FAMILY COURT OF THE STATE OF DELAWARE

SPOUSAL SUPPORT

What is Spousal Support?

Spousal Support is financial support that may be paid to a spouse when spouses begin living separate and apart, with no pending petition for divorce. The law requires a spouse to support the other spouse if that person is in need. (13 Del. C. § 502)

Are Spousal Support and Alimony the same thing?

No, alimony is financial support one spouse may be ordered to pay the other spouse during divorce proceedings or after the couple is divorced.

What if I need money after the divorce petition is filed but before the divorce is final?

While a divorce petition is pending, either spouse can file a Motion for Interim Relief, within which one can request interim alimony and exclusive use of a home. Interim alimony can continue after the divorce decree is issued up until all marital property and alimony issues are resolved.

How can I request Spousal Support?

You will need to complete Form 330 – Petition for Spousal Support and file it with the court. All court forms can be found on the Family Court website at https://courts.delaware.gov/family, and in the Resource Centers at each Family Court location.

What happens after I file my Petition for Spousal Support?

Most Petitions for Spousal Support are referred to the Family Court mediation program. If your relationship has an adjudicated history of domestic violence or if the mediation conference does not resolve your case, then your petition will be scheduled with a Judicial Officer. You will be informed by mail of the date and time of each mediation conference or hearing.

What is Mediation?

Mediation is a required Family Court process where persons are given an opportunity to resolve their differences and make their own agreement which, when signed by a Judge or Commissioner, becomes an enforceable Order of the Court.

Besides the Petition for Spousal Support, are there any other forms that must be filed with the Court when I request Spousal Support?

Yes, you must also complete Form 16(a) SS Financial Report for Spousal Support and bring it with you to your mediation conference. If your matter is initially scheduled for a hearing with a Judicial Officer, you are required to submit Form 16(a) SS to the court at least 7 days prior to your hearing.

Is there a filing fee for Spousal Support?

Yes, Family Court Schedule of Assessed Costs can be found on our website and in the Resource Centers of any Family Court location.

How can I file my petition and related paperwork?

Petitions and papers may be filed at or mailed to the Family Court in each county. Family Court also now accepts petitions and papers by email. To file your petition by email, you must send the petition and all required forms to:
FC_DivorceAncillary@delaware.gov
Please see the below list for the forms that must be filed with your petition. Family Court will serve the other parties your petition.

****Before filing by email, please review the Civil Filing by Email FAQ:**

https://courts.delaware.gov/family/faqs

Required Forms for Spousal Support

- Petition for Spousal Support (Form 330)
- Information Sheet (Form 240)

Required Form Prior to Mediation or First Court Appearance

- Financial Report for Spousal Support (Form 16 (a) SS)

Family Court Contact Information

New Castle County	Kent County	Sussex County
500 NORTH KING STREET	445 SOUTH GOVERNORS AVENUE	100 EAST MARKET STREET
WILMINGTON, DE 19801	DOVER, DE 19904	GEORGETOWN, DE 19947
(302) 255-0300	(302) 672-1000	(302) 855-7400

For more information, visit the Family Court webpage or scan the QR code.