

INSTRUCTIONS FOR FILLING OUT MOTION FOR CONTINUANCE FORM

PURPOSE. This form is to be used when the court has set a matter for hearing or trial and you want to ask the court to reschedule or “continue” it to a different date.

FORMS INVOLVED. The form is a **Motion for Continuance**. You will need to fill in the necessary information with help from the instructions below and then file the forms with the clerk of court. Remember, you need to mail a copy to the other party(ies) in the case and fill out the certificate of service showing that you did mail a copy of the motion to the other party(ies).

BURDEN OF PROOF. You are the “Moving Party” as the party asking for a continuance. The Moving Party has the responsibility or “burden” of showing that there is good cause for the court to grant the **Motion for Continuance** and reschedule your hearing or trial date. You should file a **Motion for Continuance** as soon as possible and well in advance of the hearing date. You must give the opposing party a chance to agree or disagree with your **Motion for Continuance**. Examples of good cause to grant a Motion for Continuance include (but are not limited to): illness or death in the family, time to secure legal counsel, other emergency.

INSTRUCTIONS FOR FILLING OUT THE FORM.

1. Insert your name as the Moving Party.
2. Insert the date of the hearing or trial you want rescheduled.
3. Insert the amount of time you are requesting the court continue the case for.
4. Provide the reason you are requesting a continuance and why you need the extra time before the matter is heard.
5. Sign your name as the Moving Party and Write the date that you signed the form.
6. You must **serve by mail a copy of the Motion** on all parties.
7. Fill out the certificate of service

AFTER YOU FILE AND SERVE THE OTHER PARTY (IES). After you have filed your **Motion for Continuance** and served the other party (ies), the court will set your **Motion for Continuance** for a hearing. At the hearing the court will either grant your **Motion for Continuance** and continue your case or will deny your motion and the hearing or trial will go on as scheduled.