The Family Court of the State of Delaware

In and For [ ]  New Castle County [ ]  Kent County [ ]  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 |  |  |
|        |  |       |  | Petition Number      |
|  City/State/Zip Code |  | City/State/Zip Code |  |  |
|        |  |       |  |  |
|  Email Address |  | Email Address |  |  |
|        |  |       |  |  |
|  Telephone Number |  | Telephone Number |  |  |
|        |  |       |  |  |
|  Attorney Name  |  |  Attorney Name |  |  |
|        |  |         |  |  |
|  Attorney Email Address |  |  Attorney Email Address |  |  |
|        |  |        |  |  |

**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 |       |
|  | [ ]  | N/A | (mm/dd/yy) |

|  |  |
| --- | --- |
| 1.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 |  |

|  |  |
| --- | --- |
| 1.c. | Neither my spouse nor I currently reside in Delaware but we entered into a civil union in Delaware and neither the jurisidiction 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: |       |

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| --- | --- |
| 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 |       |
|  | [ ]  | N/A | (mm/dd/yy) |

|  |  |
| --- | --- |
| 4.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: |       |

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| --- | --- |
| 4.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: |       |

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| --- | --- | --- |
| 6. | I have the occupation stated on the Petition. |  |
|  | [ ]  | Admitted  |
|  | [ ]  | Denied for the following reason: |       |

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| --- | --- | --- |
| 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. |
|  |  |       |

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

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| --- |
|       |

 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, |       |

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|       |

 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):

**2.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**

**2.b.** [ ]  RECONCILIATION (GETTING BACK TOGETHER) WITH MY SPOUSE IS NOT PROBABLE.

 3. I ask that the Family Court:

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

3.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. (C*heck 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