce Hearing.**

BE IT REMEMBERED, that on this date **(To be completed by Notary Public)**, personally appeared before me, a Notary Public for the State of Delaware in the County declared above, **(To be completed by Notary Public)**, (“Affiant”), who, being duly sworn by me according to law, did depose and say:

- That Affiant is the Petitioner in the Petition for Divorce;
- That Respondent is not in the military service of the United States of America; and
- That Affiant has made this Affidavit pursuant to the provisions of § 200 of the Act of Congress entitled “Soldiers and Sailors Civil Relief Act of 1940” (50 U.S.C.A. App. 520) approved October 17, 1940.



**(Do not sign until the day of your Court Hearing in front of a Notary Public)**

Petitioner **(Person who filed the Divorce Petition)**

SWORN TO AND SUBSCRIBED before me this date, **(To be completed by Notary Public)**.

**(To be signed by Notary Public)**

Notary Public or Clerk of Court



# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County

In re the Marriage of:

Petitioner

Name <b>Jonathan T. Smith</b>		
Street Address <b>999 Oak Street</b>		
Apt. or P.O. Box Number <b>Apartment 2A</b>		
City <b>Newark</b>	State <b>DE</b>	Zip Code <b>12333</b>
Social Security Number <b>111-22-3333</b>		Date of Birth <b>2/11/66</b>
Attorney Name and Phone Number		

v. Respondent

Name <b>Jane L. Smith</b>		
Street Address <b>123 Pine Street</b>		
Apt. or P.O. Box Number <b>P.O. Box No. 1234</b>		
City <b>Wilmington</b>	State <b>DE</b>	Zip Code <b>12345</b>
Social Security Number <b>111-23-4567</b>		Date of Birth <b>3/10/66</b>
Attorney Name and Phone Number		

File Number <b>CN00-99999</b>
Petition Number <b>00-99999</b>

The section below is to be completed by and signed in the presence of a Notary Public/Clerk of Court on the day of your Divorce Hearing.

### AFFIDAVIT OF NON-MILITARY SERVICE

STATE OF DELAWARE )  
 )  
New Castle COUNTY ) ss.

BE IT REMEMBERED, that on this date February 1, 2001, personally appeared before me, a Notary Public for the State of Delaware in the County declared above,

Jonathan T. Smith, (“Affiant”), who, being duly sworn by me according to law, did depose and say:

1. That Affiant is the Petitioner in the Petition for Divorce;
2. That Respondent is not in the military service of the United States of America; and
3. That Affiant has made this Affidavit pursuant to the provisions of § 200 of the Act of Congress entitled “Soldiers and Sailors Civil Relief Act of 1940” (50 U.S.C.A. App. 520) approved October 17, 1940.

Jonathan T. Smith

Petitioner

SWORN TO AND SUBSCRIBED before me this date, February 1, 2001.


Nancy Notary


Notary Public or Clerk of Court


## Section 3


### IMMEDIATELY AFTER THE DIVORCE HEARING


(assuming your divorce is granted)

 You have **30 days** **AFTER** the date of your **Divorce Decree** to complete the following forms. Pay special attention to the instructions so you understand the process; the process is different than for other forms.


 **Rule 16(c) Financial Report form.** (*When you complete this form, forward the original to your spouse.*)

 **Affidavit of Mailing form** (*file with the Family Court after you forward the Rule 16(c) Financial Report form to your spouse.*)


 **See next pages for more instructions on completing the Rule 16(c) Financial Report Form.**

 **More Instructions on**  
**Completing the Rule 16(c) Financial Report Form**


1. **WHAT IS A RULE 16(C) FINANCIAL REPORT FORM?**

 The **Rule 16(c) Financial Report** is a financial form on which both spouses have to provide the Court and each other information about each of your finances.

2. **DOES A RULE 16(C) FINANCIAL REPORT FORM NEED TO BE FILED IN EVERY DIVORCE CASE?**


 No. The **Rule 16(c) Financial Report** only has to be completed if either you or your spouse asked the Court to divide your marital property or marital debts or to order payment of alimony. Both of you must complete **THE SAME** form.


3. **WHO MUST COMPLETE THE RULE 16(C) FINANCIAL REPORT FORM FIRST?**


 The person who requested for the Court to make a decision on **ANY** of the following matters must complete the form first:

- division of marital property;
- division of marital debts; **AND/OR**
- payment of alimony.




 The person who completes the form **FIRST** is (for the purposes of completing this form) the "**Petitioner**" even if this person is not the person who filed the **Petition for Divorce/Annulment**. The **Petitioner** must complete all sections pertaining to the "**Petitioner**."

 The person who did **NOT** make such requests (the other person) would be the "**Respondent**" and must complete all sections pertaining to the "**Respondent**."

 If both of you requested the Court to make a decision on division of marital property, division of marital debts or payment of alimony, the person who filed the **Petition for Divorce/Annulment** (for the purposes of completing this form) is the "**Petitioner**." The **Petitioner** must complete all sections pertaining to the "**Petitioner**." The other person would be the "**Respondent**" and must complete all sections pertaining to the "**Respondent**."

#### 4. WHAT IS THE PROCEDURE FOR COMPLETING THE RULE 16(C) FINANCIAL REPORT FORM?

 *There are 2 steps to completing and filing the **Rule 16(c) Financial Report form**.*



## STEP 1 OF

# RULE 16(C) FINANCIAL REPORT FORM

### PETITIONER COMPLETES THE RULE 16(c) FINANCIAL REPORT FORM



The spouse who is the “**Petitioner**” for the purposes of this form **has 30 days after the date of the entry of the Divorce Decree (the date the Judge signs the Divorce Decree):**

- To complete the **Rule 16(c) Financial Report form; AND**
- To have the completed **Rule 16(c) Financial Report form** notarized; **AND**
- To forward the original notarized **Rule 16(c) Financial Report form** to the other spouse or the other spouse’s attorney (if there is one); **AND**



File **Affidavit of Mailing form** with the Family Court where the **Petition for Divorce/Annulment** was filed.

*(On this form you will state under oath that you mailed the original completed notarized **16(c) Financial Report form** to your spouse or your spouse’s attorney if there is one); AND*

- To keep a copy of the completed notarized **Rule 16(c) Financial Report form** for your records. (This is very important in case your spouse does not file the form.)



## STEP 2 OF

# RULE 16(C) FINANCIAL REPORT FORM

THE OTHER SPOUSE (RESPONDENT) MUST

### PREPARE AND FILE THE RULE 16(c) FINANCIAL REPORT FORM



The spouse who receives the forwarded **Rule 16(c) Financial Report form** has **30 days AFTER the date of mailing (look at postage date)** the **Rule 16(c) Financial Report form** to do the following:

- To complete the rest of the original **Rule 16(c) Financial Report form**;  
**AND**
- To have the completed **Rule 16(c) Financial Report form** notarized;  
**AND**
- To forward a **copy** of the completed **Rule 16(c) Financial Report form** to the spouse who first filled out the **Rule 16(c) Financial Report form** or that spouse's attorney (if there is one); **AND**



File the **original** notarized **Rule 16(c) Financial Report form**; **AND**




File **Affidavit of Mailing form** with the Family Court where the **Petition for Divorce/Annulment** was filed.


*(On this form you will state under oath that you mailed a copy of the completed notarized **16(c) Financial Report form** to your spouse or your spouse's attorney if there is one); **AND***

- To keep a copy of the completed notarized **Rule 16(c) Financial Report form** for your records.


5. DOES THE WHOLE REPORT NEED TO BE COMPLETED?


 Yes! Both spouses must fill out the **Rule 16(c) Financial Report form** completely. Even if there is something that you do not want the other party to know you must put it on the form anyway or contact the Court by a **Motion immediately** to tell the Court why you think that information should not be on the form. The Court will decide if you must put the information on the form. **DO NOT WAIT UNTIL YOUR 30 DAYS HAVE PASSED BEFORE YOU NOTIFY THE COURT.**

6. WHAT HAPPENS IF I DO NOT FILL OUT THE REPORT OR I HIDE PROPERTY THAT I OWN WITHOUT THE COURT'S PERMISSION BECAUSE I DO NOT WANT THE OTHER PARTY TO KNOW?


 The Court can impose the following **SANCTIONS** (penalties) if you do not complete the **Rule 16(c) Financial Report form**: order you to pay your spouse's attorney fees, accept your spouse's information on the form as true and ignore any information you may have, or enter a **Default Judgment** or **Dismissal** against you. In other words, you may lose.

7. WHAT WILL HAPPEN IF THE RULE 16(c) FINANCIAL REPORT FORM IS NOT FILED?


 If neither spouse files the **Rule 16(c) Financial Report form** in a timely manner, then the request for the Family Court to determine the remaining matters will be dismissed.

 If one spouse does not file the **Rule 16(c) Financial Report form**, that spouse takes the chance that the Family Court will grant an **Order of Default** or **Dismissal**

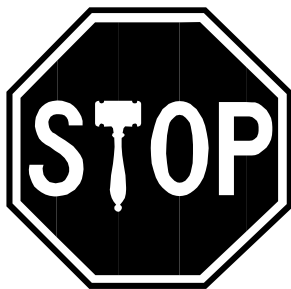
against that spouse. In other words, that spouse may lose. The Court also may impose the same penalties stated above for not completing the form or hiding information.

 If the second spouse to complete the form does not file the form, the Court will notify the first spouse who completed the form and ask that spouse to file a copy of the completed form.

## 8. WHAT HAPPENS IF I REALLY CANNOT FINISH THE RULE 16(C) FINANCIAL REPORT FORM IN TIME?

 If you really have tried to finish the **Rule 16(c) Financial Report form** but you cannot, you may request the Court to give you more time by filing a **Motion**. It is up to the Court to decide whether you will get more time and you must have a good reason for the request. Not completing the **Rule 16(c) Financial Report form** because you did not feel like doing it or you did not find the time to complete it, is not a good reason and the Court probably will not give you more time.

SECTION 4 BEGINS AFTER  
INSTRUCTIONS AND SAMPLES OF THE SECTION 3 FORMS.



**TAKE A DEEP BREATH,  
SECTION 4 DESCRIBES  
WHAT TO EXPECT NEXT.**



The person who asked the Court to divide marital property/debts or to order alimony is the Petitioner. The person who did NOT ask the Court the above is the Respondent. If both of you asked the above, the person who filed the Petition for Divorce/Annulment is the Petitioner and the person who did NOT file is the Respondent.

**RULE 16(c) FINANCIAL REPORT**  
PROPERTY DIVISION, ALIMONY, COUNSEL FEES

DATE OF MARRIAGE: **Date of Marriage**  
DATE OF SEPARATION: **Date of Separation**  
DATE OF DIVORCE: **Date Judge signed**  
**Divorce Decree**

CASE NAME: **Name of Petitioner " v. " Name of Respondent**  
FILE NUMBER: **File Number of the Case**  
PETITION NUMBER: **File Number of the Case**

PETITIONER'S NAME:	(P)
ADDRESS:	(P)
SOCIAL SECURITY NUMBER:	(P)
DATE OF BIRTH:	(P)
HOME PHONE:	(P)
WORK PHONE:	(P)
EMPLOYER NAME:	(P)
EMPLOYER ADDRESS:	(P)
YEARS EMPLOYED:	(P)
POSITION OR OCCUPATION:	(P)
CURRENT ANNUAL INCOME:	(P)
PETITIONER'S ATTORNEY:	(P) (if no attorney, write " N/A" )
ATTORNEY'S ADDRESS:	
PHONE #:	FAX #:
E-MAIL ADDRESS (optional)	

RESPONDENT'S NAME:	(R)
ADDRESS:	(R)
SOCIAL SECURITY NUMBER:	(R)
DATE OF BIRTH:	(R)
HOME PHONE:	(R)
WORK PHONE:	(R)
EMPLOYER NAME:	(R)
EMPLOYER ADDRESS:	(R)
YEARS EMPLOYED:	(R)
POSITION OR OCCUPATION:	(R)
CURRENT ANNUAL INCOME:	(R)
RESPONDENT'S ATTORNEY:	(R) (if no attorney, write " N/A" )
ATTORNEY'S ADDRESS:	
PHONE #:	FAX #:
E-MAIL ADDRESS (optional)	

A. Names and dates of birth of **minor** children of the parties. Indicate with whom the child(ren) primarily reside: Mother (M); Father (F); Shared (S).

<b>Name of child, child's date of birth, with whom child lives</b>
<b>Name of next child, child's date of birth, with whom child lives</b>

<b>Name of next child, child's date of birth, with whom child lives</b>

B. Names and dates of birth of any **adult** children residing with either party. Indicate whether the child is enrolled in school.

<b>Name of child, child's date of birth, with whom child lives</b>

<b>Name of next child, child's date of birth, with whom child lives</b>



The person who asked the Court to divide marital property/debts or to order alimony is the Petitioner. The person who did NOT ask the Court the above is the Respondent. If both of you asked the above, the person who filed the Petition for Divorce/Annulment is the Petitioner and the person who did NOT file the Petition is the Respondent.

C. Describe your employment history for the past five years. Include the name of each employer, the dates of employment, the last annual income with each employer, and the reason employment ended. Start with your most recent employer.

EMPLOYER	DATES OF EMPLOYMENT		ENDING ANNUAL INCOME	REASON FOR LEAVING
	START DATE	END DATE		

EMPLOYER	DATES OF EMPLOYMENT		ENDING ANNUAL INCOME	REASON FOR LEAVING
	START DATE	END DATE		

D. Do you have health/dental insurance benefiting you, your spouse and/or children of this marriage?  
**(P)**  YES  NO **(R)**  YES  NO

If so, please state the name of your insurance company, the group and member numbers and cost:

**(P)**

Insurance Company:
Group Number:
Member Number:
Monthly Cost:

**(R)**

Insurance Company:
Group Number:
Member Number:
Monthly Cost:

E. Are you a participant in any pension and/or retirement plan at your current place of employment?

**(P)**  YES  NO **(R)**  YES  NO

Were you a participant in any other pension and/or retirement plan(s) through previous employment?

**(P)**  YES  NO **(R)**  YES  NO

If so, please state the name(s) of all plan(s), plan administrator(s), address(es) and phone number(s) in which you are a participant:

**(P)**


**(R)**


F. Do you have any other deductions from your pay (not including taxes), such as union dues, mandatory pension deductions, or other?

**(P)**  YES  NO **(R)**  YES  NO



**The person who asked the Court to divide marital property/debts or to order alimony is the Petitioner. The person who did NOT ask the Court the above is the Respondent. If both of you asked the above, the person who filed the Petition for Divorce/Annulment is the Petitioner and the person who did NOT file the Petition is the Respondent.**

DEDUCTION		MONTHLY	
COST			

G. Do you participate in or own any life insurance on your life?

**(P)**  YES  NO **(R)**  YES  NO

If so, please state the following:

Basis for Non-Marital Name of Plan Surrender Value	Policy Number Monthly Cost	Type*	Beneficiary Claim	Cash	
				Face Value	

\* Type: W= Whole Life T= Term E= Employer

H. Do you claim any inability to pay support due to ill health, disability or extraordinary expenses which results in dependency upon the other party for support and/or impairment of earning capacity?

**(P)**  YES  NO **(R)**  YES  NO

If yes, please provide below and the name and address of all treating physicians and state the nature of the disability:

<b>(P)</b>	<b>(R)</b>

I. Are you receiving any income from benefits such as Social Security retirement, Social Security Disability (SSDI), VA benefits, federal pension (CSRS or FERS), private disability or military pension?

**(P)**  YES  NO **(R)**  YES  NO





**The person who asked the Court to divide marital property/debts or to order alimony is the Petitioner. The person who did NOT ask the Court the above is the Respondent. If both of you asked the above, the person who filed the Petition for Divorce/Annulment is the Petitioner and the person who did NOT file the Petition is the Respondent.**

If so, please indicate from where you receive the benefit(s) and the monthly amount:

BENEFIT	MONTHLY COST	BENEFIT	MONTHLY COST

**INCOME INFORMATION**

J. List annual gross income from all sources for last three years, including estimated gross income for current year:

PETITIONER		RESPONDENT	
3 years ago	\$	3 years ago	\$
2 years ago	\$	2 years ago	\$
1 year ago	\$	1 year ago	\$
Current	\$	Current	\$

**ASSETS OF THE PARTIES**

" Assets" include all assets (property) of any kind, including real estate, and tangible and intangible personal property (such as bank accounts, stocks, bonds, etc.). Unless you explain otherwise, it will be presumed that you are the sole legal owner of any asset(s) identified in your answers. If you are not the sole legal owner, please explain the nature and extent of your ownership, including the name of all co-owners. **If the space provided is insufficient, please attach additional pages, indicating whether the attachment is supplied by Petitioner or Respondent.**

All property will be considered marital and subject to division unless a party indicates to the contrary. Such an indication must be made by listing one of the following reasons for claiming the property is non-marital under the "Basis for Non-Marital Claim" category:

1. **Premarital** (Property owned by a party before marriage).      5. **Increase** (The increase in value of property acquired before marriage).
2. **Agreement** (Property excluded by agreement of the parties).      6. **Gift** (Property acquired by gift from a third person).
3. **Post-Separation** (Property acquired after separation).      7. **Inheritance** (Property acquired by inheritance).
4. **Exchange** (Property acquired in exchange for premarital property).



The person who asked the Court to divide marital property/debts or to order alimony is the Petitioner. The person who did NOT ask the Court the above is the Respondent. If both of you asked the above, the person who filed the Petition for Divorce/Annulment is the Petitioner and the person who did NOT file the Petition is the Respondent.

PLEASE COMPLETE THE FOLLOWING INFORMATION:

**REAL PROPERTY**

K. Interests in real estate:

Basis for Non-Address for purchase	In Whose		Market Value	Source of funds	
	Marital Claim	Name		Mortgage	Balance
		(P)			
		(R)			
		(P)			
		(R)			
		(P)			
		(R)			

**MOTOR VEHICLES**

L. Automobiles, trailers, motorcycles, and other vehicles:

Basis for Make, Model & Year	Balance on Loan	Who drives?	In Whose		Value by		Respondent*
			Name	Date Acquired	Petitioner*	Respondent*	
			Name	Date Acquired	Petitioner*	Respondent*	
			Non-Marital Claim				

\* NOTE: The Court generally uses the current retail NADA book value for automobiles

**BANK ACCOUNTS**

M. Checking accounts, savings accounts, certificates of deposit:

Name and Address of Institution	Value	Name	Basis for Non-Marital Claim	Account Number	In Whose	
					Present	



The person who asked the Court to divide marital property/debts or to order alimony is the Petitioner. The person who did NOT ask the Court the above is the Respondent. If both of you asked the above, the person who filed the Petition for Divorce/Annulment is the Petitioner and the person who did NOT file the Petition is the Respondent.

**RETIREMENT PLAN(S)**

N. Profit sharing plans and/or retirement plans (other than your pension) such as an IRA:

Name of Plan Contributions?	In Whose Name Value of Plan & Date Basis for Non-Marital Claim	of Value	Does the Non-contributor Claim a Share of Post- Separation	
			Y <input type="checkbox"/>	N <input type="checkbox"/>
			Y <input type="checkbox"/>	N <input type="checkbox"/>
			Y <input type="checkbox"/>	N <input type="checkbox"/>
			Y <input type="checkbox"/>	N <input type="checkbox"/>
			Y <input type="checkbox"/>	N <input type="checkbox"/>

**INVESTMENTS**

O. Stocks, mutual funds, securities, bonds and options:

Corporation Basis for Non-Marital Claim	Shares	In Whose Class	Name	Date Acquired	Market Value

**ANNUITIES**

P. Annuities:

Name and Address In Whose of Company Name	Basis for Non- Marital Claim	Amount of Payment	Date of First Payment	Duration of Payments	Beneficiary upon Death





The person who asked the Court to divide marital property/debts or to order alimony is the Petitioner. The person who did NOT ask the Court the above is the Respondent. If both of you asked the above, the person who filed the Petition for Divorce/Annulment is the Petitioner and the person who did NOT file the Petition is the Respondent.

**DEBTS OF THE PARTIES**

5. Please complete the chart below regarding ALL of the debts incurred during this marriage

Write the name of the creditor (the institution, company, person, etc.) to whom money is owed	Write the name of the person responsible to the creditor	Write the general purpose of the debt incurred (why was the money borrowed?)	Write the date the debt was incurred	Write the amount of money owed on the date of separation	Write the amount of money owed on the date of divorce	Would you like credit for the money you paid after the date of separation? If so, how much?
1)				(P)	(P)	(P)
				(R)	(R)	(R)
2)				(P)	(P)	(P)
				(R)	(R)	(R)
3)				(P)	(P)	(P)
				(R)	(R)	(R)
4)				(P)	(P)	(P)
				(R)	(R)	(R)
5)				(P)	(P)	(P)
				(R)	(R)	(R)
6)				(P)	(P)	(P)
				(R)	(R)	(R)
7)				(P)	(P)	(P)
				(R)	(R)	(R)
8)				(P)	(P)	(P)
				(R)	(R)	(R)
9)				(P)	(P)	(P)
				(R)	(R)	(R)
10)				(P)	(P)	(P)
				(R)	(R)	(R)
11)				(P)	(P)	(P)
				(R)	(R)	(R)
12)				(P)	(P)	(P)
				(R)	(R)	(R)
13)				(P)	(P)	(P)
				(R)	(R)	(R)
14)				(P)	(P)	(P)
				(R)	(R)	(R)
15)				(P)	(P)	(P)
				(R)	(R)	(R)



The person who asked the Court to divide marital property/debts or to order alimony is the Petitioner. The person who did NOT ask the Court the above is the Respondent. If both of you asked the above, the person who filed the Petition for Divorce/Annulment is the Petitioner and the person who did NOT file the Petition is the Respondent.

**PETITIONER'S EXPENSE INFORMATION**

T. List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM EXPENSES	CURRENT EXPENSES	ESTIMATED
Rent		
Mortgage (taxes, insurance and escrow)		
Water		
Sewer		
Electric		
Gas		
Oil		
Garbage		
Cable television		
Telephone		
Household items		
Household maintenance and repairs (list)		
Item:		
Item:		
Groceries		
Clothing		
Health Insurance (COBRA)		
Out-of-pocket medical and dental expenses for self		
Medical and dental expenses for the children		
Work-related child care		
School tuition for children of the parties		
School tuition for other children		
Laundry and dry cleaning		
Toys and presents		
Cosmetics and toiletries		
Hobbies		
Barber and hairdresser		
Newspaper, magazine subscriptions		
Charitable and/or religious donations		
Vacation		
Entertainment and miscellaneous		
Transportation (other than auto)		
Automobile		
Monthly payment		
Repairs and maintenance		
Insurance		
Gasoline		
Life Insurance		
Other		
<b>TOTAL</b>		



The person who asked the Court to divide marital property/debts or to order alimony is the Petitioner. The person who did NOT ask the Court the above is the Respondent. If both of you asked the above, the person who filed the Petition for Divorce/Annulment is the Petitioner and the person who did NOT file the Petition is the Respondent.

**RESPONDENT'S EXPENSE INFORMATION**

U. List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM EXPENSES	CURRENT	EXPENSES	ESTIMATED
Rent			
Mortgage (taxes, insurance and escrow)			
Water			
Sewer			
Electric			
Gas			
Oil			
Garbage			
Cable television			
Telephone			
Household items			
Household maintenance and repairs (list)			
Item:			
Item:			
Groceries			
Clothing			
Health Insurance (COBRA)			
Out-of-pocket medical and dental expenses for self			
Medical and dental expenses for the children			
Work-related child care			
School tuition for children of the parties			
School tuition for other children			
Laundry and dry cleaning			
Toys and presents			
Cosmetics and toiletries			
Hobbies			
Barber and hairdresser			
Newspaper, magazine subscriptions			
Charitable and/or religious donations			
Vacation			
Entertainment and miscellaneous			
Transportation (other than auto)			
Automobile			
Monthly payment			
Repairs and maintenance			
Insurance			
Gasoline			
Life Insurance			
Other			
<b>TOTAL</b>			



The person who asked the Court to divide marital property/debts or to order alimony is the Petitioner. The person who did NOT ask the Court the above is the Respondent. If both of you asked the above, the person who filed the Petition for Divorce/Annulment is the Petitioner and the person who did NOT file the Petition is the Respondent.

IF ANY PARTY DELIBERATELY FAILS TO DISCLOSE INFORMATION REQUIRED IN THIS REPORT OR DELIBERATELY MISREPRESENTS INFORMATION IN RESPONSE TO QUESTIONS IN THIS REPORT, THE COURT MAY IMPOSE SANCTIONS, INCLUDING, BUT NOT LIMITED TO, AWARDING THE ENTIRE ASSET TO THE OTHER PARTY REGARDLESS OF ANY OTHER EQUITABLE CIRCUMSTANCES, AWARDING ATTORNEY'S FEES OR OTHER EXPENSES INCURRED FOR THE ADDITIONAL TIME REQUIRED TO DISCOVER THE ASSET, OR ANY OTHER PENALTY THAT THE COURT DEEMS APPROPRIATE.

**PROPOSED DIVISION**

Please list below the proposed division of property and debts and reasons for proposal, to the extent known:

**PETITIONER**

If there is not enough room in this box to write how you think the Court should divide your marital property and debts, write in this box " see attached" and write it on a separate piece of paper. Write on the top of the paper " Proposed Property Division" and sign your name on the bottom of the page and have your signature notarized.

**RESPONDENT**

If there is not enough room in this box to write how you think the Court should divide your marital property and debts, write in this box " see attached" and write it on a separate piece of paper. Write on the top of the paper " Proposed Property Division" and sign your name on the bottom of the page and have your signature notarized.

STATE OF Name of State :  
 COUNTY OF Name of County : SS.  
 BE IT REMEMBERED that on this Day day of Month, 20Year, appeared before me, a Notary Public for the State and County aforesaid, Name of Petitioner, who being by (Name of Petitioner) me duly sworn according to law, did depose and say that the foregoing answers are true and correct to the best of his/her knowledge and belief.

Petitioner's attorney (if any) will sign here

COUNSEL FOR PETITIONER, IF ANY

Notary Public will write here  
 DATE



DO NOT SIGN YOUR NAME UNTIL

YOU ARE IN FRONT OF A NOTARY PUBLIC

PETITIONER

Notary Public will sign here

NOTARY PUBLIC OR CLERK OF COURT





STATE OF Name of State :  
 : SS.  
COUNTY OF Name of County :  
BE IT REMEMBERED that on this Day day of  
Month, 20 Year  
\_, appeared before me, a Notary Public for  
the State and County aforesaid,

Name of Respondent,  
who being by  
(Name of Respondent)  
me duly sworn according to law, did depose  
and say that the foregoing answers are true  
and correct to the best of his/her  
knowledge and belief.



**DO NOT SIGN YOUR NAME UNTIL**

**YOU ARE IN FRONT OF A NOTARY PUBLIC**  
RESPONDENT

**Notary Public will sign here**

NOTARY PUBLIC OR CLERK OF COURT

**Respondent's attorney (if any ) will  
sign here**

COUNSEL FOR RESPONDENT, IF ANY

**Notary Public will write here**

DATE

**FILM**

**RULE 16(c) FINANCIAL REPORT**  
PROPERTY DIVISION, ALIMONY, COUNSEL FEES

DATE OF MARRIAGE: **June 1, 1999**  
DATE OF SEPARATION: **January 5, 2000**  
DATE OF DIVORCE: **February 1, 2001**

CASE NAME: **Jonathan T. Smith v. Jane L. Smith**  
FILE NUMBER: **CN00-99999**  
PETITION NUMBER: **00-99999**

PETITIONER'S NAME: <b>Jonathan T. Smith</b>
ADDRESS: <b>999 Oak Street</b>
<b>Apartment #2A</b>
<b>Newark, DE 22233</b>
SOCIAL SECURITY NUMBER: <b>111-22-333-23-4567</b>
DATE OF BIRTH: <b>2/11/66</b>
HOME PHONE: <b>302-555-1111</b>
WORK PHONE: <b>302-555-9999</b>
EMPLOYER NAME: <b>Acme Steele, Inc.</b>
EMPLOYER ADDRESS: <b>800 Green Street</b>
<b>Wilmington, DE 19801</b>
YEARS EMPLOYED: <b>15 years</b>
POSITION OR OCCUPATION: <b>Shipping Supervisor</b>
CURRENT ANNUAL INCOME: <b>50,000</b>
PETITIONER'S ATTORNEY: <b>N/A</b>
ATTORNEY'S ADDRESS: <b>N/A</b>
PHONE #: <b>N/A</b> FAX #: <b>N/A</b>
E-MAIL ADDRESS (optional): <b>N/A</b>

RESPONDENT'S NAME:
ADDRESS:
SOCIAL SECURITY NUMBER:
DATE OF BIRTH:
HOME PHONE:
WORK PHONE:
EMPLOYER NAME:
EMPLOYER ADDRESS:
YEARS EMPLOYED:
POSITION OR OCCUPATION:
CURRENT ANNUAL INCOME:
RESPONDENT'S ATTORNEY:
ATTORNEY'S ADDRESS:
PHONE #: FAX #:
E-MAIL ADDRESS (optional):

A. Names and dates of birth of minor children of the parties. Indicate with whom the child(ren) primarily reside: Mother (M); Father (F); Shared (S).

<b>N/A</b>


B. Names and dates of birth of any adult children residing with either party. Indicate whether the child is enrolled in school.

<b>N/A</b>


C. Describe your employment history for the past five years. Include the name of each employer, the dates of employment, the last annual income with each employer, and the reason employment ended. Start with your most recent employer.

PETITIONER (P):  
EMPLOYER

DATES OF EMPLOYMENT  
START DATE END DATE

ENDING ANNUAL INCOMEREASON FOR LEAVING

EMPLOYER	START DATE	END DATE	ENDING ANNUAL INCOME	REASON FOR LEAVING
Acme Steel, Inc.	10/1/1985	Present	50,000	N\A
Bethlehem Steel, Inc.	7/1/1984	8/30/1985	32,000	Location

RESPONDENT (R):  
EMPLOYER

DATES OF EMPLOYMENT  
START DATE END DATE

ENDING ANNUAL INCOME REASON FOR LEAVING

EMPLOYER	START DATE	END DATE	ENDING ANNUAL INCOME	REASON FOR LEAVING

D. Do you have health/dental insurance benefiting you, your spouse and/or children of this marriage?

(P)  YES  NO (R)  YES  NO

If so, please state the name of your insurance company, the group and member numbers and cost:

(P)

<b>Insurance Company: Blue Cross/Blue Shield</b>
<b>Group Number: 10227</b>
<b>Member Number: 5001</b>
<b>Monthly Cost: 18.00</b>

(R)


E. Are you a participant in any pension and/or retirement plan at your current place of employment?

(P)  YES  NO (R)  YES  NO

Were you a participant in any other pension and/or retirement plan(s) through previous employment?

(P)  YES  NO (R)  YES  NO

If so, please state the name(s) of all plan(s), plan administrator(s), address(es) and phone number(s) in which you are a participant:

(P)

<b>401K, Wilmington Trust Bank (302) 555-3333</b>

(R)


F. Do you have any other deductions from your pay (not including taxes), such as union dues, mandatory pension deductions, or other?

(P)  YES  NO (R)  YES  NO

If so, please identify the deduction and monthly cost:

DEDUCTION	MONTHLY COST

DEDUCTION	MONTHLY COST

G. Do you participate in or own any life insurance on your life?

(P)  YES                       NO                      (R)  YES                       NO

If so, please state the following:

Basis for Non-Marital		Cash					
Name of Plan	Surrender Value	Policy Number	Monthly Cost	Type*	Beneficiary	Claim	Face Value
State Farm	20222	W	Mother	\$50,000	\$22,000	6.20	
Gerber	33333	T	Sister	\$25,000	\$10,000	5.00	

\* Type:                      W= Whole Life                      T= Term                      E= Employer

H. Do you claim any inability to pay support due to ill health, disability or extraordinary expenses which results in dependency upon the other party for support and/or impairment of earning capacity?  
 (P)  YES                       NO                      (R)  YES                       NO

If yes, please provide below and the name and address of all treating physicians and state the nature of the disability:

(P)


(R)


I. Are you receiving any income from benefits such as Social Security retirement, Social Security Disability (SSDI), VA benefits, federal pension (CSRS or FERS), private disability or military pension?

(P)  YES                       NO                      (R)  YES                       NO

If so, please indicate from where you receive the benefit(s) and the monthly amount:

BENEFIT	MONTHLY COST

BENEFIT	MONTHLY COST

**INCOME INFORMATION**

J. List annual gross income from all sources for last three years, including estimated gross income for current year:

PETITIONER		RESPONDENT	
3 years ago	\$44,5000	3 years ago	
2 years ago	\$45,000	2 years ago	
1 year ago	\$47,000	1 year ago	
Current	\$50,000	Current	

**ASSETS OF THE PARTIES**

" Assets" include all assets (property) of any kind, including real estate, and tangible and intangible personal property (such as bank accounts, stocks, bonds, etc.). Unless you explain otherwise, it will be presumed that you are the sole legal owner of any asset(s) identified in your answers. If you are not the sole legal owner, please explain the nature and extent of your ownership, including the name of all co-owners. **If the space provided is insufficient, please attach additional pages, indicating whether the attachment is supplied by Petitioner or Respondent.**

All property will be considered marital and subject to division unless a party indicates to the contrary. Such an indication must be made by listing one of the following reasons for claiming the property is non-marital under the " Basis for Non-Marital Claim" category:

- |   |   |
|---|---|
| 1. <b>Premarital</b> (Property owned by a party before marriage).<br>increase in value of property acquired before marriage). | 5. <b>Increase</b> (The                     |
| 2. <b>Agreement</b> (Property excluded by agreement of the parties).  | 6. <b>Gift</b> (Property                    |
| 3. <b>Post-Separation</b> (Property acquired after separation).<br>inheritance).  | 7. <b>Inheritance</b> (Property acquired by |
| 4. <b>Exchange</b> (Property acquired in exchange for premarital property).   |   |

PLEASE COMPLETE THE FOLLOWING INFORMATION:

**REAL PROPERTY**

K. Interests in real estate:

Basis for Non-Address for purchase	In Whose Name	Marital Claim	Market Value	Source of funds	
				Mortgage	Balance
123 Pine Street Wilmington, DE 12345	Jane L and Jonathan T. Smith	(P) \$120,000 (R)	98,000		
		(P) (R)			
		(P) (R)			

**MOTOR VEHICLES**

L. Automobiles, trailers, motorcycles, and other vehicles:

Basis for Make, Model & Year	In Whose Name	Who drives?	Date Acquired	Value by		Petitioner*	Respondent*
				Non-Marital Claim	Value by		
98 Toyota Avalon	Both	4/2/99	14,000	18,000	20,000	Husband	
96 Plymouth Grand Voyager	Jane	3/1/96	20,000	25,000	0	Wife	Pre-Marital

\* NOTE: The Court generally uses the current retail NADA book value for automobiles

**BANK ACCOUNTS**

M. Checking accounts, savings accounts, certificates of deposit:

Name and Address of Institution	Account Number	In Whose Name	Present
Wilmington Trust Wilmington, DE 19801	23400 Saving	\$12,000	Both
Delaware Credit Union	11100 Savings	\$4,000	Wife
Wilmington Trust Wilmington, DE 19801	30901 Checking	\$500.00	Both

**RETIREMENT PLAN(S)**

N. Profit sharing plans and/or retirement plans (other than your pension) such as an IRA:

Name of Plan Contributions?	Basis for Non-Marital Claim	In Whose Name Value of Plan & Date of Value	Does the Non-contributor Claim a Share of Post- Separation	
			Y	N
401K	Husband	\$50,000	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

**INVESTMENTS**

O. Stocks, mutual funds, securities, bonds and options:

Corporation Basis for Non-Marital Claim	Shares	In Whose Class	Name	Date Acquired	Market Value
IBM	20	Husband	4/2/1990	\$2000	Inheritance
Disney	100	Both	8/1/98	\$3000	
Merck	25	Both	8/1/98	\$1800	

**ANNUITIES**

P. Annuities:

Name and Address In Whose of Company Name	Basis for Non- Marital Claim	Amount of Payment	Date of First Payment	Duration of Payments	Beneficiary upon Death
N/A					





**DEBTS OF THE PARTIES**

S. Please complete the chart below regarding ALL of the debts incurred during this marriage

Write the name of the creditor (the institution, company, person, etc.) to whom money is owed	Write the name of the person responsible to the creditor	Write the general purpose of the debt incurred (why was the money borrowed?)	Write the date the debt was incurred	Write the amount of money owed on the date of separation	Write the amount of money owed on the date of divorce	Would you like credit for the money you paid after the date of separation? If so, how much?
1) <b>Wilmington Trust Bank</b>	<b>Both</b>	<b>Mortgage</b>	<b>9/1/1999</b>	<b>(P) 100,000</b>	<b>(P) 98,000</b>	<b>(P) no</b>
2) <b>MBNA</b>	<b>Jonathan</b>	<b>Household items</b>	<b>9/24/1999</b>	<b>(P) 4,000</b>	<b>(P) 3,195</b>	<b>(P) 50.00</b>
3) <b>First USA</b>	<b>Jane</b>	<b>Groceries</b>	<b>6/10/1999</b>	<b>(P) 1259.38</b>	<b>(P) 59.63</b>	<b>(P) 150.00</b>
4) <b>Discover</b>	<b>Both</b>	<b>furniture</b>	<b>10/5/1999</b>	<b>(P) 8,000</b>	<b>(P) 7,100</b>	<b>(P) no</b>
5) <b>Sears</b>	<b>Jonathan</b>	<b>Tools/lawn</b>	<b>7/18/1999</b>	<b>(P) 5,128</b>	<b>(P) 5,000</b>	<b>(P) no</b>
6) <b>PNC</b>	<b>Both</b>	<b>Car</b>	<b>4/2/1999</b>	<b>(P) 20,500</b>	<b>(P) 20,000</b>	<b>(P) no</b>
7)				(R)	(R)	(R)
8)				(P)	(P)	(P)
9)				(R)	(R)	(R)
10)				(P)	(P)	(P)
11)				(R)	(R)	(R)
12)				(P)	(P)	(P)
13)				(R)	(R)	(R)
14)				(P)	(P)	(P)
15)				(R)	(R)	(R)

**PETITIONER'S EXPENSE INFORMATION**

T. List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM EXPENSES	CURRENT EXPENSES	ESTIMATED
Rent		650.00
Mortgage (taxes, insurance and escrow)	975.00	
Water	55.00	
Sewer	112.00	
Electric	135.00	85.00
Gas		
Oil		
Garbage	275.00	9.95
Cable television	20.00	20.00
Telephone	100.00	100.00
Household items	100.00	
Household maintenance and repairs (list)		
Item: pest control		
Item: lawn care		
Groceries	300.00	
Clothing	100.00	100.00
Health Insurance (COBRA)	30.00	20.00
Out-of-pocket medical and dental expenses for self		
Medical and dental expenses for the children		
Work-related child care	50.00	
School tuition for children of the parties		
School tuition for other children		
Laundry and dry cleaning	25.00	25.00
Toys and presents	50.00	50.00
Cosmetics and toiletries	20.00	20.00
Hobbies		75.00
Barber and hairdresser	15.00	15.00
Newspaper, magazine subscriptions	15.00	15.00
Charitable and/or religious donations	75.00	75.00
Vacation		
Entertainment and miscellaneous	50.00	50.00
Transportation (other than auto)	50.00	50.00
Automobile		
Monthly payment		
Repairs and maintenance	50.00	50.00
Insurance	70.00	70.00
Gasoline	100.00	100.00
Life Insurance		
Other		
<b>TOTAL</b>	<b>2772.00</b>	<b>1674.95</b>

**RESPONDENT'S EXPENSE INFORMATION**

U. List monthly expenses (1/12 of actual payments made during the preceding twelve (12) months) and estimated monthly expenses for the next year, including any expenses that have recently changed or are expected to change in the near future.

ITEM EXPENSES	CURRENT	EXPENSES	ESTIMATED
Rent			
Mortgage (taxes, insurance and escrow)			
Water			
Sewer			
Electric			
Gas			
Oil			
Garbage			
Cable television			
Telephone			
Household items			
Household maintenance and repairs (list)			
Item:			
Item:			
Groceries			
Clothing			
Health Insurance (COBRA)			
Out-of-pocket medical and dental expenses for self			
Medical and dental expenses for the children			
Work-related child care			
School tuition for children of the parties			
School tuition for other children			
Laundry and dry cleaning			
Toys and presents			
Cosmetics and toiletries			
Hobbies			
Barber and hairdresser			
Newspaper, magazine subscriptions			
Charitable and/or religious donations			
Vacation			
Entertainment and miscellaneous			
Transportation (other than auto)			
Automobile			
Monthly payment			
Repairs and maintenance			
Insurance			
Gasoline			
Life Insurance			
Other			
<b>TOTAL</b>			

IF ANY PARTY DELIBERATELY FAILS TO DISCLOSE INFORMATION REQUIRED IN THIS REPORT OR DELIBERATELY MISREPRESENTS INFORMATION IN RESPONSE TO QUESTIONS IN THIS REPORT, THE COURT MAY IMPOSE SANCTIONS, INCLUDING, BUT NOT LIMITED TO, AWARDING THE ENTIRE ASSET TO THE OTHER PARTY REGARDLESS OF ANY OTHER EQUITABLE CIRCUMSTANCES, AWARDING ATTORNEY'S FEES OR OTHER EXPENSES INCURRED FOR THE ADDITIONAL TIME REQUIRED TO DISCOVER THE ASSET, OR ANY OTHER PENALTY THAT THE COURT DEEMS APPROPRIATE.

**PROPOSED DIVISION**

Please list below the proposed division of property and debts and reasons for proposal, to the extent known:

PETITIONER

<b>See attached</b>

RESPONDENT


STATE OF **Delaware** :  
 COUNTY OF **New Castle** : SS.  
 BE IT REMEMBERED that on this **28th** day of **February**, 20**01**, appeared before me, a Notary Public for the State and County aforesaid, **Jonathan T. Smith**, who being by (Name of Petitioner) me duly sworn according to law, did depose and say that the foregoing answers are true and correct to the best of his/her knowledge and belief.

**Jonathan T. Smith**  
 PETITIONER

**Nancy Notary**  
 NOTARY PUBLIC OR CLERK OF COURT

**N/A**

COUNSEL FOR PETITIONER, IF ANY

**February 28, 2001**  
 DATE

STATE OF :  
 COUNTY OF : SS.  
 BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, appeared before me, a Notary Public for the State and County aforesaid, \_\_\_\_\_, who being by (Name of Respondent) me duly sworn according to law, did depose and say that the foregoing answers are true and correct to the best of his/her knowledge and belief.

RESPONDENT

NOTARY PUBLIC OR CLERK OF COURT

COUNSEL FOR RESPONDENT, IF ANY

DATE



# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County

**(Check the county in which the underlying matter was filed or is currently active)**

Petitioner **(Person who filed the Petition)**

v. Respondent **(Person the Petition was filed against)**

Name		
Street Address		
Apt. or P.O. Box Number		
City	State	Zip Code
Social Security Number		Date of Birth
Attorney Name and Phone Number		

Name		
Street Address		
Apt. or P.O. Box Number		
City	State	Zip Code
Social Security Number		Date of Birth
Attorney Name and Phone Number		

File Number
Petition Number
Type of Petition



## AFFIDAVIT OF MAILING

Get this information from your Court documents.



A proceeding involving the above-captioned case having been previously filed in this



Court, I, the:  Petitioner/Movant  Attorney for Petitioner/Movant

**(Check ONE)**  Respondent/Movant  Attorney for Respondent/Movant,

affirm that a true and correct copy of the: **(Check ONE and complete as appropriate)**

Answer to Petition  16c Financial Report **(check this box)**

Motion or  Response to Motion \_\_\_\_\_  
**(Type of Motion)**

Other: \_\_\_\_\_  
**(Other type of document mailed to opposing party/attorney)**



was placed in the U.S. Mail on this date, **(Date document was mailed)**, and sent first class postage pre-paid to the: **(Check ONE and complete as appropriate)**



opposing party at the address listed above.

attorney for opposing party **at the address listed below.**

\_\_\_\_\_  
\_\_\_\_\_



**(DO NOT SIGN YOUR NAME UNTIL YOU ARE IN FRONT OF THE NOTARY PUBLIC)**

Party/Movant/Attorney

SWORN TO AND SUBSCRIBED



before me this date, **(To be completed by Notary Public).**

**(To be signed by Notary Public)**

Notary Public/Clerk of Court



# The Family Court of the State of Delaware

In and For  New Castle  Kent  Sussex County

Petitioner

Name <b>Jonathan T. Smith</b>	
Street Address <b>999 Oak Street</b>	
Apt. or P.O. Box Number <b>Apartment 2A</b>	
City <b>Newark</b>	State Zip Code <b>DE 12333</b>
Social Security Number <b>111-22-3333</b>	Date of Birth <b>2/11/66</b>
Attorney Name and Phone Number	

v. Respondent

Name <b>Jane L. Smith</b>	
Street Address <b>123 Pine Street</b>	
Apt. or P.O. Box Number <b>P.O. Box No. 1234</b>	
City <b>Wilmington</b>	State Zip Code <b>DE 12345</b>
Social Security Number <b>111-23-4567</b>	Date of Birth <b>3/10/66</b>
Attorney Name and Phone Number	

File Number <b>CN00-99999</b>
Petition Number <b>00-99999</b>
Type of Petition <b>Divorce &amp; Property Division and/or Alimony</b>

## AFFIDAVIT OF MAILING

A proceeding involving the above-captioned case having been previously filed in this Court, I, the:  Petitioner/Movant  Attorney for Petitioner/Movant  
(Check ONE)  Respondent/Movant  Attorney for Respondent/Movant,

affirm that a true and correct copy of this: (Check ONE and complete as appropriate)

Answer to Petition  16c Financial Report

Motion or  Response to Motion \_\_\_\_\_  
(Type of Motion)

Other: \_\_\_\_\_  
(Other type of document mailed to opposing party/attorney)

was placed in the U.S. Mail on this date, **March 1, 2001**, and sent first class postage pre-paid to the: (Check ONE and complete as appropriate)

opposing party at the address listed above.

attorney for opposing party at the address listed below.

**Jonathan T. Smith**  
Party/Movant/Attorney


SWORN TO AND SUBSCRIBED


before me this date, **March 1, 2001**.


**Nancy Notary**  
Notary Public/Clerk of Court


## SECTION 4

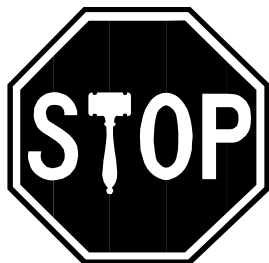
### WHAT TO EXPECT NEXT

 The Court will schedule a Hearing before a Judge to determine the remaining issues. Depending on how complicated your case is, the Judge may schedule a Pre-trial Conference and/or may request that you complete additional forms to help you and your spouse prepare for the Pre-trial Conference. The Court will notify you if you must complete additional steps or forms.

 Furthermore, **at least 7 days BEFORE** your Court Hearing(s) on the remaining issues, you must complete a document called a **Rule 52(d) document**. On this document, you must write exactly how you think the Court should decide your case and why.

 Check at the Family Court or on the Family Court web page to see if the **DIVORCE: PROPERTY/ALIMONY Packet** is available. (The Family Court web page address is on the bottom of this page.) The **DIVORCE: PROPERTY/ALIMONY Packet** will have the forms you need for the Property Division and/or Alimony Hearing(s) and will include instructions on how to complete these forms and samples of the completed forms.

 Before your Hearing(s) and any Pre-trial Conferences, you should refer to the FAQ's dealing with the topics of your Hearing(s) and on How to Prepare for a Hearing.



**THIS IS  
THE END OF  
DIVORCE PACKET # 2.**