

Instructions and procedures to withdraw, amend, or dismiss Consent

Important: If you no longer want your Consent Decree, Parenting Plan or Child Support order to be entered, you must submit something to the Court before the sixty (60) day waiting period is up. The waiting period starts the day you file your initial papers.

If the parties have reconciled and no longer wish to divorce:

1. Complete, sign and file a “Stipulation to Dismiss.” Forms and instructions are available on the Law Library Resource Center’s Family Court Forms website.
2. Deliver a file-stamped copy to the assigned judge.
3. The Stipulation must be filed and delivered before the sixty (60) day waiting period is up.

If the parties agree to change the settlement agreement, including the Consent Decree, Parenting Plan, or Child Support Order:

1. Complete and sign Stipulation (Agreement / Joint Motion / Joint Request) and proposed Order forms. Forms are available on the Law Library Resource Center’s Family Court Forms website.
2. Title the request: “Joint Motion to Withdraw and Amend Consent Decree.” Prepare at least 1 original and 1 copy of the Motion, and 1 original and 2 copies of the Order.
3. Prepare a new Consent Decree, Parenting Plan, and/or Child Support Order. Prepare 1 original and 2 copies.
4. File the Joint Motion with the Clerk of Superior Court.
5. Deliver the following to the assigned judge:
 - a. a file-stamped copy of the Joint Motion
 - b. 1 original, 2 copies of the Order
 - c. 1 original, 2 copies of the new Consent Decree (if applicable)
 - d. 1 original, 2 copies of the new Parenting Plan (if applicable)
 - e. 1 original, 2 copies of the new Child Support Order (if applicable)

6. The Stipulation, Order and new documents must be filed and delivered before the sixty (60) day waiting period is up. The judge will not sign the new final orders until after the waiting period of sixty days has passed.
7. Wait to receive a notice from the Court. Once you have delivered your documents, the Judge will issue an Order telling you whether your Joint Motion has been granted. The Court will mail a copy to you and the other party.

If only one party no longer agrees to the terms of the settlement agreement or no longer wishes to be bound by the terms of the agreements, including the Consent Decree, Parenting Plan, or Child Support Order:

1. Complete and sign the “Motion to Withdraw from Summary Consent Decree Process.” The form is in the Summary Consent Decree packet. Be sure to enter the name and address of the other party, or their attorney if they have one. You must mail them a copy.
2. Make 3 copies of the Motion to Withdraw.
3. File the Motion to Withdraw and copies with the Clerk of Superior Court.
4. Deliver a copy of the Motion to Withdraw to the assigned judge.
5. The Motion to Withdraw must be filed and delivered before the sixty (60) day waiting period is up.
6. Mail a file-stamped copy of the Motion to Withdraw to the party or if they have an attorney, mail it to their attorney.
7. If the other party opposes the withdrawal from the agreements and wishes to have the court enter the previously agreed upon Decree, the opposing party must file a Response objecting to the withdrawal from the agreement within ten (10) days of service of the Motion to Withdraw.
8. Wait to receive a notice from the Court. Once you have delivered your Motion, and after allowing the opposing party time to respond, the judge will issue an Order telling you whether your Motion has been granted. The Court will mail a copy to you and the other party.

Note: It is always best to consult with a lawyer before filing legal documents. The Law Library Resource Center website provides various resources that can help you find a lawyer at a reduced rate.