

# The Family Court of the State of Delaware

In and For ☐ New Castle ☐ Kent ☐ Sussex County

IN RE THE MARRIAGE OF )

\_\_\_\_\_  
Petitioner )

and )

\_\_\_\_\_  
Respondent )

File No. \_\_\_\_\_

Petition No. \_\_\_\_\_

## AFFIDAVIT IN SUPPORT OF REQUEST TO PROCEED WITHOUT A HEARING

STATE OF DELAWARE )

COUNTY )

SS.

BE IT REMEMBERED, that on this date \_\_\_\_\_, personally appeared before me, a Notary Public for the State and County declared above, \_\_\_\_\_, ("Affiant"), who, being duly sworn by me according to the law, did depose and say:

1. That Affiant is the Petitioner in this Petition for Divorce/Annulment;
2. That Affiant requests that the Family Court enter a Decree for Divorce/Annulment thereby divorcing the Petitioner and Respondent from the bonds of matrimony or annulling the marriage;
3. That all of the allegations made in the Petition for Divorce/Annulment continue to be true;
4. That Respondent was given notice of the Petition for Divorce/Annulment; and
5. That in accordance with the provisions of the "Servicemembers Civil Relief Act" the following are true.  
*Check ALL that apply.*
  - ☐ Respondent is in the United States Military.
  - ☐ Respondent has **NOT** filed an Answer to the Petition for Divorce/Annulment.
  - ☐ Respondent has **NOT** filed a waiver of his/her rights under the Servicemembers Civil Relief Act in conjunction with this case; and
6. That Affiant and Respondent have continued to be separated since \_\_\_\_\_; and not occupied the same bedroom or had sexual relations with each other in the past 30 days and will not occupy the same bedroom or have sexual relations with each other before the divorce decree is issued. Affiant understands that occupying the same bedroom or having sexual relations with the Respondent before the divorce decree is entered could render the divorce voidable.

\_\_\_\_\_  
Petitioner ("Affiant")

SWORN TO AND SUBSCRIBED before me on this date \_\_\_\_\_

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