

Getting Started

Motion to Continue or Extend Time

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use a *Motion for Hardship* form in your case. Your use of these forms does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *How to File & Send a Motion for Hardship* instruction sheet and the instructions on the forms.

Names of the forms:	<ul style="list-style-type: none"> • <i>Motion to Continue or Extend Time</i> • <i>Notice of Court Date for Motion to Continue or Extend Time</i> • <i>Order Granting or Denying Motion to Continue or Extend Time</i>
Purpose of the forms:	Use this form when your car has been taken by the police and you feel you have a substantial hardship for which the court may release your vehicle during the court case.
Types of cases the forms CAN be used for:	All civil cases. For example, divorce cases, family cases, eviction cases, small claims cases, lawsuits for injury or property damage, and contract disputes.
Types of cases the forms CANNOT be used for:	All criminal, traffic, and juvenile justice cases.
Cost to file these forms:	None.
Special information or papers needed to complete the forms:	<ul style="list-style-type: none"> • If you are asking the court to continue (reschedule) a court date that has already been scheduled, you will need to know that date and time. • You may also need a Notice of Court Date for Motion form but some courts do not require it. • You may also need a Proof of Delivery for the Order. • See <i>How to File & Send a Motion to Continue or Extend Time & Notice of Court Date for Motion</i>.
Statutes covering the forms:	Illinois Supreme Court Rules 183, 231
Where to find the forms and instruction sheet:	illinoiscourts.gov/documents-and-forms/approved-forms
For more information:	Read the <i>How To File & Send a Motion for Hardship</i> instruction sheet that comes with these forms. You may also find more information, resources, and the location of your local county self help center at: http://www.illinoislegalaid.org .

HOW TO FILE & SEND A MOTION TO CONTINUE 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 courthelp.gov.

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. The email address (if you have one) and mailing address you put on the *Motion to Continue 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.
- ***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 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: illinoiscourts.gov/documents-and-forms/approved-forms.

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: illinoiscourts.gov/documents-and-forms/approved-forms.

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, (2) you have a disability that keeps you from e-filing, or (3) 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 trouble reading or speaking in English, or (3) you tried to e-file your documents, but you were unable to complete the process because the equipment or assistance you need is not available.
 - If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: illinoiscourts.gov/documents-and-forms/approved-forms.

Find Illinois Supreme Court approved forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

- File the original and 1 copy of your *Motion* and the *Certification* with the Circuit Clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.
 - Visit 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 eFileIL, see the self-help user guides here: illinoiscourts.gov/self-help/how-to-e-file/
- If you do not have access to a computer or if you need help e-filing, take your forms to the Circuit Clerk's office where you can use a public computer terminal to e-file your forms.
 - You can bring your forms 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: illinoiscourts.gov/documents-and-forms/approved-forms.

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.
- 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).

Make sure you know how you are 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 illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/.

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.

- 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: illinoiscourts.gov/self-help/court-by-phone-or-video

- 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:

illinoiscourts.gov/documents-and-forms/approved-forms.

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 *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](#).

/s/ _____
Your Signature Street Address

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.

_____ City, State, ZIP
Print Your Name

_____ Email
Telephone

Enter your complete address, telephone number, and email address, if you have one.

Attorney # (if any)

GETTING COURT DOCUMENTS BY EMAIL: 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.

PROOF OF DELIVERY

1. I am sending the *Motion to Continue or Extend Time*

a. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

b. By:

An approved electronic filing service provider (EFSP)

Email (not through an EFSP)

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

Personal hand delivery to:

The party

The party's family member who is 13 or older, at the party's residence

The party's lawyer

The party's lawyer's office

Mail or third-party carrier

c. On: _____ at: _____ a.m. p.m.
Date Time

In **1a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **1b**, check the box to show how you are sending the document. **CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In **1c**, fill in the date and time that you are sending the document.

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

In 2a, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In 2b, check the box to show how you are sending the document. **CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In c, fill in the date and time that you are sending the document.

If you are sending your document to more than 2 parties or lawyers, check the box and file the *Additional Proof of Delivery* with this form.

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 address, telephone number, and email address, if you have one.

2. I am sending this document:

a. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

b. By:

An approved electronic filing service provider (EFSP)

Email (*not through an EFSP*)

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

Personal hand delivery to:

The party

The party's family member who is 13 or older, at the party's residence

The party's lawyer

The party's lawyer's office

Mail or third-party carrier

c. On: _____ at: _____ a.m. p.m.
Date Time

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

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

Email

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/s/
Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

Email

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Enter your complete address, telephone number, and email address, if you have one.

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STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	ADDITIONAL PROOF OF DELIVERY	<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 or company that filed this case as Plaintiff/Petitioner. Enter the name of the Defendants/ Respondents. Enter the Case Number given by the Circuit Clerk.	_____ Plaintiff / Petitioner <i>(First, middle, last name or Company)</i> v. _____ Defendants / Respondents <i>(First, middle, last name, or business name)</i>	_____ Case Number

In **1**, enter the name of each court document you are sending.

In **1a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **1b**, check the box to show how you are sending the document.
CAUTION: If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

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

1. I am sending the following court document: _____

a. To: _____

Name: _____

First Middle Last

Address: _____

Street, Apt # City State ZIP

Email address: _____

b. By:

- An approved electronic filing service provider (EFSP)
- Email *(not through an EFSP)*

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

- Personal hand delivery to:
 - The party
 - The party's family member who is 13 or older, at the party's residence
 - The party's lawyer
 - The party's lawyer's office
- Mail or third-party carrier

c. On: _____ at: _____ a.m. p.m.

Date Time

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

In **2a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **2b**, check the box to show how you are sending the document. **CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the

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

2. I am sending this document:

a. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email address: _____

b. By:

An approved electronic filing service provider (EFSP)

Email (*not through an EFSP*)

Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.

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The party's family member who is 13 or older, at the party's residence

The party's lawyer

The party's lawyer's office

Mail or third-party carrier

c. On: _____ at: _____ a.m. p.m.
Date Time

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/s/
 Your Signature

 Street Address

 Print Your Name

 City, State, ZIP

 Telephone

 Email

 Attorney # (if any)

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