

## How to Reschedule a Hearing or Trial: A Guide for Continuances

### Instructions:

In legal terms, a change in a hearing date to a date in the future is called a “continuance” of the hearing. If the parties to a case are in agreement, it is more likely that the court will agree to change the hearing date. Even if the other party does not agree, you may still contact the court to request a continuance of the hearing date. With the current public health crisis, judges may be more sensitive to health concerns and more lenient in granting continuances.

### Continuances by the Court due to the COVID-19 Pandemic

In order to protect the public’s health and safety during the COVID-19 Pandemic, the Los Angeles County Superior Court has ordered the suspension of any and all Criminal and Civil jury or non-jury trials including Unlawful Detainer trials until further notice. All courtrooms will temporarily remain closed for judicial business except for specified time-sensitive, essential functions. All other matters have been continued by the Court. The parties shall receive further notice stating the specific time and date of the continuances in their cases. Information regarding the court’s current operations is updated and posted on the Los Angeles County Superior Court website. For complete details and updates regarding the court continuances and to review the public notices and court orders regarding temporary emergency changes to the Los Angeles County Superior Court’s operations, click here <https://www.lacourt.org/>

Depending on the type of case, information regarding continuances by the court and the new court hearing dates may be available on the court’s website. To review publicly available information on the Los Angeles County Superior Court’s website regarding a civil, criminal, family law, probate or small claims case, click here <https://www.lacourt.org/website/FindaCase.aspx>

### Steps to Follow When Asking for a Continuance of Your Hearing Date:

**Step 1:** If you have health concerns or other constraints and need to change an upcoming court hearing date, first contact the other party and ask for an agreement that the hearing date will be changed. Depending on the case type and court rules, you and the other party may have the option to enter into a written agreement known as a “Stipulation and Order” that may be filed with the court to change your court hearing date.

**Step 2:** If you want to change a court date such as the date of your trial or hearing and the other party will not agree to the continuance you must get the judge’s permission by filing a formal written request. The format of your written request and related mandatory court requirements will vary depending on the type of case, related state civil procedure rules, the state and local county court rules, and procedures specific to the assigned courtroom. On the Los Angeles County Superior Court website you may access information related to individual

courtrooms such as courtroom procedure for scheduling motions and courtroom rules for trial continuances via the “Courtroom Information” page at <http://www.lacourt.org/courtroominformation/ui/search.aspx?ons=xcivil>

To find the Los Angeles County Superior Court’s local court rules, forms and procedures regarding different areas of the law, click here , <http://www.lacourt.org/division/DV0001.aspx>

**Step 3:** For many civil cases, a request for a continuance is made through a motion. A “motion for a continuance” is a request asking the judge to make an order changing your hearing date. If the judge grants your motion, your court date will be postponed to a later time. For most requests for continuances, you must provide the judge with a suitable reason (“good cause”) for postponing your court date. “Good cause” means a very good reason for not being able to get ready for your case or go to your hearing on the schedule date.

### **Continuances in Particular Types of Cases**

#### **Requesting a Continuance in Family Law Cases**

To request a continuance of a hearing, the Judicial Council has created the FL-306 Request to Continue Hearing and the FL-307 Order on Request to Continue Hearing.

A request for continuance of a trial date usually requires the filing of the FL-300 Request for Order along with Points & Authorities and Supporting Declaration. *For an ex parte request to continue your trial date, the Judicial Council has created the FL-305 Temporary Emergency (Ex Parte) Orders to be filed with the FL 300 Request for Order.*

For more information about the Los Angeles County Superior Court’s family law court procedures, local court rules and forms, click here:

<http://www.lacourt.org/division/familylaw/familylaw.aspx>

#### **Requesting a Continuance in Temporary Restraining Order Cases**

The Judicial Council has created forms for requesting a continuance for restraining order cases. In a domestic violence restraining order case, *in certain circumstances* you may file the DV-115 Request to Continue Hearing and the judge *may grant your request and change your hearing date* by issuing the DV-116 Order on Request to Continue Hearing based on the grounds of lack of service, first time continuance by the restrained party or other “good cause” grounds. There are similar Judicial Council forms for the following types of restraining orders: Civil Harassment (CH-115 & CH-116), Elder Abuse or Dependent Adult Abuse Restraining Order (EA-115 & EA-116), Gun Violence Restraining Order (GV-115 & GV-116), School Violence Restraining Order (SV-115 & SV-116) and Workplace Violence Restraining Order (WV-115 & WV-116).

For more information about restraining orders, click here: <https://www.courts.ca.gov/selfhelp-abuse.htm>

#### **Requesting a Continuance in Probate Cases**

The Los Angeles County Superior Court has a mandatory local form related to continuances in probate hearings, the LASC PRO 080 Request to Continue Petition Hearing and Order (Probate), for use to request a continuance of a hearing on a Petition filed in the Probate Division. The Request to Continue Petition form may be used only to request the continuance of a Petition hearing date. The form must be submitted five (5) court days before the hearing you seek to continue. If the request is made less than 5 court days before the hearing on the Petition, an Ex Parte Application is required to seek a continuance, or the party may appear at the scheduled hearing and request a continuance. There is no guarantee that the judge will grant your request for continuance at the hearing.

Before completing the LASC PRO 080 Request to Continue Petition Hearing, review the LASC PRO 081-INFO Request to Continue Petition Hearing Information (Probate) for important information about required signatures and the continuance process.

To obtain copies of the LASC PRO 080 Request to Continue Petition Hearing and Order (Probate) and LASC PRO 081-INFO Request to Continue Petition Hearing Information (Probate), click here, <http://www.lacourt.org/forms/probate>

For more information about Los Angeles County Superior Court's probate court procedures, local court rules and forms, click here: <http://www.lacourt.org/division/probate/probate.aspx>

#### Requesting a Continuance in Small Claims Cases

The Judicial Council has created the SC-150 Request to Postpone Trial and SC-152 Order on Request to Postpone Trial for use to request a postponement in your trial.

For more information about the Los Angeles County Superior Court's small claims court procedures, local court rules and forms, click here: <http://www.lacourt.org/division/smallclaims/smallclaims.aspx>

#### Additional Resources:

**Rule 3.1332(c) of the California Rules of Court** allows the judge to grant a continuance before or during a trial only on an affirmative showing of good cause requiring the continuance.

Circumstances that may indicate good cause include:

- The unavailability of an essential witness because of death, illness, or other excusable circumstances;
- The unavailability of a party because of death, illness, or other excusable circumstances;
- The unavailability of trial counsel because of death, illness, or other excusable circumstances; and/or
- The substitution of trial counsel where there is an "affirmative showing that the substitution is required in the interest of justice."
- The addition of a new party if:

- a) the new party has not had a reasonable opportunity to prepare for trial; or
- b) the other parties have not had a reasonable opportunity to prepare for trial in regard to the new party's involvement in the case.
- A party's excused inability to obtain essential testimony, documents, or other material evidence despite diligent efforts; or
- A significant, unanticipated change in the status of the case as a result of which the case is not ready for trial.

Most motions are in writing. For some areas of law such as family law, there are designated state and local court forms available for the purpose of requesting a continuance. For most civil cases, there is no Judicial Council form for making a motion. Instead, the motion must be typed on 28-line pleading paper. A written motion consists of five parts:

- Notice of Motion;
- Motion;
- Points and Authorities;
- Declaration; and
- (Proposed) Order

*In general, motions must be served and filed at least 16 court days before the hearing date. If you do not have enough time to file and serve a Motion for Continuance you may have the option of filing and serving an "ex parte application" to request the continuance. Ex parte applications are used in emergency situations when there are issues that require urgent attention by the court and there is not enough time for a standard motion.*

The Library has form books with sample forms that you may use for guidance in drafting a motion to request a continuance. To request samples of these forms, there are many ways to contact us:

- Email our reference staff to ask questions and fulfill document deliveries at [reference@lallawlibrary.org](mailto:reference@lallawlibrary.org). (During this closure, charges are waived for e-deliveries up to 25 pages.) This is what it says on our flyer, but my understanding is it is one free delivery per person per day.
- Call us for Reference Assistance at [\(213\) 785-2513](tel:2137852513).
- Use the [Ask a Law Librarian](#) statewide chat service.
- Visit our website 24/7 at <http://www.lallawlibrary.org> to find more information on which classes and workshops will be held online, access free legal websites, legal forms, and other free legal books and information.
- Visit our website 24/7 at <http://www.lallawlibrary.org> to request a free legal telephonic consultation with a lawyer.

The Los Angeles County Superior Court has a “specialty court” designation for certain types of civil cases. Many of the civil cases have specific standing orders related to local court procedures. Some civil courtrooms require the use of the Court Reservation System (CRS) to obtain a hearing date before filing a motion. The CRS is not used for filing ex parte applications. For more information about the Los Angeles County Superior Court’s civil court procedures, local court rules and forms, click here <http://www.lacourt.org/division/civil/civil.aspx>

The Los Angeles County Superior Court “Specialty Courts” include:

- Complex Civil Litigation Program: <http://www.lacourt.org/division/civil/CI0042.aspx>
- General Jurisdiction Personal Injury Court: <http://www.lacourt.org/division/civil/CI0030.aspx>

The Los Angeles County Superior Court has local court forms for use by the parties to prepare a Stipulation and Order to continue trial in the personal injury courts as follows:

- **LASC Local Form LASC CIV CTRL-242** (Proposed) Order and Stipulation to Continue Trial, FSC (and related Motion/Discovery Dates) Personal Injury Courts Only (Central District): <http://www.lacourt.org/forms/pdf/LACIV-CTRL242.pdf>
- **LASC Local Form LASC CIV AV-242** (Proposed) Order and Stipulation to Continue Trial, FSC (and related Motion/Discovery Dates) Personal Injury Courts Only (North District): <http://www.lacourt.org/forms/pdf/LACIV-AV242.pdf>
- Limited Civil (Collections): <http://www.lacourt.org/division/civil/CI0041.aspx>
- Limited Civil (Non-Collections): <http://www.lacourt.org/division/civil/CI0028.aspx>
- Eviction (Unlawful Detainer): <http://www.lacourt.org/division/civil/CI0031.aspx>