

How to Dismiss a Case You Filed

This article tells you how to dismiss (cancel) your family law case. FORMS ARE INCLUDED.

Texas Nonsuit & Dismissal Forms

Nonsuit

Print Out Forms

[Notice of Nonsuit without Prejudice \(https://texaslawhelp.org/sites/default/files/pr_non1_408_notice_of_nonsuit.pdf\)](https://texaslawhelp.org/sites/default/files/pr_non1_408_notice_of_nonsuit.pdf) [1]

[Order Granting Nonsuit without Prejudice \(https://texaslawhelp.org/sites/default/files/pr_non1_200_order_granting_nonsuit.pdf\)](https://texaslawhelp.org/sites/default/files/pr_non1_200_order_granting_nonsuit.pdf) [2]

Online Guided Forms - Interactive

[NOTICE OF NONSUIT - GUIDED FORM \(HTTPS://TEXASLAWHELP.ORG/INTE](https://texaslawhelp.org/interactive-forms/notice-of-nonsuit-guided-form)
[3]

[ORDER FOR NONSUIT - GUIDED FORM \(HTTPS://TEXASLAWHELP.ORG/IN](https://texaslawhelp.org/interactive-forms/order-for-nonsuit-guided-form)
[4]

Both parties agree to dismiss

[Agreed Motion to Dismiss without Prejudice \(https://texaslawhelp.org/sites/default/files/pr_dis1_104_agreedmotion_to_dismiss_without_prejudice.pdf\)](https://texaslawhelp.org/sites/default/files/pr_dis1_104_agreedmotion_to_dismiss_without_prejudice.pdf) [5]

[Agreed Order Dismissing Case without Prejudice \(https://texaslawhelp.org/sites/default/files/pr_dis1_200_order_dismissing_case_without_prejudice.pdf\)](https://texaslawhelp.org/sites/default/files/pr_dis1_200_order_dismissing_case_without_prejudice.pdf) [6]

Can I dismiss my case?

You may dismiss or “nonsuit” a case you filed at any time before you have introduced all your evidence by filing a Notice of Nonsuit with the court. See **[Texas Rules of Civil Procedure, Rule 162.](https://www.txcourts.gov/media/1445439/trcp-all-updated-with-amendments-effective-may-1-2020.pdf)** (https://www.txcourts.gov/media/1445439/trcp-all-updated-with-amendments-effective-may-1-2020.pdf) [7]

What if I want to dismiss my case and the other party has filed a claim



against me?

If the other party filed a claim against you in the same case (in a counterpetition, counterclaim, or asked the court for sanctions, attorney's fees or other costs, for example), your *Notice of Nonsuit* will **not** dismiss the other party's claims. If the other party filed a claim against you, the entire case can only be dismissed if you both agree.



If you both agree to dismiss the case, you should file an *Agreed Motion to Dismiss Without Prejudice* instead of a *Notice of Nonsuit*.

If I voluntarily dismiss my case, will I get the filing fee back?

No. If you dismiss/nonsuit your case, you will not get the filing fee back.

If I voluntarily dismiss my case, can I file it again at a later time?

Maybe. If you voluntarily dismiss a family law case, such as a divorce or custody case, you will *usually* be able to file your case again at a later time - as long as your case is dismissed "without prejudice."

If you voluntarily dismiss a **civil case** (that is not a family law case), legal deadlines and other laws may stop you from filing your case again - even if your case is dismissed "without prejudice."

If you have questions, it's important to talk with a lawyer **before** dismissing your case.

What do "without prejudice" and "with prejudice" mean?

If your case is dismissed "without prejudice," you **can** file it again (as long as there are no legal deadlines or other laws that stop you). If your case is dismissed "with prejudice," you **cannot** file it again.

If you have questions, it's important to talk with a lawyer **before** dismissing your case.

What are the steps to dismiss/nonsuit my case when I am the only party who has filed a claim?

If the other party has **not** filed a claim against you (meaning the other party has not filed a counterpetition, counterclaim, or asked for attorney's fees or for anything else from you in the case), fill out the following two forms.

Note: On both forms fill out the box at the top (called the caption) so that it looks exactly like the Petition filed in your case. Be sure to include the cause number

and court number.

- **[Notice of Nonsuit without Prejudice \(https://texaslawhelp.org/sites/default/files/pr_non1_408_notice_of_nonsuit.pdf\)](https://texaslawhelp.org/sites/default/files/pr_non1_408_notice_of_nonsuit.pdf)** [1]

This form tells the judge you want to nonsuit your case. Fill it out completely and sign it.

If the other party filed an answer or was served, fill out and sign the *Certificate of Service* section at the bottom to show that you sent a copy of the *Notice of Nonsuit* to the other party.

- **[Order Granting Nonsuit without Prejudice \(https://texaslawhelp.org/sites/default/files/pr_non1_200_order_granting_nonsuit.pdf\)](https://texaslawhelp.org/sites/default/files/pr_non1_200_order_granting_nonsuit.pdf)** [2] (called Order for short)

You will ask the judge to sign this form to order your case dismissed. Fill it out completely except for the judge's signature.

Take the completed *Notice of Nonsuit* form and at least 2 copies to the clerk's office where you filed your case. The clerk will keep the original, stamp your copies, and give the copies back to you.

Ask the clerk when you can give your proposed *Order* to the judge. You may be able to see the judge that day. Or, you may have to come back another day. Read the article **[TIPS for the Courtroom \(https://texaslawhelp.org/article/tips-courtroom\)](https://texaslawhelp.org/article/tips-courtroom)** [8] for information about going to court.

After the judge has signed your *Order*, turn in the signed *Order* at the clerk's office. Get a file-stamped copy of the *Order* for your records.

Warning: There are exceptions to these general guidelines. If you have questions, it's important to talk with a lawyer.

What are the steps to dismiss my case by agreement?

If you and the other party agree to dismiss the case, fill out the following two forms.

Note: On both forms fill out the box at the top (called the caption) so that it looks exactly like the Petition filed in your case. Be sure to include the cause number and court number.

- **[Agreed Motion to Dismiss without Prejudice \(https://texaslawhelp.org\)](https://texaslawhelp.org)**



[/sites/default/files](#)

[/pr_dis1_104_agreedmotion_to_dismiss_without_prejudice.pdf](#) [5]

This form tells the judge that you and the other party agree to dismiss your case. Fill it out completely.

Both you and the other party must sign this form.

- **[Agreed Order Dismissing Case without Prejudice](#)**

<https://texaslawhelp.org/sites/default/files>

[/pr_dis1_200_order_dismissing_case_without_prejudice.pdf](#) [6] (called *Agreed Order* for short)

You will ask the judge to sign this form to order your case dismissed. Fill it out completely except for the judge's signature.

Both you and the other party must also sign this form.

Turn in your completed *Agreed Motion to Dismiss* form and a copy at the clerk's office where you filed your case. The clerk will keep the original, stamp your copy and give it back to you.

In some counties, the clerk will give your *Agreed Order* to the judge. In other counties, **you** must take your *Agreed Order* to the judge. The clerk can tell you the way it's done in your county. Be sure to get a copy of the *Agreed Order* after it has been signed by the judge.

© TexasLawHelp.org - **Source URL:** <https://texaslawhelp.org/article/how-dismiss-case-you-filed>

Links

[1] https://texaslawhelp.org/sites/default/files/pr_non1_408_notice_of_nonsuit.pdf

[2] <https://texaslawhelp.org/sites/default/files>

[/pr_non1_200_order_granting_nonsuit.pdf](#)

[3] <https://texaslawhelp.org/interactive-form/notice-nonsuit-guided-form>

[4] <https://texaslawhelp.org/interactive-form/order-nonsuit-guided-form>

[5] <https://texaslawhelp.org/sites/default/files>

[/pr_dis1_104_agreedmotion_to_dismiss_without_prejudice.pdf](#)

[6] <https://texaslawhelp.org/sites/default/files>

[/pr_dis1_200_order_dismissing_case_without_prejudice.pdf](#)

[7] <https://www.txcourts.gov/media/1445439/trcp-all-updated-with-amendments->



effective-may-1-2020.pdf

[8] <https://texaslawhelp.org/article/tips-courtroom>



Cause Number _____

Print court information exactly as it appears on your Petition.

In the: (check one):

Court Number District Court
 County Court at Law
 Justice Court (JP)
_____ County, Texas

Notice of Nonsuit without Prejudice

My name is _____
Print your first, middle and last name.

I am the Petitioner/Plaintiff in this case.

I am filing this Notice of Nonsuit without Prejudice because I no longer want to prosecute this case against the Respondent/Defendant: _____
Print the other party's first, middle and last name.

The Respondent/Defendant has not filed any pleadings seeking affirmative relief.

Respectfully submitted,

▶ _____
Your Signature _____
Date

_____ (_____) _____
Your Printed Name Phone

_____ City State Zip

_____ Fax Number (if available)

Certificate of Service

I certify that on this date a true copy of this *Notice of Nonsuit without Prejudice* was sent to each party who has answered or been served. If a party is represented by an attorney this *Notice of Nonsuit without Prejudice* was sent to the party's attorney. I further certify that this *Notice of Nonsuit without Prejudice* was sent: (Check one.)

- through the Electronic File Manager.
- by Certified Mail, Return Receipt Requested.
- by Fax, to Fax # (_____) _____ - _____.
- by Hand Delivery.

▶ _____
Your Signature _____
Date

Cause Number _____
Print court information exactly as it appears on your Petition.

_____ In the: (check one):
_____ District Court
_____ *Court Number* County Court at Law
_____ Justice Court (JP)
_____ County, Texas

Order Granting Nonsuit without Prejudice

On this date the Court received the Notice of Nonsuit without Prejudice filed by
_____ and ORDERS this case dismissed without prejudice.
Print your full name.

SIGNED on _____
JUDGE PRESIDING _____

Cause Number _____

Print court information exactly as it appears on your Petition.

In the: (check one):

Court Number

- District Court
- County Court at Law
- Justice Court (JP)

County, Texas

Agreed Motion to Dismiss without Prejudice

This Agreed Motion to Dismiss is brought by Petitioner/Plaintiff and Respondent/Defendant who show in support:

1. Both parties would like the Court to dismiss this case without prejudice.

Respectfully submitted,



Petitioner/Plaintiff's Signature

Date

Petitioner/Plaintiff's Printed Name

()

Phone

Mailing Address

City

State

Zip

Email Address

Fax Number (if available)



Respondent/Defendant's Signature

Date

Respondent/Defendant's Printed Name

()

Phone

Mailing Address

City

State

Zip

Email Address

Fax Number (if available)

Cause Number _____

Print court information exactly as it appears on your Petition.

In the: (check one):

Court Number District Court
 County Court at Law
 Justice Court (JP)
_____ County, Texas

Agreed Order Dismissing Case without Prejudice

On this date the Court heard the Agreed Motion to Dismiss filed by

_____ and _____
Print Petitioner/Plaintiff's full name. *Print Respondent/Defendant's full name.*

and ORDERS this case dismissed without prejudice.

SIGNED on _____
JUDGE PRESIDING _____

AGREED AS TO FORM AND SUBSTANCE:

▶ _____
Petitioner/Plaintiff's Signature *Date*

Petitioner/Plaintiff's Printed Name

▶ _____
Respondent/Defendant's Signature *Date*

Respondent/Defendant's Printed Name