

# How to Dismiss a Family Law Case

When both parties have participated in the case and the parties do not agree

Use these instructions if:

- (1) You are the petitioner, who started the court case, and the other party has participated, OR
- (2) You are the respondent, and you would like the court to dismiss the court case.

Note for Petitioner: if the other party **has not** participated in the case, or the other party agrees to dismiss the case, you should ask a facilitator for information on how to dismiss your case without scheduling a hearing.

**Warning!** If the case is dismissed, any temporary orders filed under that case will no longer be in effect!

## Talk to a lawyer if you can

These instructions have been developed by the King County Superior Court Family Law Information Center. They provide *legal information* only and **are not intended** to be a substitute for legal advice.

**Facilitators cannot provide legal advice or complete your forms for you.** It's a good idea to talk to a lawyer before you file any forms.

You can get information about their services and a list of low-cost and free legal resources at <https://kingcounty.gov/en/court/superior-court/courts-jails-legal-system/court-programs-children-families/divorce-custody-adoption/family-law-facilitators>

## Step 1: Fill out these forms.

This form can be downloaded at: <https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/forms>

Form Name	Form Number	Notes	Completed
Notice of Court Date (Judges) ( <a href="#">Kent</a> or <a href="#">Seattle</a> )		See steps 2 and 3 for how to choose a hearing date.	<input type="checkbox"/>

These forms can be downloaded at: [www.courts.wa.gov/forms/](http://www.courts.wa.gov/forms/)

Form Name	Form Number	Notes	Completed
<a href="#">Motion for Dismissal</a>	FL All Family 163	Explain why the case should be dismissed.	<input type="checkbox"/>
<a href="#">Declaration (optional)</a>	FL All Family 135	Use this form if you need more space to explain why the case should be dismissed.	<input type="checkbox"/>
<a href="#">Order on Motion for Dismissal</a>	FL All Family 164	Fill this out the way you would like the Judge to rule. This is your proposed order.	<input type="checkbox"/>
<a href="#">Proof of Personal Service</a>	FL All Family 101	This is for the server to fill out after copies of your court papers are served on the other party.	<input type="checkbox"/>
<a href="#">Proof of Mailing or Hand Delivery</a>	FL All Family 112	See Step 5.	<input type="checkbox"/>

## Step 2: Contact your assigned judge's bailiff to request a hearing date.

### How to find out who your assigned judge is:

A judge is assigned to your case when the *Summons* and *Petition* is initially filed with the clerk. The name of your judge is listed on the first page of the *Order Setting Domestic Case Schedule*.

It is possible that your assigned judge changed. If you were mailed an "Order on Change of Judge," then you should schedule your court date in front of your new assigned judge.

You must call the Judge's bailiff to request a **hearing date and time**. A directory with the bailiff's phone numbers/email can be found on the King County website: <https://kingcounty.gov/en/court/superior-court/about-superior-court/judges-staff/judges>

### Step 3: Fill out the Notice of Court Date (Judges) form.

- Write the date and time given to you by the judge's bailiff next to "**Calendar Date**".
- Next to "**Nature of Motion**" write "*Motion to Dismiss*".
- Inside the box labeled "**Cases Assigned to Individual Judges**" check the box next to "*With oral argument hearing*".
- Write the date and time of hearing given to you by the bailiff next to "**Date/Time**".
- Write the name of your assigned judge next to "**Judge's Name**".
- Write the trial date (listed on your *Order Setting Domestic Case Schedule*), next to "**Trial Date**".
- Be sure to also write in the names of the parties and the case number on the top of page 1; you will also need to sign and provide your contact information on the bottom of page 1.
- On page 2, write all other parties' names and contact information.

### Step 4: Make copies and file with the clerk.

#### How many copies do I need?

- Original set to file with the Clerk's office.
- Copy 1 is for your records.
- Copy 2 is to serve the other party.
- Copy 3 is for the Judge.

File the originals of the Notice of Court Date (Judges), Motion, and Declaration from step 1 in the clerk's office (Seattle: E-609, Kent: 2C) at least 9 court days before the hearing date. Do not file the (proposed) Order on Motion for Dismissal .

You can file your case online on the Clerk's website at:

<https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/filing>

The clerk's office is responsible for the e-filing system. If you have questions about e-filing call 206-477-3000, or email [eServices@kingcounty.gov](mailto:eServices@kingcounty.gov)

### Step 5: Deliver the Judge's Working Copies

The Judge's copy is a set of **all** forms from Step 1, including the Order.

**NOTE:** Your assigned judge will tell you how they like to receive working copies. Make sure to follow all instructions from your assigned judge (which are generally provided via email). If the judge does not specify how they would like to receive working copies, you may:

1. E-file the Judge's working copies via the Clerk's Office E-Working Copies:  
<https://kingcounty.gov/en/dept/dja/courts-jails-legal-system/court-forms-document-filing/filing/e-working-copies>

OR

2. Take this set of copies to the Judge's Mailroom (C203 in Seattle and 2D in Kent) and turn it in before **12:00 noon** at least **9 court days** before your hearing date.

Copy and complete the chart below to the upper right-hand corner of the first page of the set of forms you are delivering to the Judge:

<p><b>Judge's Working Copies</b> Name of Judge: _____ (Write your assigned judge's name) Hearing Date: _____ Presented By (Your name): _____</p>
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Deliver the copies to the Judge's mailroom. In Seattle, the Judge's mailroom is Room C-203 and in Kent it is Room 2D. You must deliver the copies to the Judge's Mailroom at least **nine (9) court days** before the hearing.

## Step 6: Have the other party served

### What to serve

Copies of all the forms from step 1 need to be served on the other party.

### Deadline for service

If the documents will be delivered directly to the other parent, the documents must be served at least **9 court days** before the hearing you scheduled.

If the documents will be mailed, generally you must add 3 days to the above deadline. (See [Washington State Superior Court Civil Rule 6 for specific information.](#))

### How to serve

You may deliver or mail the documents yourself (provided that no order restrains you from having contact). You may also ask someone over the age of 18 to deliver or mail the documents.

If the other party has an attorney, deliver, or mail the forms to the attorney instead.

The person who delivered or mailed the forms fills out the *Proof of Mailing or Hand Delivery*.

File the original *Proof of Mailing or Hand Delivery* with the Clerk's Office, keep a copy for your records and bring it with you to the hearing.

## **Step 7: File a reply if you receive a response from the other party**

The other party may file a written response to your motion. The response is due 4 court days before the hearing by 12:00 noon.

You may file a reply to the response by filing out a Declaration form (listed in step 1). The reply must be filed, delivered to the Judge's mailroom, and served no later than 12:00 noon, two court days before the hearing.

## **Step 8: Prepare for your hearing date**

Please contact the Judge's Bailiff to ask if your hearing will be virtual or if you will be required to appear in person.