

Continuance Policy: Implementation Guide

Data show that longer cases are more likely to have a missed appearance. Resolving cases in a timely manner reduce missed court appearance and benefit court personnel, victims, and witnesses. Clear continuance policies can help improve disposition times. Here are steps to create and implement a continuance policy for your jurisdiction.

- 1 Establish a stakeholder team.** Identify and include all impacted stakeholders, such as judges, clerks of court, prosecutors, and defenders.
- 2 Consider examples.** You can find examples of continuance policies here. Looking at samples can jump-start ideas.
- 3 Team drafts the policy.** Create clear rules for each court. Some things to consider:
 - **Time standards.** If they don't already exist in your jurisdiction, consider creating time to disposition guidelines. Some model time standards are in this [National Center for State Courts document](#).
 - **Criteria for continuances.** Decide on the factors to consider when determining whether to grant or deny a continuance. Do these factors change for different types of cases (e.g., older cases, cases that already have been continued, cases requiring the crime lab)?
 - **Appropriate court official.** Can officials other than judges continue cases?
 - **Documentation.** How will orders for continuances be documented?
 - **Notice to parties.** How will counsel, unrepresented parties, and witnesses be notified of continuances?
 - **Process for objections.** How will objections to continuances be handled?
 - **Case rescheduling.** If the continuance is granted, how will the case be rescheduled?

EXAMPLE

In Robeson County, NC, the Clerk of Court can continue certain traffic cases. In Orange County, NC, prosecutors and defenders can continue a case by agreement up to three times.

- 4 Training and pilot test.** Train court personnel on the policy and have a plan to train new people as they come on board. You may want to test the policy in a limited way before rolling it out to the entire jurisdiction.
- 5 Codify the policy.** Once you have finalized the policy, codify it according to local procedures and set a starting date. In North Carolina, this can be done by administrative order.
- 6 Publicize the new policy.** Issue a public notice of the continuance policy. Be sure to notify the prosecutor's and public defender's offices, the private bar, and those with pending cases of the new policy well in advance of its implementation.
- 7 Review and adjust if needed.** Check in with the team on how the continuance policy is going. Collecting data on time to disposition and/or the number of continuances can provide insight on the policy's impact. Feedback from court users and stakeholders can point to areas of improvement.