

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.

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 a scheduling order. This request must be made by 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.

There may be a 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. Forms are available on www.mncourts.gov.

Have questions about court forms or instructions?

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

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Forms You May Need

- *Request for Continuance* (10CONT-102)
 - *Affidavit of Service Combined* (SOP105)
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Steps to Take

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. They 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

- 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 or 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 a no contact has been ordered by the court) or their attorney, if they have one. If you reach the other party or their attorney, 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 for their requirements before filling out the forms.
- 4. Fill out the Request for Continuance form (10CONT-102).** This tells the judge 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 must be served and an original to file with Court Administration.
- 6. If required, serve** (provide a copy to) the other party or their attorney, with the *Request for Continuance*, and all attachments (if any). Service can be by mail or in-person. 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 (if it’s a civil or family case)

NOTE: If there is more than one other party, **ALL** the other parties must be served.

If service is required, fill out the *Affidavit of Service* form (SOP105). 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) whether they mailed or hand-delivered the documents, and (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.

7. **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>.
8. **If your request for continuance is granted, the requesting party must notify all the parties.**

County of: _____

Court File Number: _____

Judicial District: _____

Case Type: _____

Plaintiff/Petitioner

AND

Defendant/Respondent

Request for Continuance

- 1. What is the scheduled court date? _____
- 2. What type of hearing is it? _____
- 3. How long of a continuance do you need? _____
- 4. Although not guaranteed, what new date do you prefer? _____
- 5. I am the Plaintiff/Petitioner Defendant/Respondent. My phone number is: _____
My email address is: _____
- 6. I request a continuance for the following reasons: _____

- 7. I contacted the other party (or their attorney) about my request to continue the hearing and the other party: agrees disagrees or could not be reached after attempting to contact them. If they could not be reached, explain how you tried to contact them: _____

- 8. Is there an interpreter on this case that would need to be notified? Yes No
If YES, Language: _____
- 9. Has **this hearing** been continued before? Yes No. If YES, by whom: _____
If YES, why: _____

Date: _____

Signature: _____

Printed Name: _____

Address: _____

City/State/Zip: _____

Phone: _____

Email: _____

If granted, you (the requesting party) must notify all parties.

State of Minnesota

District Court

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

Petitioner / Plaintiff (first, middle, last)

and / vs.

Affidavit of Service

Respondent / Defendant (first, middle, last)

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 _____, 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 _____ Zip Code _____.

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

Dated: _____

County and State where signed

Signature

Name:

Address:

City/State/Zip:

Telephone:

E-mail address: