

The Family Court of the State of Delaware

In and For New Castle Kent Sussex County

ANSWER TO PETITION FOR DIVORCE/ANNULMENT

Petitioner

v. Respondent

Name	Name	File Number
Street Address	Street Address	
P.O. Box Number	P.O. Box Number	
City/State/Zip Code	City/State/Zip Code	Petition Number
Attorney Name	Attorney Name	

The Respondent answers the Petition for Divorce/Annulment as follows:

- 1.A My spouse resided in Delaware for at least six consecutive months before filing this petition
- Admitted
- Denied. My spouse has lived in Delaware since _____ (mm/dd/yy)
- N/A
- B My spouse was stationed in Delaware as a member of the military during the dates listed on the Petition for Divorce/Annulment.
- Admitted
- Denied for the following reason: _____
- N/A
- C Neither my spouse nor I currently reside in Delaware but we entered into a civil union in Delaware and neither the jurisdiction where I reside nor where my spouse current resides permits affirmatively by law a divorce/annulment proceeding to be brought there
- Admitted
- Denied for the following reason: _____
- N/A
2. My spouse's date of birth is correctly stated on the Petition.
- Admitted
- Denied for the following reason: _____
3. My spouse has the occupation stated on the Petition.
- Admitted
- Denied for the following reason: _____
- 4.A I have resided in Delaware for at least six consecutive months before the petition was filed.
- Admitted
- Denied. I have lived in Delaware since _____ (mm/dd/yy)
- N/A
- B I was stationed in Delaware as a member of the military during the dates listed on the Petition for Divorce/Annulment
- Admitted
- Denied for the following reason: _____

C Neither my Spouse nor I have ever lived in Delaware
 Admitted
 Denied. I lived in **AND/OR** my spouse lived in _____ , Delaware.
County

5. My date of birth is correctly stated on the Petition.
 Admitted
 Denied for the following reason: _____

6. I have the occupation stated on the Petition.
 Admitted
 Denied for the following reason: _____

7. I reside at the address stated on the Petition.
 Admitted
 Denied for the following reason: _____

8 My citizenship is properly described in the Petition.
 Admitted
 Denied. I am a citizen of _____
 Denied. I have resided in the following country(ies) in the past two years.

9a. My spouse and I were married/entered into a civil union on the date stated in the Petition.
 Admitted
 Denied for the following reason: _____

9b. My spouse and I were married/entered into a civil union at the location stated in the Petition.
 Admitted
 Denied for the following reason: _____

10. My spouse and I separated on the date stated in the Petition.
 Admitted
 Denied for the following reason: _____

11. The Petition correctly stated whether either party is pregnant.
 Admitted
 Denied for the following reason: _____

The Petition correctly stated the names and addresses of all the children up to the age of 17 of the marriage/civil union.

Admitted
 Denied for the following reason: _____

12. The Petition correctly described any prior divorce or annulment proceedings brought by the parties.
 Admitted
 Denied for the following reason: _____

13. **ONLY ANSWER THIS QUESTION IF YOUR SPOUSE REQUESTED A DIVORCE.**

My marriage/civil union is irretrievably broken Admitted Denied

Incompatibility between the parties, if alleged by Petitioner Admitted Denied

Misconduct, if alleged by the Petitioner Admitted Denied

Mental Illness, if alleged by Petitioner Admitted Denied

Voluntary separation, if alleged by Petitioner Admitted Denied

If any of the above are denied. Please explain _____

-AND-

14. Reconciliation with my spouse is not probable.

Admitted

Denied for the following reason: _____

ONLY ANSWER THIS QUESTION IF YOUR SPOUSE REQUESTED AN ANNULMENT.

The grounds for annulment are correctly stated on the Petition for Divorce/Annulment.

Admitted

Denied. The alleged ground for annulment did not occur.

Denied. The alleged ground for annulment did not occur within the timeframe stated on the Petition for Divorce/Annulment.

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 why the Family Court should grant the relief that you check. If you do **NOT** want the Court to decide any of the below matters, do **NOT** check any of the boxes.)

Property Division (divide our property and/or debts)

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

Court Costs (have my spouse pay me for my court costs for this action)

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

Change my name to _____
(must be maiden or former name)

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 in the presence of a notary **AND** the original Stipulation to Incorporate the Separation Agreement that is also signed by both parties in the presence of a notary.)

Counterclaim for Divorce/Annulment
You **MUST** complete pages 4-5.

Respondent

SWORN TO AND SUBSCRIBED before me on this date, _____

Notary Public or Clerk of Court

AFFIDAVIT OF MAILING

I affirm that a true and correct copy of this Answer to Petition for Divorce/Annulment was placed in the U.S. Mail on this date _____ and sent to the Petitioner or the attorney address listed on the petition, being _____, first class postage pre-paid.

Respondent

SWORN TO AND SUBSCRIBED before me on this date, _____

Notary Public or Clerk of Court

COUNTERCLAIM

Only complete the following pages if you wish to file a counterclaim for divorce/annulment. Please see the instruction packet for more information.

1. I hereby re-allege all allegations set forth in the Petition, except as modified or denied by my Answer, and incorporate them herein by reference.
2. In addition, I want to get a divorce because the following statements are true (check both of the following statements):

A. MY MARRIAGE/CIVIL UNION IS IRRETRIEVABLY BROKEN. My spouse and I separated for the following reason(s). (Check **ALL** that apply).

INCOMPATIBILITY BETWEEN THE PARTIES My spouse and I cannot get along and our relationship is destroyed.

MISCONDUCT OF MY SPOUSE Misconduct such as physical abuse, mental abuse, infidelity or abandonment has occurred. Describe the misconduct that occurred.

MY SPOUSE'S MENTAL ILLNESS. Describe your spouse's mental illness including diagnosis and treating physician.

VOLUNTARY SEPARATION. My spouse and I have agreed to separate and end the marriage;

AND

B. RECONCILIATION (GETTING BACK TOGETHER) WITH MY SPOUSE IS NOT PROBABLE.

3. I ask that the Family Court:

- A. Issue a Summons directed to my spouse requiring my spouse to answer the Counterclaim for Divorce/Annulment.

B. Enter an Order (Decree) for Divorce, thereby divorcing Petitioner (me) and Respondent (my spouse) or annulling the marriage/civil union.

I also ask the Family Court to 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):*

- Property Division (divide our property and/or debts)
- Alimony (have my spouse pay me alimony after the divorce is final)
- Court Costs (have my spouse pay me for my court costs for this action)
- Counsel Fees (have my spouse pay me for my attorney fees for this action)

Other ancillary relief allowed by statute _____

Change my name to _____
(Must be maiden or former name)

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). **The Stipulation of Incorporation must be dated after the Petition for Divorce is filed.**)

Sign here _____
Petitioner (person who is filing this Counterclaim) or Petitioner's Attorney

TYPE OF DIVORCE PROCEEDING REQUESTED

COMPLETE THIS BOX ONLY IF YOU HAVE REQUESTED A COUNTERCLAIM

If my counterclaim is **uncontested** by my spouse, I would like to proceed with my case in the following manner. Please see the Divorce/Annulment Instruction Packet for a detailed explanation of your options.

- I would like the Court to proceed without a hearing and decide my Petition for Divorce/Annulment based solely on the papers that I file.
- I would like to attend a hearing and have my Petition for Divorce/ Annulment decided by a Commissioner at that hearing.

A copy of this Answer and Counterclaim must be sent to the Petitioner

AFFIDAVIT OF MAILING

I affirm that a true and correct copy of this Answer to Petition for Divorce/Annulment was placed in the U.S. Mail on this date _____ And sent to the Petitioner or the attorney address listed on the petition, being _____, first class postage pre-paid.

Respondent

SWORN TO AND SUBSCRIBED before me on this date, _____

Notary Public or Clerk of Court