



Kansas City Municipal Court Continuance Guidelines Effective February 21, 2024

POLICY:

This policy only applies to cases where the defendant has appeared in court at least once. The first time a defendant misses an initial appearance other than a trial date, the defendant may be entitled to a grace period according to the Court's Bench Warrant Policy.

It is the policy of this Court to provide justice for citizens without unnecessary delay and without undue waste of the time and other resources of the Court, the litigants, and other case participants. For all of its case types and dockets, and in all of its courtrooms, the Court looks with strong disfavor on motions or requests to continue court events. To protect the credibility of scheduled trial dates, trial-date continuances are especially disfavored.

1. **CASES NOT SET FOR TRIAL:** Any Motion for Continuance with a certificate of service to the opposing party along with a proposed order shall be in writing filed with the court no later than **3 business days** before the court event for which rescheduling is requested. The reasons for the continuance request must be specified in the motion.
2. **CASES SET FOR TRIAL:** Any Motions for Continuance with a certificate of service to the opposing party along with a proposed order shall be in writing and filed with the court no later than **5 business** before the trial date for which rescheduling is requested. The reasons for the continuance request must be specified in the motion.
3. Oral motions for continuance may be heard on the court date but will only be granted for good cause shown.

The Court will grant a continuance only for good cause shown. The Court will evaluate whether sufficient cause justifies a continuance, on a case-by-case basis.

The following alone will generally **not** be considered sufficient cause to grant a continuance:

- Counsel has not been fully compensated for their service;
- Counsel or the parties agree to a continuance;
- New counsel has entered an appearance in the case where the case is set for trial;
- Unavailability of a witness who has not been subpoenaed;
- A party or counsel is unprepared for trial for reasons including, but not limited to, the party's failure to maintain necessary contact with counsel;
- A police officer or other witness is either in training or is scheduled to be on vacation, unless the Court is advised of the conflict soon after the case is scheduled and sufficiently in advance of the trial date setting.

The following will generally be considered sufficient cause to grant a continuance:

- An unrepresented defendant missed a scheduled court appearance for the first time in this case, with or without explanation, unless the scheduled appearance was for trial.
- Sudden medical emergency (not elective medical care) or death of a party, counsel or witness that has been subpoenaed;
- A party did not receive notice of the setting of the trial date through no fault of that party or that party's counsel;
- Facts or circumstances arising or becoming apparent too late in the proceedings to be fully corrected and which, in the view of the Court, would likely cause undue hardship or miscarriage of justice if the trial is required to proceed as scheduled;
- Illness or family emergency of counsel, party or witness.

PROCEDURES TO ENSURE CONSISTENCY AMONGST COURTROOMS:

As a guide the following procedures will be in place to ensure consistency amongst the courtrooms:

- Except for domestic violence, child abuse, non-payable housing or animal court cases, upon the request for a continuance by a defendant, Court Administration is authorized to reschedule any case from its first scheduled court date to a later date.
- Court Administration is authorized to reschedule cases from an arraignment or status docket date to a different date upon the entry of an attorney of record and motion for continuance. The case will be set within 60 days of that entry and motion for continuance.
- The judge will factor age of case, how long the attorney has been entered on a case and case type to determine if a continuance may be granted.
- The judge at arraignment or Defendant's first appearance will order one 60-day continuance for unrepresented defendants to obtain an attorney. If the case is domestic violence related, the court may order one 90-day continuance. Subsequent continuances will only be authorized in extreme circumstances. The preceding timeline will not be applicable to any housing or animal case. The Judge presiding over such cases shall determine continuances on a case-by-case basis.
- The Court will only allow a maximum of 2 virtual settings in any case before ordering the case to be scheduled in-person.
- If the attorney has been entered on the case for 3 months or longer, the Defendant and the attorney must be present to request any further continuances.

Information about the sources of each continuance motion or request in a case and the reason for any continuance granted by the Court shall be entered for that case in the Court's computerized case management system.

On a quarterly basis, the court en banc shall review the efficiency of the continuance policy based on extracted data and adjust the policy if appropriate.