

INSTRUCTIONS

Request for Continuance

BEFORE YOU BEGIN: Speak to local court administration staff before you complete this form. Some continuances can be granted without this form.

Forms you will need for this process:

- Request for Continuance
- Affidavit of Service - Combined (SOP105)

What You Need to Do

1. Talk to court administration to see whether your request for continuance must be in writing.
2. If your request needs to be in writing, follow the remaining steps. First, get information about your case from the court record.
3. Fill out and sign the court forms, following all of the steps in these instructions.
4. Serve the other party with a copy of the Request for Continuance.
5. File the forms with the Court (electronically or at the courthouse).
6. If a Request for Continuance is granted, you, as the requesting party, must notify all parties.

Important Notices and Resources

THE COURT MAY NOT GRANT YOUR CONTINUANCE REQUEST. Filing and serving this form does *not* mean that your continuance will be granted. It is up to the judge to decide whether it is appropriate to grant your continuance. Plan on attending the original court date until you are notified whether your continuance is granted or denied. If you are not granted a continuance and you fail to appear at the hearing, the Court may proceed in your absence and grant the relief requested by the other party, dismiss your proceedings, or issue a warrant for your arrest.

DO NOT USE this form to ask the court to **continue a trial** that was established by scheduling order after hearing the parties. This request must be made by motion. Motion forms are available on www.mncourts.gov.

DO NOT USE this form to ask the court to **continue a child support hearing scheduled in the expedited child support process**. Continuance Request forms specifically for the expedited child support process are available on www.mncourts.gov.

These forms and instructions are for general use, but may not work for your particular case. The instructions explain the steps you need to complete in more detail and answer common questions, but are not a full guide to the law or processes. Court employees and Self-Help staff may be able to give general information on court rules and procedures, but they cannot give legal advice. You can find a lawyer to provide legal advice by visiting www.mncourts.gov/Help-Topics/Find-a-Lawyer.aspx

There may be an initial filing fee if you have not filed into the case before. If you cannot afford to pay the filing fee, you can ask for the fees to be waived.

Got a question about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the 10th Judicial District Self-Help Center at (763) 760-6699

1. **Get information about your case from the court record.** You will need information from your case to fill out the top part of the form (this is known as “the caption”). You will need to look in your court file if you do not have any documents from your case and if you do not know the information.
 - You can view some case records online at www.mncourts.gov/publicaccess.
 - You can also view your case records at the courthouse either electronically or paper file (if your case is older).
2. **Contact the other party (unless no contact has been ordered by the Court) or their attorney, if represented.** If you are able to reach the other party or their attorney, if represented, ask whether they agree or disagree with your request for a continuance.
3. **Contact court administration to see whether your request for continuance must be in writing and served on the other party.** Written continuance requests may not be needed. You also may not be required to serve the other party or complete the *Affidavit of Service*. Check with court administration before filling out the forms.
4. **Fill out the Request for Continuance form.** This tells the judicial officer the information they need to know to consider your request for a continuance. Your request may be rejected by the judge if you do not answer each question completely.
5. **Make Copies** of the completed *Request for Continuance* and all attachments (if any). You will need *1 copy for your records, 1 copy for each party that has to be served and an original to file with the Court.*
6. **If required, serve** (provide a copy to) the other party or their attorney if represented, with the *Request for Continuance*, and all attachments (if any). Again, check with court administration to see if you must serve the other party.
 - The forms you have prepared can be served by any of the following:
 - The sheriff;
 - Another adult; or
 - Maybe you (You may be able to serve the continuance request form if it’s a civil or family case).
7. **If required, complete the Affidavit of Service form (included in packet).**
 - Whoever served the other party must complete an *Affidavit of Service* indicating (1) who they are, (2) their date of birth, (3) what documents they served, (4) whom they served the documents on, (5) the manner in which they served the other party & (6) when they served the documents.
 - The Affidavit of Service must identify *each individual who was served and must identify each document that was served.*
8. **File the original Request for Continuance along with attachments (if any) and Affidavit of Service with court administration.** Please note, there may be an initial filing fee if you have not filed into the case before. Contact court administration where the case is filed to see if there is any filing fee. If you cannot afford to pay the filing fee, you can ask for a fee waiver by completing the forms in the *In Forma Pauperis* packet (online at <http://mncourts.gov/GetForms.aspx?c=19&p=69>).
9. **If a Request for Continuance is granted, the requesting party must notify all parties.**

If there is more than one plaintiff or more than one defendant, please note that ALL of the other parties must be served.

State of Minnesota

District Court

County _____

Judicial District: _____
Court File Number: _____
Case Type: _____

Petitioner(s) / Plaintiff(s)

Request for Continuance

and

Respondent(s) / Defendant(s)

- 1. Scheduled Court Date: _____
- 2. Type of hearing: _____
- 3. How long of a continuance do you need: _____
- 4. Although not guaranteed, do you have a preference for a new date: _____
- 5. _____ requests a continuance for the following reason(s):
(Name of requesting party)

6. Requesting party's phone number: _____ email: _____

7. I contacted the other party (or their attorney) about my request to continue the hearing and the other party(s): agrees disagrees with the request for continuance or could not be reached after attempting to contact them as follows:

8. There is an interpreter on this case that would need to be notified. Yes No

Language: _____

9. Has **this hearing** been continued before: Yes No

If YES, by who: _____

If YES, why: _____

Dated: _____

Signature
Printed Name: _____
Address: _____
City/State/Zip Code: _____
Telephone: (_____) _____
Email address: _____

If granted, the requesting party shall notify all parties.

State of Minnesota

District Court

County _____

Judicial District: _____
Court File Number: _____
Case Type: _____

Petitioner / Plaintiff

and / vs

Affidavit of Service

Respondent / Defendant

I, _____, state that I am at least 18 years of age
(Name of person who hand delivered or mailed documents)

having been born on _____, and that on _____
(Date of Service)

I served the following documents, namely _____
(Title of Documents hand delivered or mailed)

upon (check one) Petitioner / Plaintiff Respondent / Defendant

Service was done as follows: (check all that apply)

Personal service: By handing a true and correct copy of the documents to _____

Mail service: By mailing a true and correct copy of the documents by first class mail to
(name) _____ at his/her last known address
at:
street address city state zip code

and depositing the envelope, with sufficient postage, in the U.S. Mail at a postal box located in
the City of _____, State of _____.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Minn. Stat. § 358.116.

Dated: _____

Signature

Name: _____

County and State where signed

Address: _____

City/State/Zip: _____

Telephone: () _____

E-mail address: _____