

## **STAUNTON / AUGUSTA J&DR COURT CONTINUANCE POLICY**

### **Policy**

Pursuant to Rule 8:14 of the Rules of the Supreme Court of Virginia continuances shall only be granted upon a showing of good cause.

### **Scope**

This policy applies to all parties, including but not limited to, attorneys, court services, law enforcement, Commonwealth's Attorney, plaintiffs, petitioners, defendants, and respondents.

### **Definition of Good Cause**

Good cause exists when the need for a continuance is unforeseen, is not due to a lack of preparation, is brought to the Court's attention in a timely manner and does not unduly prejudice the opposing party.

### **Procedure**

- a. All continuance requests shall be in writing. They shall be made as far in advance of the Court hearing as possible. They may be mailed, faxed, or hand-delivered to the Clerk's office, with copies to all parties. The term "parties" shall mean all plaintiffs petitioners, the prosecution, defendants, respondents, all involved attorneys and any person who is the subject of the proceeding. If there is an objection to the continuance by any party, they shall file their objections in writing with the Court immediately. **NO CONTINUANCE REQUESTS WILL BE ACCEPTED IF THEY ARE NOT PROVIDED TO ALL PARTIES TO THE CASE.**
- b. **JUDICIAL APPROVAL:** The Court must approve all continuance requests unless there is an Agreement between all parties to continue the case. If there is an agreement to continue by all parties, the Clerk shall re-set the case. If there is no agreement to continue the written Motion for continuance shall be presented to the Court immediately for consideration. The Court may grant or deny the request or set the matter for a hearing if there is enough time prior to the scheduled court date.
- c. A continuance may be granted if the Court receives the written request at least ten days (10) days prior to the hearing. Requests made less than ten days prior to the hearing, including requests made on the day of trial will not be granted unless there is a showing that to proceed would not be in the interest of justice. Requests for continuances based upon emergencies shall be decided by the Court on a case-by-case basis.