

In the matter of:

**MOTION AND ORDER TO CONTINUE
IN ADVANCE OF
SCHEDULED COURT DATE**

1. The undersigned moves the Court for a Continuance in this case that is presently set for _____.
 2. The case is currently set for: First Appearance Probable Cause Hearing Adjudication
 Disposition Probation Violation Motion for Review.
 3. The basis for the Motion to Continue is: _____

 4. The charge(s) against respondent: _____

 5. This matter has previously been continued _____ times on the following dates:
 - i. _____ continued by _____.
 - ii. _____ continued by _____.
 - iii. _____ continued by _____.
 5. Opposing counsel: does wish to be heard on the motion, or does not wish to be heard on the motion.
 6. I have contacted opposing counsel and he/she consents, or does not object, opposes this request to continue,
- OR
7. I have attempted to contact opposing counsel on _____ by telephone, fax,
 email, or first class mail, and have not received a response.

This the ____ day of _____, 20 ____.

 Assistant District Attorney

 Juvenile's Attorney

ORDER TO CONTINUE

THIS MOTION TO CONTINUE IS: DENIED
 ALLOWED, for good cause shown, and is set for _____.

Court date set by: consent of parties, Judge, or Office Assistant of the Department of Juvenile Justice and Delinquency Prevention.

This the ____ day of _____, 20____.

 Assigned Judge

 Presiding Judge

RULE 13 CONTINUANCES

- 13.1** Attorneys shall make all reasonable efforts to avoid continuances. Pursuant to N.C.G.S. 7B-2406, “the court for good cause shown may continue any hearing for as long as is reasonably required to receive additional evidence, reports, or assessments that the court has requested, or other information needed in the best interests of the juvenile and to allow for a reasonable time for the parties to conduct expeditious discovery. Otherwise, continuances shall be granted only in extraordinary circumstances when necessary for the proper administration of justice or in the best interests of the juvenile.” What constitutes good cause and extraordinary circumstances is in the sound discretion of the judge to whom a motion to continue is presented.
- 13.2** Motions made in advance of the scheduled court date must be made in writing using the local form [**WAKE-JUV(D&U)-03**] designated for such purpose with all of the pertinent information contained therein and the reason for the request clearly stated. Pertinent information required includes, but is not limited to, the juvenile’s name, basis for the continuance motion, nature of event scheduled (adjudication, disposition, probable cause hearing, etc.), charges/petitions pending, previous continuances if any and reason case was continued, if case is marked “last”, and whether there are outside witnesses. The Juvenile Court Clerks shall maintain a supply of local continuance motion forms that shall be readily available to attorneys in the Juvenile Court Courtroom.
- 13.3** All motions to continue shall be made as soon as the need for a continuance is identified so as to avoid unnecessary inconvenience of the witnesses and allow for more efficient use of court time. Opposing counsel must be notified of the motion prior to the motion being made to the appropriate judge.
- 13.4** All parties shall have an opportunity to be heard on a motion to continue.
- 13.5** All motions for continuance shall be made to the District Court Judge presiding over the session of Juvenile Court for which the case is calendared. If the trial judge is not known at the time the request is made, or is unavailable, the motion shall be made to one of the following in order of sequence: (1) to the District Court Judge presiding in Juvenile Court at the time the motion is made, (2) to any judge regularly assigned to Juvenile Court for Delinquency and Undisciplined matters, or (3) to the Chief District Court Judge.
- 13.6** On the scheduled court date no one except the presiding Juvenile Court Judge is authorized to continue a matter. All motions for continuances on the scheduled court date must be directed to and ruled upon by the presiding judge.
- 13.7** In the event that a case is ordered continued in advance of the scheduled court date, the moving party shall immediately notify the Juvenile Court Clerk and provide a signed copy of the Continuance Order including the new court date. Counsel shall notify the juvenile and any witnesses subpoenaed by the juvenile of the continuance and the new court date. The Assistant District Attorney shall notify the victim, law enforcement officer or any other witnesses subpoenaed by the State of the continuance and the new court date.