



EVICTON HEARINGS IN DELAWARE MUNICIPAL COURT: HOW TO REQUEST A ONE-WEEK CONTINUANCE

REQUESTING A 1-WEEK CONTINUANCE

The Delaware Municipal Court magistrates will generally give a tenant a single one-week continuance of an eviction hearing so that the tenant can have additional time to find an attorney. The court will generally only grant one of these continuances for the tenant. The magistrate does not have to grant a continuance, but usually will. The following is advice on requesting the continuance.

1. Usually court starts at 10 a.m., but confirm what your summons says. When you arrive on the second floor you will see uniformed bailiffs sitting at a desk in the hallway. You should “check-in” by telling them who you are. Tell them you will be asking for a continuance. They will ask you to take a seat in the hall until they open the courtroom. Everyone will be called into the courtroom together and take a seat on the pews while the bailiff explains procedures. When their case is called, tenants and their lawyers, if they have one, sit at the table closest to the pews. Landlords and their lawyers sit at the farther table.
2. When your case gets called you will walk up to your table. The bailiff will ask you to raise your right hand and swear to tell the truth. Then the hearing begins and you will usually answer questions right there at your table unless someone asks you to move to the witness box.
3. Some magistrates will immediately begin to ask you questions about the case. However, the first questions are to the landlord.
4. At the earliest opportunity but at least **before you answer any questions about the case**, say, *“Your honor, I am asking for a one-week continuance so I can try to get an attorney to help me.”*
5. If you or possibly even the landlord answer questions about the case before you ask for a continuance, it may be denied because the court already has taken evidence about the case.
6. If the court grants your request for a one-week continuance, the case will usually be scheduled for the same day the next week.

How to Contact LASC:

FRANKLIN & MADISON

Call (614) 241-2001 or Toll Free 1-888-246-4420
1108 City Park Avenue, Columbus, OH 43206
Office Hours: 9:00am-3:30pm Monday-Friday

DELAWARE, MARION, MORROW, & UNION

Call (740) 383-2161 or Toll Free 1-888-301-2411
150 Oak Street, Marion, OH 43302
Office Hours: 9:00am-4:30pm Monday-Friday

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