

General Judgment of Dismissal

Instructions for Packet 18

Notice about these instructions and forms.

These instructions are not a complete statement of the law. They cover basic procedure for uncomplicated family law cases. For legal information, please talk to a lawyer or visit your local law library.

The instructions may refer to some forms not included in this packet. If you have a question about a form you cannot locate, you should consult your local court which may have the form available.

IMPORTANT: Check with your local court or your court's family law facilitator to make sure you have followed the procedures and used the correct forms for your court. Many courts have their own forms and rules. Information about how to contact your local court may be found at the Oregon Judicial Department website: <http://www.courts.oregon.gov>.

GENERAL INFORMATION ABOUT THESE FORMS

*There may be some circumstances in which you want to dismiss your family law case after you have filed the initial paperwork (petition) but before a judgment has been signed. **IMPORTANT: These forms are to be used ONLY where a judgment has not been entered in your case.***

The phrase "without prejudice" means that, even though the current case may be dismissed by the court, you can file another family law case if you wish to in the future.

If you and the Respondent (other party) do not agree about dismissing the case, follow the directions in part A. If you and the Respondent are in agreement about dismissing the case, follow the directions in part B.

A. IF YOU AND THE RESPONDENT (OTHER PARTY) DO NOT AGREE

1. Fill out the form called "Notice of Voluntary Dismissal Without Prejudice" (NOTICE). The case heading (names and case number) at the top of each form will be the same as it is on the petition that started the divorce, separation, or other family law case. All of the conditions listed in a) through d) must be true for you to be able to sign the NOTICE.

2. Serve the NOTICE on the Respondent. You may use the sheriff's office, a process server or any competent person 18 years of age or older (who is a resident of the state of service and not a party to the case, nor an officer, director or employee of a party, nor an attorney for a party), to complete service. This means you cannot serve the documents yourself, because you are a party. For information about other service methods, talk to your local courthouse facilitator.

3. After the NOTICE has been served, the person who serves them must complete and file the "Affidavit of Service" with the court.

4. Take the NOTICE, AFFIDAVIT OF SERVICE, and blank "General Judgment of Voluntary Dismissal Without Prejudice" (JUDGMENT) to the court and file them with the court clerk. Ask the court clerk when a judge might be available to decide the matter. Once the judgment has been signed by a judge, the clerk will keep the originals for the court's legal file.

B. IF YOU AND THE RESPONDENT (OTHER PARTY) AGREE

1. Fill out the "Voluntary Stipulation to Dismiss Without Prejudice." Make sure both of you sign your names on the appropriate lines and have your signatures notarized. The case heading (names and case number) at the top of each form will be the same as it is on the petition that started the divorce, separation, or other family law case.

2. Take the signed "Voluntary Stipulation to Dismiss Without Prejudice" and blank "General Judgment of Voluntary Dismissal Without Prejudice" to the court and file it with the court clerk. Ask the court clerk when a judge might be available to decide the matter. Once the judgment has been signed by a judge, the clerk will keep the originals for the court's legal file.