



Understanding Motions to Dismiss

A motion to dismiss asks the court to end all or part of a case without deciding who is right on the issues. It usually argues that something is wrong with how or where the case was brought.

Common reasons

- 1 Lack of Jurisdiction.** The court may not have authority over the case or over a party, for example if a party lacks enough connection to Georgia.
- 2 Improper Venue.** The case was filed in the wrong county. Divorce cases are generally filed in the county where the defendant lives.
- 3 Service Problems.** The other party was not properly served with the court papers.
- 4 Failure to State a Claim.** Even if everything in the filing is true, the law does not allow the relief being requested.
- 5 Another Pending Case.** A case about the same issues between the same parties is already pending in another court.

How the process works

Timing Matters. Some defenses, such as service or venue problems, are generally waived if not raised in the first response.

The Response. The other party generally has 30 days to file a written response.

Hearings. Depending on the judge, the motion may be decided on the written filings or at a hearing.

The Outcome. A dismissal is sometimes "without prejudice," which means the case can be refiled once the problem is fixed.

What to keep in mind

A motion to dismiss is a normal legal step. It is not a personal attack.

A dismissal does not always end things for good. Many cases can be refiled.

Deadlines are strict. Send us any court papers you receive right away.

We will explain whether filing or opposing a motion makes sense in your case.

This guide provides general information about motions to dismiss in Georgia family law matters and is not legal advice about your specific case. Your attorney will explain how motions to dismiss apply to your situation.

YOUR ROLE

Send us any court papers the day you receive them, share details about where each party lives and how papers were delivered, and tell us right away if anything changes.

QUESTIONS?

As always, all questions and requests should be directed to the team via email to team@pepitone.law.