

INSTRUCTIONS FOR MOTION TO DISMISS PETITION FOR ORDER OF PROTECTION IN WYOMING

Read these instructions carefully.

These Instructions can be used by a Petitioner **or** a Respondent. If you are not the Petitioner or the Respondent on a current Petition for Order of Protection, you cannot use this form.

Before You Get Started

This form will be used to ask the Court to dismiss a Petition for Order of Protection.

If the Petition is dismissed, the Court will stop working on this case. Any Ex Parte Order of Protection that has been issued for this case will expire, and the Court will not issue a new or longer Order.

It is important to think carefully before filing a Motion to Dismiss. An Order of Protection can help keep both a Petitioner and a Respondent safe. If the Court grants this Motion – that means if the Court agrees to dismiss the Petition – there will not be an Order of Protection.

Important Note: The Motion to Dismiss is used for the **civil case** between the Petitioner and the Respondent. There might also be a **criminal case** against the Petitioner or the Respondent. If there is a criminal case, this Motion may not necessarily have any effect on it.

The top of the page on this Motion to Dismiss.

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). This information will be on the top of the Petition or Ex Parte Order of Protection.

The next blanks are for the name of the Petitioner and the name of the Respondent. Copy these exactly the way they are written on the Petition or Ex Parte Order of Protection. If you are listed as the Petitioner on the Petition, you are still the Petitioner. If you are listed as the Respondent on the Petition, you are still the Respondent.

The next blank is for the Case Number. Copy the number that is written on the Petition or Ex Parte Order of Protection. (The number may include letters.)

Next you will see the title of the Motion. It is written between the two long bars on the page. The title tells the Court that this is a Motion to Dismiss Petition for Order of

Protection.

After the Title.

In the section after the title, you will mark the correct box to tell the Court whether you are the Petitioner or the Respondent.

In the next sentence, write the date when the Petition was filed. That date will be on a stamp near the top of the first page of the Petition.

Important Note: In the same sentence where you write the date, you will see the words “dismissed without prejudice.” If the Court agrees to dismiss the Petition *without prejudice* that means the Petitioner will be allowed to file a new Petition about the same situation. The Petitioner might or might not choose to do that, but it can be important to keep that option open.

Next, you will see a series of long blanks. In these blank lines, write your reasons for asking the Court to dismiss the Petition. It is important to be calm and honest when writing your reasons. Give enough detail to help the Court understand why you are asking for dismissal.

If you do not have enough room on the blank lines, you can continue on a separate sheet of paper. If you do this, mark the box under the blank lines to tell the Court there are more pages. **Do not write on the back of the form.**

When you are finished, go to the end of the form and the “Signature Section” part of the Instructions.

Signature Section – Important!

On the line labelled DATED, write the date you are signing the form.

Sign your name on the signature line and mark the correct box to show whether you are the Petitioner or the Respondent. (If you cannot remember, look at the names on the top of the form.)

By signing the form, you are telling the Court that everything you wrote on the form is true. Review your answers carefully before you sign the form.

Important Things You Need to Know

What do I do after I fill out the form?

File the form with the Clerk of Circuit Court in the county named at the top of the Order of Protection.

The Wyoming Judicial Branch website has a list of circuit court locations. The Clerk’s office is at the court.

How will I know what is happening with the case?

The Court will mail papers about your case to you. It is very important that you give the Clerk of Court your **current mailing address**. If you do not know if the Court has your current address, talk to someone at the Clerk's office.

Can I use this form for any kind of Petition for Order of Protection?

Yes.

In Wyoming, a person can ask a Court for an Order of Protection to address Domestic Violence or Sexual Assault or Stalking. You can use this form to make a Motion about the Petition, no matter which kind of Order of Protection was asked for.

Important Note: If there is already an Order of Protection, you cannot use this form. In that case, you might choose to file a Motion to Terminate the Order of Protection. There is more information about that kind of Motion below.

Important Note: If there is an Ex Parte Order of Protection, you can still use this form. More information about *when* you can use this form is below.

When can I use this form?

You can file a **Motion to Dismiss Petition** if a Petition has already been filed and an Order of Protection has not been issued. Usually, that is a short amount of time.

If an Ex Parte Order of Protection has been issued, you can still use this form.

If there has already been a hearing and a longer Order of Protection was issued, you cannot use this form. In that case, you might choose to file a Motion to Terminate the Order of Protection. There is more information about that kind of Motion below.

Will there be a hearing about my Motion?

Maybe.

The judge might choose to schedule a hearing (meeting), or the judge might choose not to. Remember to pay attention to any mail you receive from the Court so you will know if a hearing is scheduled.

What is a Motion to Terminate?

A Motion to Terminate is a document that asks the Court to end an Order of Protection before its expiration date. A Motion to Terminate can be filed by a Respondent or a Petitioner. You can get a form for a Motion to Terminate from the Wyoming Judicial Branch website.

How will I know if the Court dismissed the Petition?

The Court will issue an Order about the Motion.

- The Court might issue an Order Dismissing the Motion or an Order Denying the Motion. Orders Dismissing or Denying the Motion mean the Court will not dismiss the Petition. It is important to understand that there are many reasons a judge might dismiss or deny a Motion. It does not mean the judge likes one person more than the other.
- The Court might issue an Order Granting the Motion or an order called "Dismissal of the Ex Parte Order of Protection and This Action."

These Orders mean the Court is going to dismiss the Petition. If the Court sends you one

of these Orders, read it carefully and make sure you understand what it says. If there is an Ex Parte Order of Protection, pay careful attention to what the new Order says about it. (If it says the Ex Parte Order is “vacated”, that means it has ended.) If a hearing has been set, pay careful attention to what the new Order says about the hearing.

If the Court did not do what I asked for, can I file another Motion?

Yes.

There is not very much time during which you can file a Motion to Dismiss Petition. See the section above called “When can I use this form?”.

There are other kinds of Motions you can use to ask the Court to do something specific in your case. You can find forms for other Motions on the Wyoming Judicial Branch website.