

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.
- ***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.

- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, or (2) you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer, (2) you have a disability that keeps you from e-filing, or (3) you have trouble reading or speaking in English.
 - Fill out a *Certification for Exemption from E-Filing* found here:
www.illinoiscourts.gov/Forms/approved/default.asp.
 - File the original and 1 copy of your *Motion to Continue or Extend Time*, and the *Certification*, with the clerk's office in person or by mail.
- 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 the self-help user guides here:
http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp
- 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 terminal to e-file your form.
 - You can bring your form on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your form.

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. There is room for 3 parties. If you are sending the *Motion* to more than 3 parties, fill out and file one or more *Additional Proof of Delivery* forms with the *Motion* 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.
- 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/>.

I certify that everything in the *Motion To Continue Or Extend Time* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete current address and telephone number.

/s/ _____
Your Signature Street Address

_____ City, State, ZIP
Print Your Name

_____ Telephone

PROOF OF DELIVERY

1. I sent this document:

a. To:
Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

- b. By: Personal hand delivery
- Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

_____ Address of Post Office or Mailbox

- Third-party commercial carrier, with delivery paid for at:

_____ Name (for example, FedEx or UPS) and office address

- The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

- Email (not through an EFM or EFSP)

- Mail from a prison or jail at:

_____ Name of prison or jail

c. On: _____
Date

At: _____ a.m. p.m.
Time

2. I sent this document:

a. To:
Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

CAUTION: If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In **c**, fill in the date and time that you sent the document.

In **2**, if you sent the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

Enter the Case Number given by the Circuit Clerk: _____

- b. By: Personal hand delivery
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox

- Third-party commercial carrier, with delivery paid for at:

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 Email (not through an EFM or EFSP)
 Mail from a prison or jail at:

Name of prison or jail

c. On: _____
Date

At: _____ a.m. p.m.
Time

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

- b. By: Personal hand delivery
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox

- Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address

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 Email (not through an EFM or EFSP)
 Mail from a prison or jail at:

Name of prison or jail

c. On: _____
Date

At: _____ a.m. p.m.
Time

If you sent your document to more than 3 parties or lawyers, check the box and file the *Additional Proof of Delivery* with this form.

- I have completed an *Additional Proof of Delivery* form.

Enter the Case Number given by the Circuit Clerk: _____

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

I certify that everything in the Proof of Delivery is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/

Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

PROOF OF DELIVERY

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Name of prison or jail

c. On: _____
Date

At: _____ a.m. p.m.
Time

2. I sent this document:

a. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

- b. By: Personal hand delivery
- Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox

- Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address

- The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

- Email (not through an EFM or EFSP)

- Mail from a prison or jail at:

Name of prison or jail

Enter the Case Number given by the Circuit Clerk: _____

c. On: _____
Date

At: _____ a.m. p.m.
Time

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To:
Name: _____
First Middle Last
Address: _____
Street, Apt # City State ZIP
Email address: _____

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Email (not through an EFM or EFSP)

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c. On: _____
Date

At: _____ a.m. p.m.
Time

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I have completed an *Additional Proof of Delivery* form.

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I certify that everything in the Proof of Delivery is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/ _____
Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	ADDITIONAL PROOF OF DELIVERY	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter county where the case is filed. Enter the name of the Plaintiff/ Petitioner. Enter the name of the Defendant/Respondent. Enter the Case Number given by the Circuit Clerk.	_____ Plaintiff / Petitioner (First, middle, last name) v. _____ Defendant / Respondent (First, middle, last name)	_____ Case Number

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

CAUTION: If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In **c**, fill in the date and time that you sent the document.

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First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

b. By: Personal hand delivery
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The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (not through an EFM or EFSP)

Mail from a prison or jail at:

Name of prison or jail

c. On: _____
Date

At: _____ a.m. p.m.
Time

2. I sent this document:

a. To: Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

b. By: Personal hand delivery
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

Address of Post Office or Mailbox

Enter the Case Number given by the Circuit Clerk: _____

Third-party commercial carrier, with delivery paid for at:

Name (for example, FedEx or UPS) and office address

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (not through an EFM or EFSP)

Mail from a prison or jail at:

Name of prison or jail

c. On: _____
Date

At: _____ a.m. p.m.
Time

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

b. By: Personal hand delivery

Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

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c. On: _____
Date

At: _____ a.m. p.m.
Time

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If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

I certify that everything in the *Additional Proof of Delivery* is true and correct. I understand a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

/s/ Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	ORDER GRANTING/DENYING MOTION TO CONTINUE OR EXTEND TIME	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff/Petitioner. Enter the name of the person being sued as Defendant/Respondent. Enter the Case Number given by the Circuit Clerk.	_____ Plaintiff / Petitioner <i>(First, middle, last name)</i> v. _____ Defendant / Respondent <i>(First, middle, last name)</i>	_____ Case Number

In 1, check if you are the Plaintiff/Petitioner or Defendant/Respondent.

1. **Motion by:** Plaintiff/Petitioner Defendant/Respondent

In 2, enter the date you filed the *Motion to Continue or Extend Time*.

2. **Date Motion Filed:** _____

In 3, enter what you are asking the court for with the *Motion to Continue or Extend Time*.

3. **Motion to:** Continue (reschedule) a court date
 Extend time

DO NOT complete the rest of the form. The judge will complete it.

People in court Plaintiff/Petitioner Plaintiff Attorney Defendant/Respondent
 Defendant Attorney Other: _____

The Motion to Continue or Extend Time is: **GRANTED**

Court date is continued to: _____ Date Time: _____ a.m./p.m

Time for _____ is extended to: _____ Date

The Motion to Continue or Extend Time is: **DENIED**

ENTERED:

Judge

Date

DO NOT complete this section. The judge will sign and date here.