

EXPEDITED CHILD SUPPORT PROCESS INSTRUCTIONS FOR CONTINUANCE REQUEST

Who May Use this Form?

A party who is asking the court to continue a child support hearing that is scheduled in the expedited child support process may use this form to ask for a continuance of the hearing.

How Do I Make a Request for a Continuance?

1. Fill out the “Request for Continuance” form completely. Court personnel, the county attorney's office, and the child support office cannot help you fill out these forms.
2. Fill in the information at the top of the form. This information can be found at the top of your current child support order or your divorce or paternity decree, including the county name, the court file number, and the names of all the parties.
3. Copy the names of the parties in the exact same order as they appear on your current child support order or your divorce or paternity decree. If you are the Petitioner in the current order or decree, you will be the Petitioner in this request. If you are the Respondent in the current order or decree, you will be the Respondent in this request.
4. Fill in the name and address of the parties that will receive a copy of your request.
5. You may try and contact all the parties to see if they would agree to continue the hearing. If all parties do not agree to continue the hearing, the child support magistrate or judge will then decide whether you have a good reason to continue the hearing.
6. You must explain to the court why you need a continuance. Continuances may be granted upon a showing of good cause. Examples of good cause include: death or incapacitating illness of a party or that party's attorney; lack of proper notice of the hearing; a substitution of a party's attorney; a change in the parties or pleadings that require a postponement; or an agreement by all parties to continue the hearing. Good cause does not include intentional delay; unavailability of an attorney due to engagement in another proceeding (unless all other members of the attorney's firm familiar with the case are similarly engaged), or if the notice of the other proceeding was received prior to the notice of the hearing for which the continuance is sought; unavailability of a witness if the witness' testimony can be taken by deposition; or failure of the attorney to properly utilize the statutory notice period to prepare for the hearing.
7. Sign, date, and print your name and address on the form.
8. Makes copies, serve, and file the “Request for Continuance.”

Service

1. You must arrange for the other party and the county attorney's office to receive a copy of the completed “Request for Continuance” form. This is called “service of process.” A copy of the request must be served on all parties, either personally or by mail. Personal service means the documents are hand-delivered to the other party personally or leaving the document at that party's place of residence with some person who is of suitable age or discretion who also lives at the same residence. If the other party is represented by an attorney, the document must be served on the attorney instead of the party.

YOU CANNOT HAND DELIVER OR MAIL THE DOCUMENT YOURSELF. YOU MUST HAVE SOMEONE ELSE OVER THE AGE OF 18 WHO IS NOT A PARTY TO THE CASE HAND DELIVER OR MAIL THE DOCUMENT FOR YOU.

2. The person who serves the document must complete and sign the “Affidavit of Service.”

The person who serves the document must sign the “Affidavit of Service” under penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth.

File the Forms

After the parties have been served, you must file the “Request for Continuance” along with the “Affidavit of Service” with court administration in the county where the hearing is to take place.

NOTE: Generally, your forms must be served on all parties and filed with the court **at least 7 days** before the hearing.

Decision

After the child support magistrate or judge reviews your request, an order will issue either granting or denying your request.

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-297-7651.