

Reschedule (continue) your court hearing

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How to ask that your hearing be rescheduled to a later date. Good for use in family law and other types of civil (non-criminal) cases. (Sample letters and forms)

1. General information

If you don't think you have enough time to get ready for or go to a court hearing, you can **ask for a continuance** to try to get more time.

These instructions are for getting a continuance of a court hearing that was scheduled by the other party or the court.

If you want to reschedule a hearing **that you scheduled**, check with the court clerk first. You may be able to just file a new Notice of Hearing form with the new date and time. If it is okay to do so in your county, you would write "Amended" at the top, above the title, file the Amended Notice of Hearing with the court clerk, deliver a copy to the judge, and serve a copy on the other party.

What is a continuance?

It reschedules (continues) a court hearing date to a later day.

It's easier to get a continuance for a **motion hearing** than for a **trial**. Motions are usually scheduled on a "docket" or "calendar" with lots of other cases. At a motion hearing, the judge will only decide the specific issues the motion talks about. For a trial, the court schedules time just for your case. At trial, the judge hears everything the case is about.

Don't wait until the last minute to ask for a continuance! Do it as soon as possible.

To get a continuance for a **motion**, try to do it by agreement. File a motion for continuance if needed.

To get a continuance for a **trial**, you must usually do all of these:

- File a motion for a continuance with the court
- Schedule a hearing on your motion
- Deliver a copy of your motion, notice of hearing, and other related court papers to the other party ("serve" the other party)
- Go to the hearing on your motion

Do I need to have a reason to get a continuance?

Yes. You must explain in your motion why you need the continuance. You must also show "good cause" for continuing the hearing. "Good cause" means having a very good reason for not being able to get ready for your case or go to your trial on the scheduled date.

Why would I want the judge to continue the hearing?

In most family law cases in Washington, if you receive motion papers, you must file a written response. There is usually a deadline for this. The most common reason to ask for a continuance is when you don't think you can file a written response to motion papers in time. **This is true in other types of civil cases**, too.

What is "good cause" to get a continuance?

Here are some examples:

- **You didn't get enough notice of the hearing. Example:** You should have been served 7 days before a hearing. You only got the papers 3 days before. You should tell the judge that and ask for a continuance.

How much notice you should get of your hearing depends on the type of case and county where the case is filed. A lawyer or court facilitator can tell you the right number of days.

- **You're still trying to get legal advice.** You should tell the judge why you haven't been able to get advice yet. For **example**, you live outside Washington, or you've contacted several places for help but haven't been able to talk to a lawyer yet.

In this situation, you'd explain what steps you've taken to try to get help. Tell the judge if you have an appointment to meet with a lawyer or legal services.

- **You can't get the evidence you need** by the date your response is due. **Example:** This is a custody case. The other parent said things about you in their motion papers that aren't true. You need more time to get declarations from other people and school, medical, and/or criminal records.
- **You don't speak English as your first language.** You need more time to find someone to translate the papers served on you and prepare your response.

You have the right to interpreter services in court at no cost to you. Each court should have a contact person for interpreter requests. As soon as you find out about a court date, contact the court to ask for an interpreter in your spoken or signed language.

- You need more time to respond because **you have a disability or a temporary disability, cannot read, or have problems with reading, writing, or understanding.**

Ask for an accommodation for a disability that limits your ability to take part in the court hearing. Each court should have a contact person for ADA requests. You can use the state's [Request for Accommodation form](#)

(<https://www.courts.wa.gov/forms/?fa=forms.contribute&formID=71>).
As soon as you find out about a court date, contact the court to make this request.

Can I ask for a continuance on my own?

Yes. But it's easier to get a continuance for a **motion hearing** than for a **trial**. Try to talk with a lawyer before filing a motion for a **trial** continuance.

Most counties have their own rules about when and how you can get a **trial** continuance. If you can't talk to a lawyer, try the court clerk, family law facilitator, or law librarian.

Do I have to go to court to get a hearing continued?

Maybe not. For a **motion hearing**, you can ask the other party if they'll agree to a continuance.

- If they say yes, you shouldn't need to file a motion for continuance. Follow the steps in the next section.
- If they say no, you can still file a motion for continuance or ask the judge for a continuance when you get to the hearing. The judge may be more likely to give you a continuance if you've asked the other party in advance and filed a motion. Get ready for the hearing as best you can in case the judge says no.

For a **trial**, in most counties you must file a motion for continuance and schedule a hearing on your motion, even if both parties agree.

If a restraining order says you and the other party cannot have contact, or you think it would be dangerous for you to talk to them, don't try to get a continuance by agreement. Follow the steps to **get a continuance by court order.**

2. How do I get a continuance by agreement?

Form attached:

Letter requesting continuance (NJP General 040)

1. Contact the other party's lawyer or, if the other party doesn't have a lawyer, contact the other party. Ask if they'll agree to a continuance.
2. If you contact the other party or lawyer by phone, follow up with a letter, fax, or email. Use the **sample letter**.
3. If the other party or lawyer agrees to a continuance, ask them to put it in writing (letter, fax, or email). It should say the new hearing date, if possible.
4. The other party or lawyer must tell the court they want the hearing continued. Call the court clerk to make sure this has happened. Ask the clerk if there's a new hearing date.

The other party might only agree to a continuance if you agree to certain things before the next hearing. If the things are reasonable (or a judge would think so), you can agree. If you don't agree to the other party's conditions or the new proposed hearing date, you **must** go to court to ask for a continuance.

3. How do I get a continuance by court order?

Form attached:

Motion for Continuance (NJP General 041)

Form attached:

Order on Motion for Continuance (NJP General 042)

If you have time before the hearing and can make it to the courthouse, you should:

1. **Fill out the Motion for Continuance form.** It should say why you need the continuance. Explain how you can better present evidence in your case if you have more time. Explain some of what you want to tell the judge in case you don't get a continuance. Explain why not getting the continuance will harm you or someone else. If you asked the other party to agree to a continuance and they refused, put that. Attach any letters, faxes, or emails you sent the other party and any response you got. Put the service details in the **Proof of Service** section of the motion form. If you plan to serve by hand delivery, wait until you make the delivery before putting the time on the form.

If you're trying to reschedule a hearing or trial that is **more than a week or two in the future**, you must also schedule a hearing on your motion for continuance. If the hearing you want to reschedule is too soon for you to schedule another hearing before then, you'll have to ask the judge for a continuance at the originally scheduled hearing date. It's still better to file and serve your motion for continuance in advance.

2. **Fill out the Order on Motion for Continuance** the way you want the judge to sign it. This is a **proposed order** you'll ask the judge to sign at the hearing. If you're not sure about something in the order, leave it blank for the judge to complete.
3. **Serve the other party or lawyer with your motion and proposed order.** You must correctly note on the motion form when and how you served. It's okay to serve this motion yourself.
4. **File your original motion with the court clerk.** Deliver an extra copy for the judge along with the proposed order. Ask the clerk how. Keep a copy for your records.
5. **Get ready for the hearing.** Make notes about what to say. Be ready to present your case if the judge does not agree to continue your hearing.

6. **Go to the hearing.** Try to arrive early. When the judge calls your name, say you are there, and you're asking for a continuance. Ask the judge to sign your proposed **Order on Motion for Continuance**. The judge may ask you why you want a continuance. Briefly state your reasons. If the judge gives you a continuance, they may schedule a new hearing date right then, or order someone to file a new notice of hearing. If you only have a few days before the next hearing, ask the judge what your deadline is for filing your response. Get a copy of the signed order before you leave the courthouse.

If your hearing is online, follow these [tips for phone and video hearings](#).

7. **If the judge won't give you a continuance**, write down the judge's reasons why. If you think you had a good reason for asking for the continuance, [talk to a lawyer](#) right away. You have a short time to appeal the decision.

WashingtonLawHelp.org gives [general information](#). It is not legal advice. Find organizations that provide free legal help on our [Get legal help](#) page.

Date: _____

To:

(Name)

(Street address)

(City, state and zip)

Re: Request to reschedule (continue) court hearing

As I explained today, I need a continuance of the hearing on (date) _____. I ask
you to reschedule because (reason):

Please let me know by (date) _____ if you will agree to a continuance. If you
agree, please send me a letter or email that says that you agree to the continuance. Thank you
for considering my request.

Sincerely,



Sign here

Print name

Street address

City, state and zip

Phone number / Email - optional

_____ Court of Washington, County of _____

Petitioner / Plaintiff:

And Respondent / Defendant:

No. _____

Motion for Continuance

(No mandatory form)

Motion for Continuance

Use this form to ask the court to reschedule a hearing. Use this together with an Order on Motion for Continuance, NJP General 042.

1. **My name is** _____.

I am the (*check one*) ☐ petitioner / plaintiff ☐ respondent / defendant in this case.

2. **Motion**

There is a hearing scheduled for (*date*): _____. I ask the court to
continue (reschedule) this hearing because (*explain*):

3. Proof of service

On (date): _____, I served or will serve a copy of this Motion for Continuance to (name of party or lawyer served): _____ by:

☐ **mail** (check all that apply): ☐ first class ☐ certified ☐ other _____

Mailing address city state zip

☐ **email** to (address): _____
(only if allowed by agreement, order, or your county's Local Court Rule)

☐ **fax** to (number): _____
(only if allowed by agreement, order, or your county's Local Court Rule)

☐ **hand delivery** at (time): _____ (check one) ☐ a.m. ☐ p.m. to this address:

Street address city state zip

Person making this motion fills out below:

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form are true.

Signed at (city and state): _____ Date: _____



Person making this motion signs here Print name here

I agree to accept legal papers for this case at (check all that apply):

☐ the following address (this does **not** have to be your home address):

Street or mailing address city state zip

☐ Email: _____

_____ Court of Washington, County of _____	
Petitioner / Plaintiff: _____	No. _____
And Respondent / Defendant: _____	Order on Motion for Continuance (no mandatory form) Clerk's action required: 4

Order on Motion for Continuance

Use this form together with a Motion for Continuance, NJP General 041.

1. Basis

The (*check one*): ☐ petitioner / plaintiff ☐ respondent / defendant made a Motion for Continuance.

The court has considered the motion and any supporting documents, any response from the other party, and any other documents from the court record identified by the court.

2. Hearing

The court:

- ☐ decided this motion without a hearing.
- ☐ held a hearing on the motion on (*date*) _____
- ☐ The court heard testimony or argument from (*name/s*) _____

3. Findings

The court finds good cause to approve this order.

Other findings, if any:

4. Order granting continuance

The hearing that was scheduled for (date): _____ shall be rescheduled.

Check one:

☐ (Name): _____ must file a new notice of hearing.

☐ The court shall schedule a new hearing date.

☐ The hearing is rescheduled to:

Date: _____ Time: _____

Court's address: _____

Room or department: _____

Docket/calendar or judicial officer: _____

☐ Online or phone: _____

5. Other orders, if any

Ordered.

Date

Judge or Commissioner

Parties or their lawyers fill out below.

This order (check any that apply):

☐ is an agreement of the parties

☐ is presented by me

☐ may be signed by the court without notice to me

This order (check any that apply):

☐ is an agreement of the parties

☐ is presented by me

☐ may be signed by the court without notice to me

Petitioner / Plaintiff or lawyer signs here WSBA No.

Respondent / Defendant or lawyer signs here WSBA No

Print Name

Date

Print Name

Date