

# HOW TO FILE & SEND A MOTION TO CONTINUE OR EXTEND TIME & NOTICE OF COURT DATE FOR MOTION

## Who can use a *Motion to Continue or Extend Time*?

Anyone who needs to ask the court to continue (reschedule) a court date that has already been scheduled, or who needs more time to do something (like file an *Answer* or respond to a *Motion* another party has filed) can file a *Motion to Continue or Extend Time*.

## Does the judge have to grant my *Motion to Continue or Extend Time*?

- No. The judge is not required to grant your *Motion*. Usually the judge will make a decision by looking at the reason why you need a continuance or more time. In some cases, the judge may be required to consider specific factors.

## Is there a deadline for filing a *Motion to Continue or Extend Time*?

- No, but if you are asking the court to continue (reschedule) a court date, you must file your *Motion* as far before that court date as possible. If you are asking the court to extend your time to do something, you should file your *Motion* as far before that deadline as possible.
- There may be more specific deadlines depending on the type of court date you are asking the court to reschedule.

## What forms do I need to fill out to file a *Motion to Continue or Extend Time*?

- ***Motion to Continue or Extend Time***: use this form to explain why you need to continue (reschedule) a court date or why you need more time to do something.
- ***Order Granting/Denying Motion to Continue or Extend Time***: is used by the judge to say if your *Motion to Continue or Extend Time* is granted or denied.
- ***Proof of Delivery***: you may need this form to show how you delivered a copy of the judge's *Order* to the parties or their attorneys.
- ***Notice of Court Date for Motion***: use this form to schedule the court date when you will see the judge; this is called the hearing date. This form also:
  - lists the date, time, and place where you will see the judge;
  - lists the names and addresses of the other parties or the names and addresses of their lawyers; AND
  - lets the other parties in the case know about the hearing date.

## Where can I find the forms I need?

You can find the forms at:  
<http://www.illinoiscourts.gov/Forms/approved/>.

## Are there any costs to file a *Motion to Continue or Extend Time*?

- No.
- If you have not yet filed your *Appearance* in the case, there may be a fee for filing your *Appearance*.
- If you cannot afford to pay the filing fee, you can ask the court to file for free. You will have to apply for a fee waiver by filling out the *Application for Waiver of Court Fees*. This is a separate set of forms you can find at: <http://www.illinoiscourts.gov/Forms/approved/>.

## What do I do after I fill out my forms?

### Step 1- File your *Motion to Continue or Extend Time* with the Circuit Clerk in the county where the court case is filed.

- If you are an inmate in a prison or jail and don't have an attorney, you may file your *Motion* by mail. Otherwise, you must electronically file (e-file) your forms.
- If you are unable to e-file for other reasons, you can ask the court to file by mail or in person. To ask the court for approval to file this way, you can use the *Certification for Exemption from E-Filing* form found here:  
<http://www.illinoiscourts.gov/Forms/approved/default.asp>. You must have a good reason that prevents you from e-filing.
- To e-file, create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some service providers are free, while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileLL, see *Odyssey File & Serve: Individual Filer User Guide* here:  
<https://tylertech.egain.cloud/kb/ilh5/content/PROD-16579/HTML-5-Individual-Filer-User-Guide-20170>
- If you do not have access to a computer, or if you need help e-filing, take your *Motion* to the Circuit Clerk's office, where you can use a public computer to e-file your *Motion*. You can bring your paper *Motion*, or bring it saved on a flash drive. The terminal will have a scanner and computer that you can use to scan, save, and e-file your *Motion*.

## Step 2: Ask for a court date.

- Ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled.
- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date or you may have to speak with other court staff.
- When you get your court date, ask if the court will send notice of the court date to the other party or if you need to.
- If you need to send notice, complete the *Notice of Court Date for Motion* found at: <http://www.illinoiscourts.gov/Forms/approved/>.

## Step 3: Send a copy of your *Motion to Continue or Extend Time* to the other party.

- You must send your *Motion* to the other parties in the case. If a party has a lawyer, send the forms to the lawyer.
- You may send the *Motion* to the other parties by personal hand delivery, by mail, third-party commercial carrier (for example, FedEx or UPS), or through the court's electronic filing manager or an approved e-filing service provider. You may e-mail your *Motion* to a party if they have listed their e-mail address on a court document. Complete the *Proof of Delivery* with information to show how you sent the *Motion* to each party. The form has room for 3 parties. If you are sending the *Motion* to more than 3 parties, fill out and add one or more *Additional Proof of Delivery* forms to the *Proof of Delivery* form.

## Step 4: Get ready for your court date.

- Decide and write down:
  - What you want to ask the judge to do for you; AND
  - What you will say to the judge if asked to tell why you need more time.

## Step 5: Go to your court date.

- Bring these items with you to court:
  - Photo I.D.;
  - Copies of all the documents you filed with the Circuit Clerk;
  - Copy of your *Order*; and
  - Other papers or proof related to your *Motion*.
- Get to the courthouse at least 30 minutes early. Go to the courtroom number listed on your court form. If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce yourself.

## How do I present my *Motion* to the judge and what happens after?

### Step 1: Tell the judge why you need more time and answer questions.

- Show evidence including documents and photos that show why you need more time.
  - Give a copy to the judge and a copy to the other party. Be prepared to explain why the document or photo is important.
- Question witnesses.
  - Tell the judge the name of your witnesses.
  - Ask the witnesses questions you prepared in advance.
  - The judge and the other party can ask questions of your witnesses when you are done.
- The judge decides whether the documents, photos, or witness testimony can be considered in making a decision about your motion.

### Step 2: The other party presents their position on your *Motion*.

- The other party will also get to present their position on your *Motion* by testifying, giving the judge evidence, and questioning witnesses.
- You will get to see any documents and photos the other party brings to court. If you do not think the judge should consider them in making a decision about your *Motion*, tell the judge why.
- You may ask questions of the other party's witnesses. Write down your questions while they are speaking to the other party or judge.

### Step 3: The judge makes a decision after both sides present their positions.

- The judge has to make a decision. The decision is called a court *Order*.
- If the judge needs more information to make a decision, the judge may set up another court date. Make sure you understand what information is needed and get it before the new court date.
- If the judge needs to think about it more, the judge may let you know the decision later by mailing a court *Order* or at another court date.
- If the judge has enough information, the judge may decide right then and fill out a court *Order*.
  - Get a file-stamped copy of the *Order*.
  - If the other party was not in court to get a copy, you must send them a copy by 5:00 p.m. on the date you get the *Order*. Fill out and file a *Proof of Delivery* court form with the Circuit Clerk to show that you sent the copy. You may find the *Proof of Delivery* at: <http://www.illinoiscourts.gov/Forms/approved/>.