

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

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at illinoislegalaid.org/lexicon/glossary. For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to ilcourthelp.gov.

Who can use a *Motion to Continue (Reschedule) 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 (Reschedule) or Extend Time*.

Does the judge have to grant my *Motion to Continue (Reschedule) 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 (Reschedule) or Extend Time*?

- No, but if you are asking the judge to continue (reschedule) a court date, you should file your *Motion* as far before that court date as possible. If you are asking the judge to give you more 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 (Reschedule) or Extend Time*?

- ***Motion to Continue (Reschedule) 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.
 - The email address (if you have one) and mailing address you put on the *Motion to Continue (Reschedule) or Extend Time* is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

- ***Statement of Missing Evidence or Witness*:** If you are asking to continue (reschedule) a court date because you will be missing important evidence or a witness on your court date, you must also fill out and file this form with your *Motion*. The *Statement* explains what evidence will be missing and what you have done to try to get it.
- ***Order Granting/Denying Motion to Continue (Reschedule) or Extend Time*:** is used by the judge to say if your *Motion to Continue (Reschedule) or Extend Time* is granted or denied.
- ***Notice of Court Date for Motion*:** use this form to let the other parties in the case know the court date for your *Motion*. This form:
 - 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.

Where can I find the forms I need?

You can find the forms at: ilcourts.info/forms.

Are there any costs to file a *Motion to Continue (Reschedule) 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: ilcourts.info/forms.
- Contact your Circuit Clerk's Office for more information on filing fees: ilcourts.info/CircuitClerks

What do I do after I fill out my forms?

Step 1: File your *Motion to Continue (Reschedule) or Extend Time* (and *Statement of Missing Evidence or Witness* if you have one) with the Circuit Clerk in the county where the court case is filed.

E-filing:

- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:
 - you qualify for an exemption (see "Not E-Filing" below) or
 - your case involves a criminal matter.

- Most people e-file their forms using Odyssey eFileIL at ilcourts.info/efile. Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/EfileHowTo. E-filing is easier on a computer. It may not work on a cell phone or tablet.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerks' office. These places offer public computers where you can e-file your forms.
 - You can bring your forms on paper or saved on a flash drive. The public computer will have a scanner where you can turn your paper forms into electronic files.
 - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.

Not E-filing:

- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
 - Inmates in prison or jail who do not have a lawyer
 - People with a disability that keeps them from e-filing
- You may also qualify for an exemption from e-filing if:
 - Do not have Internet or computer access in your home, and it is hard for you to travel.
 - Have trouble reading, writing, or speaking English.
 - Are filing documents in a sensitive case, such as an order of protection.
 - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at ilcourts.info/ExemptionCircuit. If you can't print this form, then ask for it at your local courthouse.
 - File your *Certification for Exemption from E-Filing* form with your other court forms at the Circuit Clerk's office or by mail.
 - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk's office. Ask them to stamp your copies and return them to you.
 - If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you to make copies.

If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your

forms then send your copies back to you in the envelope.

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: ilcourts.info/forms.

Step 3: Send a copy of your *Motion to Continue (Reschedule) or Extend Time (and Statement of Missing Evidence or Witness if you have one)* to the other party.

- You must send your forms to the other parties in the case. If a party has a lawyer, send the forms to the lawyer.
- If you and the person you're sending the *Motion* to have an email address, you must send it by email or by notification through the e-filing system. If you or the person you're sending the *Motion* to does not have an email address, you may give it to the other parties by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).

Step 4: Get ready for your court date and go to court.

- 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.

Make sure you know how to attend your court date.

Your court date could be in person, by phone, or by video. If it is by phone or video it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit ilcourts.info/CircuitClerks.

- If your court date is by phone or video:
 - Make sure to have the call-in or login information for your court date and make sure your technology is working.
 - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.

- Follow these recommendations to appear by phone or video:
ilcourts.info/AllRemoteCourtResources.

show that you sent the copy. You may find the *Proof of Delivery* at: ilcourts.info/forms.

- 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.**
 - Bring evidence you have 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.
 - The judge will decide 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*.
- **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