

Continuance Policy and Procedures  
Virginia Beach Juvenile and Domestic Relations District Court

1. Purpose: To establish procedures for the Court, attorneys, court staff, agencies and citizens to follow when a continuance is requested.

2. Policy – Pursuant to Supreme Court of Virginia Rule 8:14:

Continuances shall not be granted except by, and at the discretion of, a judge for good cause shown, or unless otherwise provided by law.

3. Continuances requested prior to the hearing:

(a) If all Parties Agree to Continuance: If all parties to a proceeding agree to a continuance request, the request may be made in writing by one party as long as that party certifies to the judge that all other parties know of the request and concur. Such a request should be made as far in advance of the scheduled hearing or trial as is practicable. A minimum of three dates which are available to both parties and all unavailable dates for 60 days following the original court date shall be provided to the Court by the moving party at the time the continuance motion is made. If this procedure is followed, the continuance will be granted for good cause shown. **If the continuance motion involves a case where a juvenile is securely detained, the continuance date must be approved by the judge. If the matter has been previously continued, the continuance will not be met with favor by the court and a hearing may be required with the date approved by the court.**

(b) If all Parties Do Not Agree to Continuance: If a request for continuance is not agreed to by all parties to a proceeding, the moving party shall have an opportunity for a pretrial hearing to determine if the court will grant the continuance. To take advantage of this opportunity, the moving party shall file a written motion to continue, on a motion form provided by the court or by letter from the moving party. Such motion or letter shall specify the reason the continuance is requested and shall provide a list of such further dates when the party will be available, should the court grant the continuance (and any dates the party will be unavailable, with reason for unavailability).

Such request for a hearing on the continuance motion shall be made as far as possible prior to the date originally scheduled for the hearing or trial, but **no less than fifteen days prior** to the original date. (a shorter time will not allow time for service on the parties

and may result in a hearing on the continuance motion being denied). All parties shall be given notice of such hearing by the moving party.

If a continuance is not agreed to by the parties or the case is not continued by the court in advance, the matter shall be heard on the original court date, unless the court, in its sole discretion, for good cause shown, grants a continuance at that time.

4. Continuances Requested at the Time of Hearing: Where a request for a continuance has not been made prior to the hearing or trial and other parties or witnesses are present and prepared for trial, a continuance shall be granted only upon a showing that to proceed with the trial would not be in the best interest of justice.
5. Continuances for traffic matters (applies to all juvenile matters written on Va. Uniform Summons to be heard on the traffic docket): Either party (defendant or police officer) will be granted a continuance if the matter has not previously been continued, at the request of either party. The requesting party shall, a minimum of fifteen days prior to the scheduled trial date, contact the other party to advise of the need for a continuance and submit a new agreed-upon trial date to the court in writing.
6. Definition: Parties. For purposes of this Rule, the term "parties" shall mean all counsel, and pro se plaintiffs, complainants, petitioners, the prosecution, defendants, respondents and any person who is the subject of the proceeding.

Date: \_\_\_\_\_

7-25-18

Chief Judge: \_\_\_\_\_

