

Dismiss a family law case

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What to do when you no longer want to finalize your family law case, and what might happen if you neglect to dismiss it. (Forms and instructions)

Form attached:

Motion for Dismissal (FL All Family 163)

Form attached:

Order on Motion for Dismissal (FL All Family 164)

If you're the one who filed the case (you're the petitioner), and you've changed your mind about finalizing, you can ask the court to cancel (to **dismiss**) it. This is easier to do if the other party agrees with you that the case should be dismissed. If that is true, you would both sign the dismissal forms. Then you bring those to court for a judge to sign an Order on Motion for Dismissal.

Any temporary family law orders you have will end when the judge dismisses your case. For example, if you've filed for divorce and gotten a temporary order stating the children would live with you, the dismissal would cancel that temporary order. Each party would again have equal rights to have the children in their care. Talk to a lawyer (<https://wlh.netlify.app/en/get-legal-help>) if you're not sure it makes sense for you to have your case dismissed.

If the other party won't agree to a dismissal, you'll have to fill out the dismissal forms, schedule a hearing on your motion, and give the other party notice of the hearing. If the other party won't sign the papers because they want the case to go forward, talk with a lawyer. It may not make sense to file a motion to dismiss.

If you don't file a motion to dismiss, nothing may happen in the case for a while. The court won't do anything on its own if neither you nor the other party asks it to do something. After several months or a year has passed without any court papers being filed, the court clerk **might** automatically dismiss the case.

Don't let it get to this point. If you decide you don't want to finalize the case, file a motion to dismiss. Otherwise, the court could fine you for doing nothing and not obeying any scheduling order deadlines. Or the other party could decide to go through with the case, and get everything they want from the judge if you don't take part or miss deadlines.

After a judge signs an order for dismissal, your case ends. If you or the other party change your mind later and decide you want to finalize your family law case after all, one of you must file all over again. That means filing a new summons and petition and paying a new filing fee or getting a new order waiving the fee.

Step-by-step

1. **Fill out and sign** the motion form. Also fill out the order form the way you want the judge to sign it. This is your "proposed order."
2. **If the other party agrees to dismiss, ask them to sign the forms.** If the other party hasn't filed a response or appeared in the case in any way, you can skip this step.
3. **Call the Superior Court Clerk's office.** Ask when a judge will be available to sign an "ex parte" order.

"Ex parte" means both parties don't have to be present. The judge can sign an order ex parte if both parties have already signed it, or if one party doesn't have to be notified.

4. **Make 2 copies** of the completed forms. Take the originals and copies to the courthouse.

5. **Go to the courthouse** at the time and to the courtroom where the clerk told you to go. There will probably be a clerk in the courtroom. Give the clerk the completed motion and order forms. Tell the clerk you want to dismiss your case. They may ask you to wait until they call your name.
6. **When they call your name**, go stand in front of the judge. Tell the judge your name. State that you'd like the judge to dismiss your case. The judge may ask if the other party filed a response to the petition or agrees with the motion. If the other party is there, the judge may also ask them questions. Show respect. Do not interrupt the judge.
7. **Tell the judge's clerk you want a copy of the order.** Follow the clerk's instructions about filing the order and getting a copy of it.
8. **Mail a copy** of the order to the other party and any other parties. Keep your copy in a safe place.

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Superior Court of Washington, County of _____

In re:

Petitioner/s (person/s who started this case):

And Respondent/s (other party/parties):

No. _____

Motion for Dismissal
(MTDSM)

Motion for Dismissal

Important! The person making this motion must ask the court to sign the Order on Motion for Dismissal (FL All Family 164) either at a hearing or at ex parte.

- If you don't have to notify the other side because they have signed the order or has not appeared in any way, you may have the order signed at ex parte.
- Otherwise, you may use the Notice of Hearing form (FL All Family 185) unless local rule requires a different form. Contact the court for scheduling information.

1. I am the (check one): ☐ Petitioner. ☐ Respondent.
2. I filed the *Petition* to start this case (name of *Petition*): _____
3. I ask the court to dismiss my *Petition* because: (explain): _____

4. The other party (check one):
 - ☐ **agrees** this case should be dismissed and has signed below.
 - ☐ has **not appeared** in this case.
 - ☐ has appeared, but has **not** asked the court to approve any orders or grant any requests.
 - ☐ has appeared and **has asked** the court to approve an order or grant a request.

Person making this motion fills out below.

► _____
Person making this motion signs here Print name (if lawyer, also list WSBA#) Date

Other party fills out below if they agree to dismiss this case.

► _____
Other party's signature Print name (if lawyer, also list WSBA#) Date

Superior Court of Washington, County of _____

In re:

Petitioner/s (*person/s who started this case*):

And Respondent/s (*other party/parties*):

No. _____

Order on Motion for Dismissal
(ORDSM / ORDYMT)

Order on Motion for Dismissal

1. The court has reviewed the court file and the *Motion for Dismissal* filed by the (*check one*): ☐ Petitioner. ☐ Respondent.
2. All other parties in this case (*check one*):
 - ☐ **agree** this case should be dismissed.
 - ☐ have **not** appeared.
 - ☐ have appeared, but have **not** asked the court to approve any orders or grant any requests.
 - ☐ have appeared and **have asked** the court to approve an order or grant a request.
3. Other Findings (if any)

➤ **The Court Orders:**

4. The *Motion* is (check one):

- ☐ **Approved** – The *Petition* is dismissed.
☐ **Denied** – The *Petition* is **not** dismissed.

Ordered.

Date

Judge or Commissioner

Petitioner and Respondent or their lawyers fill out below.

This document (check any that apply):

- ☐ is an agreement of the parties
☐ is presented by me
☐ may be signed by the court without notice to me

This document (check any that apply):

- ☐ is an agreement of the parties
☐ is presented by me
☐ may be signed by the court without notice to me

Petitioner signs here or lawyer signs here + WSBA #

Respondent signs here or lawyer signs here + WSBA #

Print Name

Date

Print Name

Date