

# Motion to Continue (When the parties do not agree)



These forms must not be used to engage in the unauthorized practice of law. The court is not responsible for (1) actions taken by the users of these forms or (2) their reliance upon the instructions or information provided.

Updated August 2015

# GENERAL INFORMATION & Frequently Asked Questions

This packet contains general information, instructions, and court forms for you to complete and file with the court.



## How do I use this packet?

This packet will give you an overview of how to properly complete and file the necessary forms for the *Motion to Continue* and the *Notice of Hearing*. While the process may seem overwhelming and intimidating, please know that this packet is written with your needs in mind, and is intended to make this process as easy for you as possible. We recommend that you do not fill out every form in this packet right away. Work on the forms with the instructions one at a time.

## When should I use these forms?

If you have a court date and you are not able to attend, or if you must provide documents to the court and cannot meet the deadline, you must file a *Motion to Continue* and a *Notice of Hearing*.

Your request for a continuance and hearing must be filed as far in advance as possible. The court will need time to set the trial or hearing date. Also, the other party must be served with the motion and notice of hearing. For more information on serving the other party see Packet #10, *Service on the Other Party*.

If both parties agree to changing the date, **do not fill out this packet**. Instead use the *Agreement to Continue Order* and *Order for Continuance* available on the Pima County Superior Court family law forms website—<http://www.sc.pima.gov/?tabid=119> or on the second floor of the courthouse at the self-help center in the law library.



### **This symbol is a warning. It can mean a few different things:**

- The topic can be confusing and you may need to ask a lawyer for help.
- You may need to make sure that something is done.

Whenever you see this symbol, **make sure** you read the information carefully and understand it fully.

**What do “Petitioner” and “Respondent” mean?**

On all documents filed with the court beginning with the first document, if you were initially the Respondent, then you will always be the Respondent. If you were initially the Petitioner, then you will always be the Petitioner. Refer to the original documents if you are unsure.

**Will the Court grant my request?**

The Court will not automatically grant a continuance, even if the parties agree. You must have an important reason to request a continuance, such as serious illness, surgery, or unavoidably being out of town. Therefore, you should be ready to attend the original trial or hearing.



## Instructions for Completing the *Motion to Continue*

*You may type on the forms or write on them using black ink*

### **The Caption**

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information** – Fill in your name, street address, city, state, ZIP code, and telephone number.

**If you are a domestic violence victim, do not write your address on this form. Instead, write “Protected Address” and complete the *Request for Protected Address form*.**

- **Case No.** – Enter your Superior Court Number as found on the original Petition.
  - **Petitioner** – Enter the Petitioner’s name, as found on the original Petition.
  - **Respondent** – Enter the Respondent’s name, as found on the original Petition.
1. Check the box to indicate the type of hearing or document deadline you wish to reschedule.
  2. Write the name of the judge assigned to your case.
  3. Check the box that indicates whether you are the Petitioner or the Respondent. If you are unsure, look at the documents that were first filed in your case.
  4. Check the same box as you checked above and provide the date and time currently scheduled for your case.
  5. On the lines provided, state the specific reason(s) that you are requesting the trial or hearing be continued.
  6. Check the box that is correct, either that the other party does not agree with your request for a new date or that you do not know whether the other party agrees.
  7. Sign and date the form checking the same box for Petitioner or Respondent as you did above.

**CERTIFICATE OF SERVICE:**

1. Check the box to indicate that you either mailed or hand-delivered a copy of this form to the person named on the line.
2. Check the box that best describes to whom the document was sent.
3. If you mailed the form, provide the mailing address you used and the date you mailed the form.
4. If this is an IV-D case and the hearing is regarding child support, the Arizona Attorney General must also receive a copy of this form. Please mail a copy to the address provided on the form.

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, ZIP: \_\_\_\_\_  
Daytime Telephone \_\_\_\_\_  
Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner Case No. \_\_\_\_\_  
**and MOTION TO CONTINUE**  
\_\_\_\_\_  
Respondent  Pretrial Statements  Hearing  
 Settlement Conference  Trial  
ASSIGNED TO: \_\_\_\_\_

I am the  Petitioner  Respondent in the above matter.

A  Hearing  Trial  Pretrial Statement  Settlement Conference currently set on:  
\_\_\_\_\_ at \_\_\_\_\_ a.m. p.m.

I request that the above date(s) be continued for the following reason(s):  
\_\_\_\_\_  
\_\_\_\_\_

I state as follows:

This continuance is not requested only to delay, and is requested for good cause.

- The other party or his/her attorney objects to this request. \*  
 I do not know if the other party or his/her attorney objects to this request. \*

\* If these boxes are checked, you must request a hearing to determine if your Motion to Continue may be granted

Dated: \_\_\_\_\_  
 Petitioner  Respondent

### CERTIFICATE OF SERVICE:

I certify that a copy of this Motion was  mailed  hand-delivered to:

Name: \_\_\_\_\_  
 Petitioner  Respondent or Attorney for  Petitioner  Respondent

Address: \_\_\_\_\_

Date: \_\_\_\_\_

If this is a IV-D case and the hearing is regarding child support, a copy must also be mailed/delivered to:

Arizona Attorney General  
7202 E. Rosewood St. #100  
Tucson, AZ 85710-1350



## Instructions for Completing the *Notice of Hearing*

*You may type on the forms or write on them using black ink*

### The Caption

The Caption is the information in the upper left hand side of the first page of each form.

- **Personal information** – Fill in your name, street address, city, state, ZIP code, and telephone number.

**If you are a domestic violence victim, do not write your address on this form. Instead, write “Protected Address” and complete the *Request for Protected Address form*.**

- **Case No.** – Enter your Superior Court Number as found on the original Petition.
- **Petitioner** – Enter the Petitioner’s name, as found on the original Petition.
- **Respondent** – Enter the Respondent’s name, as found on the original Petition.
- **Assigned to** – Enter the name of the judge assigned to your case



**STOP: The judicial administrative assistant will complete the rest of the form.**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, ZIP: \_\_\_\_\_

Daytime Telephone \_\_\_\_\_

Representing Self, Without a Lawyer

## ARIZONA SUPERIOR COURT, PIMA COUNTY

\_\_\_\_\_  
Petitioner Case No. \_\_\_\_\_

**and NOTICE OF HEARING**

\_\_\_\_\_  
Respondent ASSIGNED TO: \_\_\_\_\_

To: \_\_\_\_\_

Petitioner  Respondent **OR**

Attorney for  Petitioner  Respondent

Please take notice that the Motion to Continue will be heard:

Date: \_\_\_\_\_ Time: \_\_\_\_\_

Location: Arizona Superior Court, Pima County Courtroom: \_\_\_\_\_  
110 W. Congress  
Tucson, Arizona 85745  
Judicial Officer: \_\_\_\_\_

Dated: \_\_\_\_\_  
\_\_\_\_\_  
Judicial Officer



## Next Steps

1. Make two (2) copies of the completed *Motion to Continue* and the *Notice of Hearing* forms. *If the this is a IV-D child support case, you will need three copies.*
2. Take the original forms and all copies to the clerk of the court for filing.
3. After you have filed the original forms, the clerk will deliver the *Motion to Continue* and *Notice of Hearing* to the assigned judge.
4. Once the judge reviews your motion, you will receive the completed *Notice of Hearing*. You must read the completed notice to be aware of when the hearing will be held on your *Motion to Continue*.
5. Retain one copy of the *Notice of Hearing* for your records, and one copy must be provided to the other party.



**You** are responsible for mailing or delivering a copy of the *Motion to Continue* and the *Notice of Hearing* forms to the other party or the attorney of the other party. See Packet #10, *Service of Papers* for more information.

6. After the documents have been mailed or delivered to the other party, be ready to proceed on the court date(s) assigned on the Notice.



Do dress properly. Wear a suit, dress, or other neat, clean clothing.

Do turn off your cell phones and pagers while you are in the courtroom.

Always refer to the Judge as "Your Honor."

You may ask the Judge questions, but he/she cannot give you legal advice.

Be courteous and quiet while you are in the courtroom waiting for your hearing

DO NOT wear shorts, cut-offs, sleeveless t-shirts, other overly casual or suggestive clothing.

DO NOT bring drinks or food to court and don't chew gum in the Courtroom.

DO NOT bring your children to court. They are not permitted in the Courtroom.