



# 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		
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

## PETITION FOR DIVORCE/ANNULMENT

### I. GENERAL INFORMATION

- Date of marriage: \_\_\_\_\_ Place of marriage: \_\_\_\_\_  
City: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_
- Date of separation: \_\_\_\_\_
- Your occupation/job title: \_\_\_\_\_
- Your spouse's occupation/job title: \_\_\_\_\_
- How long you have lived in Delaware: \_\_\_\_\_
- How long your spouse has lived in Delaware: \_\_\_\_\_
- 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(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.*

<b>TYPE OF ACTION</b> (divorce or annulment)	<b>PERSON</b> who filed the action	<b>STATE</b> the action was filed	<b>COUNTY</b> the action was filed	<b>COURT</b> the action was filed	<b>DATE</b> the action was filed	<b>RESULT</b> 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 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 this Petition) or Petitioner’s Attorney

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**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.  
\_\_\_\_\_ COUNTY )

BE IT REMEMBERED, that on this date \_\_\_\_\_, personally appeared before me, a Notary Public for the State and County aforesaid, \_\_\_\_\_ 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.

\_\_\_\_\_  
Petitioner (person filing the Petition for Divorce/Annulment)

SWORN TO AND SUBSCRIBED before me on aforesaid date,

\_\_\_\_\_  
Notary Public or Clerk of Court