

## **RULE 16      CONTINUANCES**

(a) Motions for continuances or advancements shall be made and considered in accordance with Rule 41 of the Rules of Superintendence for the Courts of Ohio and Rules 19 and 23 of the Ohio Rules of Juvenile Procedure.

(b) All requests for a continuance shall be made to the presiding Judge or Magistrate by written motion filed with the office of the Clerk of Court no later than seven (7) days before the day of the trial or hearing and after notice to opposing counsel, the GAL or any unrepresented party.

(c) All motions for a continuance shall contain the following information:

- (1) The date on which the need for the continuance arose;
- (2) The reasons for requesting the continuance;
- (3) The date on which all other attorneys of record, the GAL and any unrepresented party or parties were contacted, and whether there is an agreement on the need for a continuance; and
- (4) The earliest date that all parties and attorneys will be ready to proceed.

(d) Motions for a continuance made subsequent to seven (7) days prior to the day of the trial or hearing may be granted but only for good cause shown. Good cause shall mean a cause which was not known to the party and/or attorney prior to seven (7) days before the trial or hearing and that the party and/or attorney have made diligent efforts to be ready for trial and to notify the opposing party or attorney of the necessity to request a continuance. **This rule may not be waived by agreement of counsel.**

**IN THE COMMON PLEAS COURT OF MONTGOMERY COUNTY, OHIO  
JUVENILE DIVISION**

IN RE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Minor child(ren)

Name

Street Address

City, State, and zip code

Plaintiff

JC# \_\_\_\_\_

JC# \_\_\_\_\_

JC# \_\_\_\_\_

SETS \_\_\_\_\_

Judge \_\_\_\_\_

Magistrate \_\_\_\_\_

vs. / and

**MOTION FOR CONTINUANCE**

Name

Street Address

City, State, and zip code

Defendant

Now comes, the (check one)  Plaintiff  Defendant \_\_\_\_\_,  
(your name)

and hereby requests a continuance of the hearing scheduled for \_\_\_\_\_,  
(hearing date)

at \_\_\_\_\_ AM/PM. I became aware of the need for continuance on \_\_\_\_\_.  
(hearing time) (date need raised)

The reason for this request is:

I have notified the other parties to the case, on \_\_\_\_\_ (date notified) and they  
(select one)  Object to this filing  Do not object to this filing

The earliest date I will be ready to proceed is \_\_\_\_\_ (date ready to proceed).

Respectfully Submitted,

\_\_\_\_\_  
Attorney or Self Represented Party Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail

\_\_\_\_\_  
Supreme Court Reg No. (if any)

I hereby acknowledge that, PRIOR TO FILING THIS MOTION FOR CONTINUANCE, I have notified all other parties to this case as listed below in the Certificate of Service.

\_\_\_\_\_  
Your Signature

**Certificate of Service**

I hereby certify that a copy of the foregoing was served on the following parties by certified mail, return receipt requested and / or by personal service on (file date) \_\_\_\_\_.

**[THE PARTY FILING THIS DOCUMENT IS RESPONSIBLE FOR SERVING A COPY ON ALL PARTIES TO THE CASE AND PROVIDING PROOF OF SERVICE TO THE COURT.]**

**List names and complete addresses for all parties to be served, including any attorney or Guardian Ad Litem (GAL) on this case.**

\_\_\_\_\_  
Party's Name

\_\_\_\_\_  
Party's Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Party's Name

\_\_\_\_\_  
Party's Name

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

If checked, please send Notice Only copy to: (check if case involves child support) Montgomery County CSEA, 25 Thorpe Drive, Dayton, OH 45420

\_\_\_\_\_  
Your Signature