

SMALL CLAIMS

HOW TO REQUEST A POSTPONEMENT (CONTINUANCE)

What if I can't make it to court?

Which Party Can Postpone the Hearing?

- Any party may submit a written request to postpone a hearing date for good cause.

What is the Proper Procedure for Postponing a Hearing (CC. 116.570)?

- The request must be filed at least 10 days before the hearing date unless the court determines there is good cause for filing the request at a later date.
- The written request may be made by either a written letter to the judge or by filing the Request for Postponement Form (SC-110).
- The form or written request must be personally delivered or mailed to the other parties in the action.

What are the Most Common Situations for Postponing a Hearing?

1. The plaintiff has failed to serve the defendant in a timely manner and needs more time to do so. This is often referred to as a reset.
 - A reset costs no money to file.
 - Once the reset has been accepted, the court shall reschedule the hearing time and date in order to give the plaintiff more time to serve the defendant.
 - Bring in all copies of SC-100 so the clerk can amend the date of the hearing.
2. The plaintiff or defendant is unable to attend the hearing due to a conflict deemed acceptable by the court.
 - A fee of ten dollars (\$10) shall be charged and collected for the filing of this request for postponement.
4. The defendant wasn't served a sufficient number of days in advance to the hearing date.
 - There shall be no charge for the filing of this postponement.
 - The defendant must be served 15 days before the hearing if he/she resides within the county and 20 days before the hearing if he/she resides outside of the county of which the action was filed (CC. 116.340).
 - If the defendant has not personally requested a postponement, the court shall postpone the hearing for 15 days and promptly notify all parties by mail of the new hearing date, time, and place.

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5. The courts determine that the parties desire to engage in mediation or other dispute resolution.

What happens After Submitting the Request for Postponement Documents?

- The court shall provide a prompt response by mail to any person making a written request for postponement of a hearing date.
- If the court finds that the interests of justice would be served by postponing the hearing, the court shall postpone the hearing, and shall notify all parties by mail of the new hearing date, time, and place.