

# **Indiana Legal Services, Inc**

Using the law to fight poverty, empower clients, and improve access to justice.



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## **Filing for a Continuance**

### **I have a hearing scheduled in court, but I can't be there. What can I do?**

You can ask the court for a continuance. This means you ask the court to cancel the hearing and reschedule it for another date. The court does not have to give you a continuance; it will be up to the court to decide whether or not to give you a continuance. Some courts might have local rules that apply to requests for continuance; you can check with the court where your hearing is scheduled to see if there are any local rules that you need to know about.

### **How will the court decide whether or not to give me a continuance?**

It can depend on many factors. Some of the things a court might consider are:

- Whether you have already had a continuance in this case.
- Whether the court thinks you are asking for a continuance just to delay the court hearing.
- Whether the court thinks you have a good reason for asking for a continuance.
- Whether the other side in the case agrees to a continuance.
- How busy the court schedule is and whether it will be hard to reschedule the case.
- How important it is for the hearing to be heard in court.
- Whether you have asked for a continuance in a timely manner.

### **How do I ask for a continuance?**

Generally, you must ask the court in writing to give you a continuance. This means filing a pleading or some other written statement in court asking for a continuance. You can ask the court for a continuance when you are in court for your hearing, but the court is less likely to grant the continuance if everybody is in court and ready to go for the hearing. It is generally best to ask for a continuance before the day of the hearing, if possible.

### **What if I ask for a continuance but the court does not give it to me?**

If the court does not give you a continuance, then your hearing will go on as scheduled. You should make every effort to be in court for your hearing. If you are not in court for a scheduled hearing, the court can still issue orders. If you were ordered to appear in court and you do not appear, the court can even issue a warrant for your arrest.

### **What are reasons that a court might consider to be good reasons to grant a continuance?**

Every case is different, and every judge is different. A reason might be good enough in one situation, and not in another. Some reasons that might justify a continuance include:

- You are trying to get an attorney to represent you.
- You are trying to get certain witnesses or evidence for your hearing but you have been unable to get the witnesses/evidence so far.
- You are unable to get time off from work for the scheduled hearing.
- You did not receive enough notice of the hearing and you haven't had time to get ready for the hearing.

A court will not always grant you a continuance in these situations; it will depend on the circumstances of your case.

### **How can I file a Motion for Continuance?**

If, after reading this article, you think you need to file a Motion for Continuance, you can answer a series of questions in order to draft a Motion for Continuance that you can file with the court. Before you answer the questions to complete this pleading, you should:

- Read the above article.
- Have a copy of your court papers in front of you.
- Contact the other party to see if the other party agrees or disagrees with your Motion for Continuance.

After you have taken these steps, you can go to the Motion for Continuance pleading to answer the series of questions that will help you draft the Motion for Continuance that you can file with the court. Click here: [Motion for Continuance pleading](#)

LSC Code: 2020099

Last revised: 5-05

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Printed: August 20, 2019

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