Form 442
Rev 4/21

The Family Court of the State of Delaware

In and For ☐ New Castle County ☐ Kent County ☐ Sussex County

Petitioner	*v. Respondent*	Court Use Only:
Name	Name	File Number
Street Address (including Apt)	Street Address (including Apt)	
P.O. Box Number	P.O. Box Number	Petition Number
City/State/ Zip Code	City/State/Zip Code	
Attorney Name	Attorney Name	
Interpreter needed? ☐ Yes ☐ No Language	Interpreter needed? ☐ Yes ☐ No Language	

SECTION I – PETITION FOR DIVORCE/ANNULMENT
GENERAL INFORMATION

1. a. I ☐ have ☐ have not lived in Delaware for at least six consecutive months before I filed this petition.
   If yes, from _____ (MM/DD/YYYY) to _____ (MM/DD/YYYY) or Present. **OR**

   b. I have been stationed in Delaware as a member of the military for at least 6 months before I filed this petition. ☐ Yes ☐ No
   If yes, from _____ (MM/DD/YYYY) to _____ (MM/DD/YYYY) or Present. **OR**

   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 currently reside, _____ (Name of State), nor where my spouse currently resides, _____ (Name of Spouse's State), permits affirmatively by law a divorce/annulment proceeding to be brought there. ☐ Yes ☐ No

2. My date of birth is _____ (MM/DD/YYYY).

3. My occupation is _____.

4. a. My spouse has lived in Delaware for at least six consecutive months before I filed this petition ☐ Yes ☐ No
   If yes, from _____ (MM/DD/YYYY) to _____ (MM/DD/YYYY) or Present. **OR**

   b. My spouse has been stationed in Delaware as a member of the military for at least 6 months before I filed this petition. ☐ Yes ☐ No
   If yes, from _____ (MM/DD/YYYY) to _____ (MM/DD/YYYY) or Present.

   c. **(Must Answer if you have answered 1c.)**
   Neither my spouse nor I have ever lived in Delaware ☐ Yes ☐ No
   ☐ I (Petitioner) **AND/OR** ☐ my spouse (Respondent) last lived in _____ County, Delaware.

5. My spouse's date of birth is _____. (MM/DD/YYYY)

6. My spouse's occupation is _____.

7. My spouse is most likely to receive mail at the following location (check one):

☐ My spouse's home address as described above.

☐ The following address that is different from the address above:

_____
(STREET ADDRESS) (P.O. BOX NUMBER) (CITY) (STATE) (ZIP CODE)

☐ My spouse lives out of state. 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 Title 13, section 1508 of the Delaware Code.

☐ 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 publication of notice **AT MY EXPENSE**, as provided by Title 13, section 1508 of the Delaware Code.

8. My spouse's citizenship is described below. (**CHECK ALL THAT APPLY**)

☐ My spouse is a citizen of the United States of America.

☐ My spouse is not a citizen of the United States of America; he/she is a citizen of _____ (name of country). The embassy address of the country in which my spouse is a citizen of:

_____
(NAME OF EMBASSY) (STREET ADDRESS) (CITY) (STATE) (ZIP CODE)

☐ My spouse resided in a foreign country within two years prior to my filing the petition; he/she resided in _____ (name of country).The embassy address of the country in which my spouse resided in:

_____
(NAME OF EMBASSY) (STREET ADDRESS) (CITY) (STATE) (ZIP CODE)

9a. My spouse and I were married/entered into a civil union on the following date: _____ (MM/DD/YYYY)

9b. The place of my ☐ marriage ☐ civil union was _____

10. My spouse and I separated on the following date _____ (MM/DD/YYYY)

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

☐ Neither party is currently pregnant.

☐ _____ is currently pregnant.

☐ We have living children of the marriage/civil union (born or adopted) up to the age of 17, so a parent education course must be completed. (*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)

12. Check **ONE** and complete as directed concerning prior matrimonial proceedings.

☐ 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 of this petition. *If you check this box, complete the table below. Attach additional sheets if necessary.*

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

SECTION II - DIVORCE

13. ☐ I want to get a **DIVORCE** because the following statements are true. (*Check **BOTH** the following statements to acknowledge that they are true*.)

☐ MY MARRIAGE 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

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

SECTION III - ANNULMENT

DO NOT COMPLETE THIS SECTION IF YOU WANT A DIVORCE

☐ I want to get an **ANNULMENT** because the following statements are true. (*Check **ALL** that apply*).

It has been **less than 91 days** since one of the following occurred:

☐ MY SPOUSE LACKED CAPACITY TO CONSENT TO THE MARRIAGE/CIVIL UNION. My spouse did not have the legal capacity to agree to the marriage/civil union at the time of the ceremony, because of mental incapacity or the influence of alcohol, drugs or other incapacitating substances. Describe the circumstances that made your spouse unable to agree to the marriage/civil union and **HOW** and **WHEN** you learned of these circumstances.

☐ I RELIED UPON A FRAUDULENT ACT OR MISREPRESENTATION. I married/entered into a civil union with my spouse because of a fraudulent act or misrepresentation by my spouse **AND** that act goes to the essence of the marriage/civil union. Describe the fraudulent act or misrepresentation and **HOW** and **WHEN** you learned of the act.

☐ DURESS. One of the parties married/entered into the civil union because a person exercised duress over him/her. Describe how the duress occurred and **HOW** and **WHEN** you learned of the duress.

☐ JEST OR DARE. One of the parties got married/entered into civil union because of a jest or dare. Describe the jest or dare and **HOW** and **WHEN** you learned of the jest or dare.

AND/OR

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

☐ INABILITY TO CONSUMMATE MARRIAGE/CIVIL UNION. I learned that my spouse lacked the physical ability to have sexual intercourse and I did not know this before we got married/entered into the civil union. Describe **HOW** and **WHEN** you learned that of the inability to consummate the marriage/civil union.

☐ WE DID NOT HAVE THE CONSENT OF PARENTS. My spouse or I was underage when we married and we did not have the parents' consent to get married.

SECTION IV – RELIEF REQUESTED (WHAT YOU WANT THE COURT TO DO)
(*YOU MUST COMPLETE THIS SECTION WHETHER YOU WANT A DIVORCE OR AN ANNULMENT)*

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/civil union 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 during divorce proceedings and/or after the divorce is final)

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

☐ Court Costs
(Have my spouse pay me for my court costs 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** attached 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 who is filing this Petition) or Petitioner's Attorney

TYPE OF DIVORCE PROCEEDING REQUESTED

If my petition 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.

VERIFICATION

STATE OF DELAWARE)
) SS.
_____ COUNTY)

BE IT REMEMBERED, that on this date, _____ (MM/DD/YYYY), 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 who is filing the Petition form Divorce/Annulment)

SWORN TO AND SUBSCRIBED before me on aforesaid date,

_____
Clerk of Court or Notary Public