The Family Court of the State of Delaware

In and For [ ]  New Castle [ ]  Kent [ ]  Sussex County

**PETITIONER’S MOTION TO DISMISS**

## Petitioner v. Respondent

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name |  | Name |  | File Number |
|        |  |        |  |  |
| Street Address (including Apt) |  | Street Address (including Apt) |  |       |
|        |  |        |  |  |
| P.O. Box Number |  | P.O. Box Number |  | Petition Number |
|        |  |        |  |  |
| City/State/Zip Code |  | City/State/Zip Code |  |       |
|        |  |        |  |  |
| Attorney Name  |  | Attorney Name |  |
|       |  |       |  |
| Interpreter needed? Yes [ ]  No [ ]  |  | Interpreter needed? Yes [ ]  No [ ]  |  |
| Language:       |  | Language:       |  |

|  |  |  |
| --- | --- | --- |
| A PROCEEDING involving |       | having been filed heretofore in this Court, |
| Movant hereby moves the court for a dismissal and, in support there of, alleges the following facts: |

|  |  |
| --- | --- |
| 1) | Respondent has entered an appearance in the above captioned matter in the following way: |
|  |  | [ ]  By a Party |
|  |  |  | [ ]  By the service and filing of notice |
|  |  |  | [ ]  By the service and filing of any responsive pleading or motion |
|  |  |  | [ ]  By appearing personally at any Court Mediation Conference, Hearing, or Trial |
|  |  | [ ]  By an attorney through the filing of Form #354 “Entry of Appearance” |
| 2) | The above captioned case should be dismissed for the following reasons: |
|  |       |

|  |
| --- |
| I understand that if a Counterclaim has been pleaded by Respondent prior to service of this motion for dismissal, the action shall not be dismissed against the Respondents objections if the Counterclaim can remain pending for independent adjudication by the Court. |

|  |  |
| --- | --- |
|  | Petitioner’s Signature |
| Sworn to subscribed before me this |       | day of  |       | ,  |       |  |
|  |
|  | Clerk of Court/Notary Public |  | Date |  |

**AFFIDAVIT OF MAILING**

|  |
| --- |
| I, the Movant, affirm that a true and correct copy of this Motion was placed in the U.S. Mail on the day of and sent to the other party or attorney at the address listed on the petition, first class postage pre-paid. |
|  | Movant |  |
| Sworn to subscribed before me this \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_ |
|  |  |
|  | Clerk of Court/Notary Public |  |

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In and For [ ]  New Castle [ ]  Kent [ ]  Sussex County

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|       | , | ))))))))) |  |
| Petitioner |  |  |  File No.: |       |
|  v. |  |  |  |
|       | , |  |  Petition No.: |       |
|  |  |  |  |
| Respondent |  |  |  |
|  |  |  |  |

**NOTICE OF MOTION**

|  |  |
| --- | --- |
| TO: |       |

|  |  |
| --- | --- |
| PLEASE TAKE NOTICE that the attached Motion |       |

is herewith presented to the Court for consideration. If you are opposed to this motion, you must file a written response with the Court within ten (10) days of the service of this motion. If no response is timely filed, the motion may be decided without further opportunity for you to be heard on the matter. Family Court Rules, Rule 7(b)(2).

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Date |  | Movant/Attorney |
|  |  |  Name and address of Movant/Attorney |
|  |  |       |
|  |  |  Street Address (including Apt)  |
|  |  |       |
|  |  |  P.O. Box Number |
|  |  |       |
|  |  |  City/State/Zip Code |
|  |  |       |

The Family Court of the State of Delaware

In and For [ ]  New Castle [ ]  Kent [ ]  Sussex County

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| --- | --- | --- | --- |
|  |  | ) |  |
|       | , | ) |  |
| Petitioner |  | ) |  File No.: |       |
|  v. |  | ) |  |
|  |  | ) |  Petition No.: |       |
|       | , | ) |  |
| Respondent |  | ) |  In Re: |       |
|  |  | ) |  |  |
|  |  | ) |  |

## ORDER

|  |  |
| --- | --- |
| Having considered the request of the movant, |      , |

|  |  |
| --- | --- |
| **IT IS SO ORDERED**, this date: |       |

|  |
| --- |
| That       |

|  |
| --- |
|      Judge/Commissioner |

**CC**: [ ]  Petitioner [ ]  Respondent [ ]  Petitioner Attorney [ ]  Respondent Attorney [ ]  DAG

 [ ]  PD [ ]  Fiscal Services [ ]  DCSS [ ]  FC.Appointed.Attorneys@state.de.us

|  |  |  |
| --- | --- | --- |
| [ ]  | Other |       |