

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.

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, you do not need to fill out every form in this packet right away. It may be easier to work on the forms 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 change the date or deadline, **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—<https://www.sc.pima.gov/law-library/forms/> 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?

In family law cases, if you were initially the Respondent when the case was first filed, 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 current trial or hearing date or meet the current deadline.



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.
 - **Assigned to** – Write in the name of the judge or commissioner your case is assigned to. Make sure to write “Hon.” before the name (example: Hon. Jane Smith).
1. Check the box to indicate whether you are the Petitioner, Respondent, or a Third Party Intervenor in your case.
 2. Check the box indicating what type of hearing or deadline you wish to reschedule and write in the date and time of the hearing or deadline you are asking to continue.
 3. Explain why you need the continuance. The more detail you can provide the better, particularly if the hearing or deadline is just days away. You can write your answer on a separate sheet of paper and attach it to your motion, if needed.
 4. Print the approximate date you found out when you needed the continuance.
 5. Rule 34 of the Arizona Rules of Family Law Procedure requires that you explain to the judge any efforts you have made to avoid having to request a continuance. You can write your answer on a separate sheet of paper and attach it to your motion, if needed.
 6. If you are filing the motion to continue within 24 hours of discovering that you needed a continuance, then check NO on number 6 and then move on to section 7. If you are filing the

motion to continue more than 24 hours after you discovered you need a continuance, then check YES on number 6. Then explain in section 6.a. why you waited more than 24 hours to file the motion to continue. You can write your answer on a separate sheet of paper and attach it to your motion, if needed.

7. Rule 34 requires that you explain any potential problems that may occur for any of the litigants or children involved in this case if the motion is granted and if the motion is denied.
 - When explaining potential problems, try to explain what each party and/or the children may experience if the motion is granted or denied.
 - For example, if one of the parties has requested child support, then continuing a child support hearing will result in the requesting party not receiving child support for an additional period of time.
 - Another example of a potential problem is that a litigant may need to continue a hearing date or deadline because he or she is having surgery on that date. Denial of the motion is result in the litigant having to delay a potentially necessary surgery.
8. You are required to discuss your request for a continuance with the other party before filing a motion to continue. Select one of the three options under section 8.b. to indicate if the other party agrees to the continuance, objects to the continuance, or if you did not receive an answer from the other party about the continuance.
9. Sign and date the form. Check 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.

Person Filing: _____

Address (if not protected): _____

City, State, Zip Code: _____

Telephone: _____

Email Address: _____

ATLAS Number: _____

Lawyer's Bar Number: _____

Representing Self, without a Lawyer or

Attorney for Petitioner OR

Respondent

ARIZONA SUPERIOR COURT, PIMA COUNTY

_____ Case No. _____
Petitioner

MOTION TO CONTINUE

And

Pretrial Statements Hearing
 Settlement Conference Trial Other

_____ Respondent Assigned to: _____
(Name of Judge)

1. I am the (select one) Petitioner Respondent Third-party Intervenor in this litigation.
2. I am asking to continue the following dates or deadlines (select the events you are asking to continue):

Pretrial Statement deadline currently set on _____ at _____.
(date) (time)

Hearing currently set on _____ at _____.
(date) (time)

Settlement Conference currently set on _____ at _____.
(date) (time)

Trial currently set on _____ at _____.
(date) (time)

Other: (_____) currently set on _____ at _____.
(Name of hearing/deadline) (date) (time)

3. I request that the above date(s) be continued for the following reason(s):

Check here if continued on attached page(s).

4. I found out I needed this continuance on _____, 20_____.

5. Describe what you did to stop the continuance from being needed:

Check here if continued on attached page(s).

6. Could this motion have been brought at an earlier date? Yes No

a. If you answered “Yes”, describe why this motion **was not** filed at an earlier date:

Check here if continued on attached page(s).

7. You must complete sections 7.a. and 7.b. below by describing what potential problems or issues may occur for all litigants and any children involved in this matter if the continuance is granted or denied.

a. If the continuance is **granted**, list out what problems or issues may occur.

Check here if continued on attached page(s).

b. If the continuance is **denied**, list out what problems or issues may occur.

Check here if continued on attached page(s).

8. By signing, I affirm that all allegations in this motion are true and that:

a. This continuance is NOT requested to delay or for an improper purpose. The continuance is requested for good cause.

b. I have contacted the other party or his/her attorney and:

The other party and his/her attorney do not object to this request.

OR

The other party and his/her attorney objects to this request. I request that the Court set a hearing on my motion and I have provided an Order to Appear with my Motion.

OR

Despite good faith efforts to do so, I have been unable to confer with the other party or his/her attorney. I request that the Court set a hearing on my motion and I have provided an Order to Appear with my Motion.

Dated: _____

 Petitioner Respondent 3rd Party Intervenor

CERTIFICATE OF SERVICE:

I will mail hand deliver a copy of this motion today _____ to the other party or his/her attorney named below.

Name: _____

Address: _____

Petitioner Respondent 3rd Party Intervenor OR

Attorney for Petitioner Respondent 3rd Party Intervenor

Name: _____

Address: _____

Petitioner Respondent 3rd Party Intervenor OR

Attorney for Petitioner Respondent 3rd Party Intervenor

Certificate of Service continued onto the next page

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

Arizona Attorney General
Office of Child Support Enforcement
1455 S Alvernon Way, Ste. 281
Tucson, AZ 85711
csstucson@azag.gov



Instructions for Completing the *Notice of Hearing*

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

The Caption

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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.



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 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 the Judge 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.