

PACKET # 3

INSTRUCTIONS

BASIC DIVORCE AND
HAVE CHILDREN UNDER 18



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 #3

BASIC DIVORCE AND HAVE CHILDREN UNDER 18



Use **Divorce Packet #3 Basic Divorce and Have Children Under 18 ONLY** when:

- You want a divorce or annulment; **AND**
- You and your spouse **DO** have children (born or adopted) who are younger than 18 years old; **AND**
- You do **NOT** want the Court to help you divide marital property and/or marital debts; **AND**
- You do **NOT** 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

- ✓ The Divorce Packets do **NOT** completely address the issues of custody, visitation or child support even though there is a place on the **Petition for Divorce/Annulment** for you to ask the Court to determine these issues. Check at the Family Court or on the Family Court web page to see if packets addressing these issues are available. (The Family Court web page address is at the bottom of the page.)
- ✓ You may file separate **Petitions for Custody, Visitation and/or Child Support** as opposed to making such requests on your **Petition for Divorce/Annulment**. It takes more time to process your requests if they are included as part of your **Petition for Divorce/Annulment**. If you file separate **Petitions** in these areas, the Court will be able to process your requests more quickly.
- ✓ 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. Furthermore, 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

- 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.

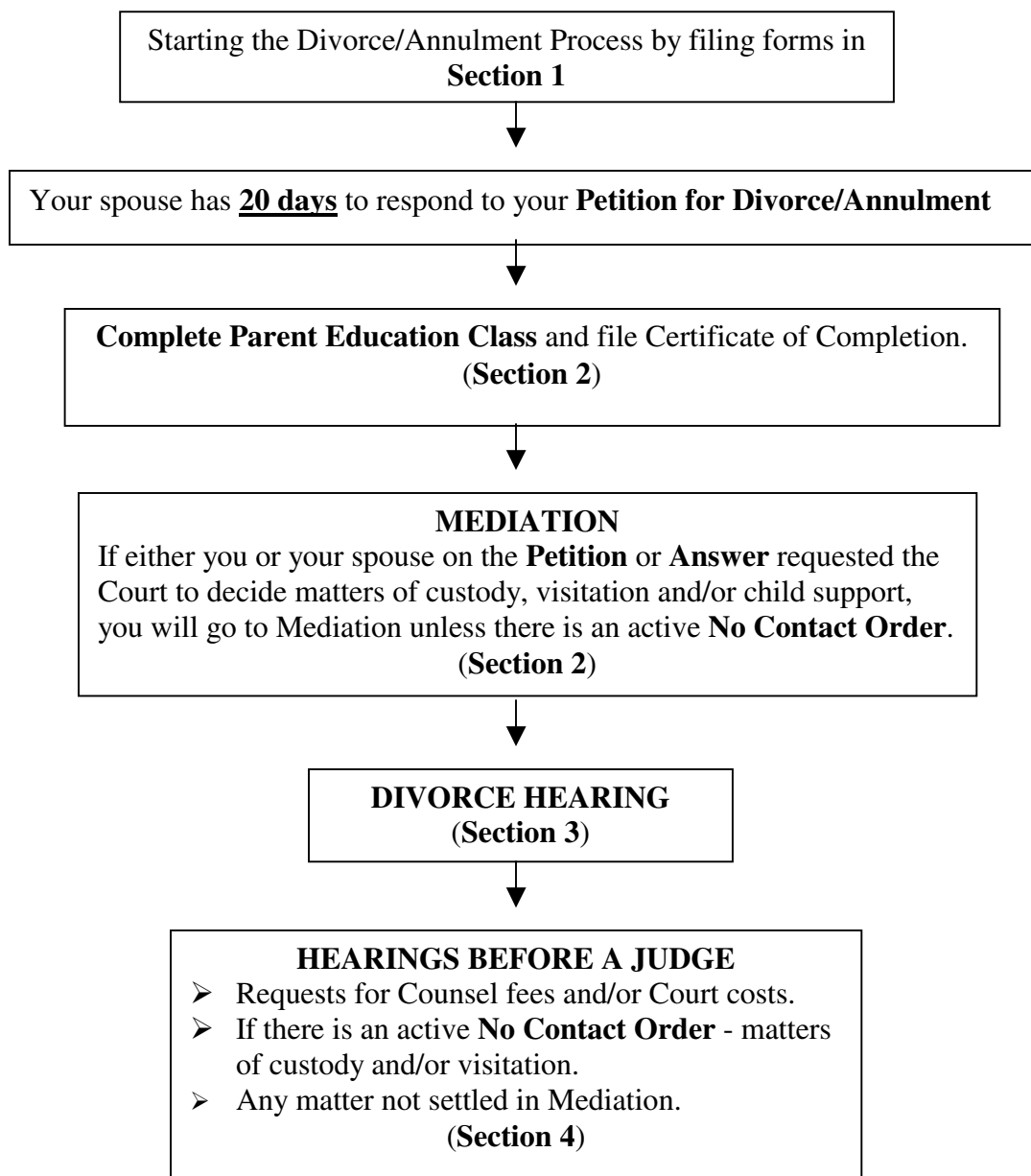


PACKET SECTIONS




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*).

 **Affidavit of Children's Rights 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 the situation applies to you:

 **Custody Separate Statement form** (*file original and one copy*).

File this form if you are asking the Court on the **Petition for Divorce/Annulment form** to grant you custody of and/or a visitation schedule for your children or you want child support. If you do want the Court to determine these issues as part of the **Petition** as opposed to filing separate **Petitions**, make sure you check the appropriate boxes on the **Petition for Divorce/Annulment form**.

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

File the **Separation Agreement ONLY** 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**”).

 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*).

ONLY file this form if you have a **Separation Agreement** and you want the Court to be able to enforce the **Separation Agreement**. Make sure you **AND** your spouse sign the **Stipulation to Incorporate the Separation Agreement** 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 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



You must complete a **Parent Education Class** and file a **Certificate of Completion of the Parent Education Class** before the Court will schedule your Divorce Hearing. The Family Court provides a list of organizations that offer the class. The **Certificate of Completion of the Parent Education Class** will be given to you when you complete the class. You should register for a Parent Education Class as soon as possible because the classes tend to fill quickly and you may be placed on a waiting list.




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.



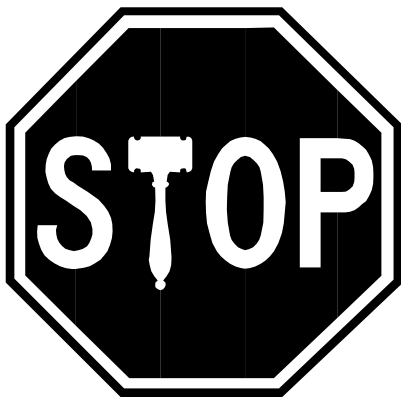
Your spouse has **20 days** from the date of service (date of delivery of the Court papers) to respond to your **Petition for Divorce/Annulment**. Your spouse may file an **Answer** to your **Petition for Divorce/Annulment** on which your spouse may admit or deny any of the statements you made in your **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**.

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



**TAKE A DEEP BREATH,
ALTHOUGH YOU MAY
BEGIN SECTION 2 NOW,
YOU DO NOT HAVE TO
BEGIN SECTION 2 UNTIL
20 DAYS AFTER FILING
THE PAPERS IN SECTION 1.**



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
(Leave Blank)
Petition Number
(Leave Blank)



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)
	Complete this section if you have children under 18 years old or 18 years old and still in high school.	



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
		Complete this section ONLY if you or your spouse previously filed against the other for divorce or annulment.				



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



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

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

File Number
Petition Number

PETITION FOR DIVORCE/ANNULMENT

I. GENERAL INFORMATION

1. Date of marriage: June 1, 1999 Place of marriage: The Wedding Chapel
City: Wilmington County: New Castle State: DE

2. Date of separation: January 5, 2000

3. Your occupation/job title: Shipping Supervisor

4. Your spouse's occupation/job title: Records Clerk

5. How long you have lived in Delaware: 18 years

6. How long your spouse has lived in Delaware: 15 years

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(REN) (First, Middle, Last)	DATE OF BIRTH (Month, Day, Year)	ADDRESS OF CHILD(REN) (Street Address, City, State, Zip Code)
Jeffrey S. Smith	7/1/99	123 Pine Street Wilmington, DE 12345
Megan A. Smith	3/1/2000	123 Pine Street Wilmington, DE 12345

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

In and For New Castle Kent Sussex County

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

AFFIDAVIT OF CHILDREN'S RIGHTS


Petitioner  Respondent

Your name – last name first **Your spouse's name – last name first**

STATE OF DELAWARE)

Name of County in) SS.
Which this is notarized COUNTY)

File Number(s)
Court File #
Petition Number(s)
Court Petition #

 BE IT REMEMBERED, that on this date, **Date of Notarization**

Your Name, ("affiant"), personally appeared before me, a Notary Public for the State and County aforesaid, who, being by me duly sworn according to law, has read or has been advised of the following children's rights:

1. The right to a continuing relationship with both parents.
2. The right to be treated as an important human being, with unique feelings, ideas and desires.
3. The right to continuing care and guidance from both parents.
4. The right to know and appreciate what is good in each parent without one parent degrading the other.
5. The right to express love, affection and respect for each parent without having to stifle that love because of fear of disapproval by the other parent.
6. The right to know that the parents' decisions to divorce was not the responsibility of the child.
7. The right not to be a source of argument between the parents.
8. The right to honest answers to questions about the changing family relationships.
9. The right to be able to experience regular and consistent contact with both parents and the right to know the reason for any cancellation of time or change of plans.
10. The right to have a relaxed, secure relationship with both parents without being placed in a position to manipulate one parent against the other.



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

Affiant (**you**)



SWORN TO AND SUBSCRIBED before me this date, **Date of Notarization**

To be signed by the Notary Public

Notary Public or Clerk of Court

The Family Court of the State of Delaware

In and For New Castle Kent Sussex County

AFFIDAVIT OF CHILDREN'S RIGHTS

Petitioner

Respondent

Jonathan T. Smith

Jane L. Smith

File Number(s)

Petition
Number(s)

STATE OF DELAWARE) ss.
COUNTY OF New Castle)

BE IT REMEMBERED, that on this date, April 5, 2000
Jonathan T. Smith, ("affiant"), personally appeared before me, a
Notary Public for the State and County aforesaid, who, being by me duly sworn according to law, has read or
has been advised of the following children's rights:

1. The right to a continuing relationship with both parents.
2. The right to be treated as an important human being, with unique feelings, ideas and desires.
3. The right to continuing care and guidance from both parents.
4. The right to know and appreciate what is good in each parent without one parent degrading the other.
5. The right to express love, affection and respect for each parent without having to stifle that love because of fear of disapproval by the other parent.
6. The right to know that the parents' decisions to divorce was not the responsibility of the child.
7. The right not to be a source of argument between the parents.
8. The right to honest answers to questions about the changing family relationships.
9. The right to be able to experience regular and consistent contact with both parents and the right to know the reason for any cancellation of time or change of plans.
10. The right to have a relaxed, secure relationship with both parents without being placed in a position to manipulate one parent against the other.

Jonathan T. Smith

Affiant

SWORN TO AND SUBSCRIBED before me this date, April 5, 2000

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
Jeffrey Smith	Son	07 / 01/1999
Megan Smith	Daughter	03/01/2000
		/ /
		/ /
		/ /
		/ /
		/ /

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
(Leave Blank)
Petition Number
(Leave Blank)



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

Name	Jane L. Smith				
Street Address	123 Pine Street				
Apt. or P.O. Box Number	P.O. Box No. 1234				
City	Wilmington	State	DE	Zip Code	12345
Social Security Number	111-23-4567	Date of Birth	3/10/66		
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 are filing this Petition)

CUSTODY SEPARATE STATEMENT IN COMPLIANCE WITH 13 DELAWARE CODE SEC. 1909

(Attachment to Dependency/Neglect or Custody Petition)



Petitioner **(Person requesting custody)**

vs

Respondent **(Person NOT requesting custody)**

File No.
Court File Number

1. Where are the child(ren) living as of today's date?

2. During the past five years (from **Today's Date** _____) with whom have the child(ren) lived?

Dates From - To	Name (With whom child(ren) lived)	Relationship to Child(ren)	Address
LIST			

3. Have you been involved in a custody action regarding this child(ren) in any other State (outside of Delaware)? If the answer is yes, please explain.



4. Do you know if anyone has requested custody of the child(ren) in Delaware or any other State? Explain.

5. Does anyone other than yourself and the respondent have physical custody of the child(ren) or claim to have custody or visitation rights of the child(ren)? Give name, relationship and address.

SWORN TO AND SUBSCRIBED

before me this date,

_____ **Date of Notarization**



DO NOT SIGN YOUR NAME UNTIL YOU

ARE IN FRONT OF A NOTARY PUBLIC

Petitioner

_____ **To be signed by the Notary Public**

Notary Public or Clerk of Court

The Family Court of the State of Delaware

In and For New Castle Kent Sussex County

CUSTODY SEPARATE STATEMENT IN COMPLIANCE WITH 13 DELAWARE CODE SEC. 1909 (Attachment to Dependency/Neglect or Custody Petition)

Petitioner (person requesting custody) Jonathan T. Smith	vs	Respondent Jane L. Smith	File No.
--	----	------------------------------------	----------

1. Where are the child(ren) living as of today's date?
With Respondent

2. During the past five years (from 1/5/2000) with whom have the child(ren) lived?

Dates From - To	Name (With whom child(ren) lived)	Relationship to Child(ren)	Address
7/1/99 - 1/5/00	Both Parties	Parents	123 Pine Avenue Wilmington, DE 12345
1/5/00 - Present	Respondent	Mother	123 Pine Avenue Wilmington, DE 12345

3. Have you been involved in a custody action regarding this child(ren) in any other State (outside of Delaware)? If the answer is yes, please explain.
NO

4. Do you know if anyone has requested custody of the child(ren) in Delaware or any other State? Explain.
NO

5. Does anyone other than yourself and the respondent have physical custody of the child(ren) or claim to have custody or visitation rights of the child(ren)? Give name, relationship and address.
NO

SWORN TO AND SUBSCRIBED
before me this date,

January 5, 2000

Jonathan T. Smith

Petitioner

Nancy Notory

Notary Public or Clerk of Court

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

BEGIN 20 DAYS AFTER FILING THE PAPERS IN STEP 1



You **MUST** file the certificate below:



Certificate of Completion of Parent Education Class (*file original*).

This certificate will be given to you when you complete the class.





If either you or your spouse requested on the **Petition for Divorce/Annulment** or on the **Answer** that the Court determine any of the following matters, then you and your spouse will go to **Mediation** on the requested matters:

- Request of the Court to determine who has custody of your child(ren); **OR**
- Request of the Court to determine a visitation schedule regarding your child(ren) for the spouse not having custody; **OR**
- Request of the Court to order that a spouse pay the other for the support of your child(ren) (child support).



If child support was requested, the Family Court will mail you a **Form 16A** for you to complete and to bring with you to Mediation.

 You will **NOT** go to Mediation if there is an active **No Contact Order** involving you and your spouse. If there is an active **No Contact Order**, you and your spouse will have a Court Hearing before a Judge (see Section 4).


 **THE COURT CANNOT CONSIDER WHETHER OR NOT TO GRANT YOUR PETITION FOR DIVORCE AT THE DIVORCE HEARING IF WITHIN 30 DAYS OF THE DIVORCE HEARING, YOU AND YOUR SPOUSE HAVE HAD SEXUAL RELATIONS OR HAVE OCCUPIED THE SAME BEDROOM.** 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**.



**TAKE A DEEP BREATH,
YOU DO NOT HAVE TO BEGIN
SECTION 3 UNTIL THE DAY OF
YOUR DIVORCE HEARING.**


Section 3

DATE OF YOUR DIVORCE HEARING

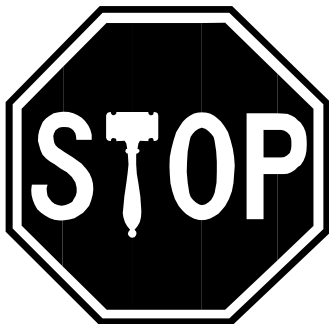
 Complete the form below on the day of your Divorce Hearing and bring it to the Hearing. If your spouse **IS** in the military, do **NOT** complete this form.

 **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 4 BEGINS AFTER
INSTRUCTIONS AND SAMPLE OF THE SECTION 3 FORM.



**TAKE A DEEP BREATH,
SECTION 4 DESCRIBES
WHAT TO EXPECT
BEFORE YOUR NEXT
COURT 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 (Get number from Hearing Notice)
Petition Number (Get number from Hearing Notice)



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

v. Respondent

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

File Number CN00-99999
Petition Number 00-99999

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 4

WHAT TO EXPECT

BEFORE YOUR NEXT COURT HEARING



The following matters will be scheduled for a Hearing before a Judge:

- ✓ Requests for the Court to determine property division, alimony, counsel fees, and/or Court costs, if you or your spouse made any of these requests. (The Hearing will be scheduled **AFTER** the **Rule 16(c) Financial Report form** is completed by both parties and filed.)

- ✓ If there is an active **No Contact Order**, matters of custody and/or visitation without first going to Mediation.

- ✓ If you and your spouse cannot reach an agreement in Mediation, the matter(s) will be scheduled for a Hearing before a Judge.



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 # 3.**