

ALLEGHANY COUNTY 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, emailed 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, and 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 REQUEST WILL BE ACCEPTED IF THEY ARE NOT PROVIDED TO ALL PARTIES TO THE CASE.**
- b. Judicial Approval: The court must approve individual continuance requests unless there is a written agreement signed by 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 or 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 prior to the hearing. Requests made less than 10 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.
- d. All Protective Orders shall be heard according to statutory guidelines, however, if a written request is made and all parties are copied, the court may consider continuing a preliminary protective order along with pending criminal matters before the court. The petitioner and respondent must appear in court at the date and time scheduled for the hearing.

Lethia Hammond, Presiding Judge