

# DSS Policy and Procedure Guide

Division 03: Child Welfare

Chapter 06: Court

## Item 025: Request for Continuance

Suggested changes send to: [DSS PSOA Mailbox](#)

Issued: **March 12, 2024**

References: Welfare and Institutions Code Section [352](#),  
[California Rules 5.550](#), [Local Rules 6.4.7](#)

Revisions in Red

Replaces Issue: **October 4, 2010**

### Preamble

Child Welfare Policy and Procedure Guides are meant to be used as tools to relay best practice and staff expectations. It is understood that specific case scenarios may not always align themselves with the stated practices and that at all times what is of paramount importance is the Safety and Well-being of the children we are charged to protect.

### Policy

This PPG supports the Departments efforts to ensure child safety and supports timely legal permanency with family reunification being the first preference followed by adoption and legal guardianship. This PPG is applicable to all new and existing cases.

### Purpose

When a SW has not submitted a report for a hearing in a timely manner and/or has not provided proper notice, it is necessary to submit a request for a continuance. Any delay in a court proceeding can result in the delay of family reunification or legal permanency and could impact child safety. A request for a continuance is a very serious matter and **shall not be used as a substitute for the timely submission of a court report except in extraordinary circumstances, especially with regards to the statutory timeframes for Jurisdiction and Disposition.**

### APPROPRIATE REASONS FOR CONTINUANCES

1.	Child safety issues
2.	New information which requires further investigation/evaluation
3.	Information about the parents was recently located, additional time needed for notice-for a hearing other than a WIC 366.26 hearing-
4.	Failure to send timely and/or proper notice for a WIC 366.26 hearings*
5.	Under WIC 360(a): If parent waives Family Reunification and legal guardianship is being assessed as disposition. (Voluntary legal guardianship) Assessment per 361.5(g).
6.	To finalize evaluation of a noncustodial, non-offending parent for placement

**NOTE:** SW shall submit a continuance request **as soon it is** determined that they are unable to send timely and/or proper notice for a WIC 366.26 hearing. The latest a continuance request can be submitted to the court is 30 calendar days before the scheduled hearing. **A continuance request shall not be submitted thereafter.**

<b>INAPPROPRIATE REASONS FOR CONTINUANCES</b>
SW being on vacation <b>or out of office for any extended period of time</b>
Failure to complete a report in a timely manner
Failure to complete Due Diligence
Failure to send timely and/or proper notice for all other appearance hearings except as noted in number 3.
<b>Lack of Qualified Expert Witness (QEW), if child is an Indian Child</b>

**NOTE:** If a case is continued due to disposition recommendation not received timely, it is the responsibility of the SW and the SWS to complete the report.

**Procedure**

**Requesting a Continuance of a Scheduled Court Hearing**

SW Preparing Court Report Responsibilities

- At the earliest possible date, **the SW will** consult with **the SWS** to ascertain if the continuance can be avoided.
- If the continuance cannot be avoided, a meeting must take place with two SWS, and the case carrying SW must review the case for the appropriateness of a continuance, all parties will be responsible for signing a staffing sheet. Once signed by the SWS and SW, the approved continuance request **will be submitted** at least three court days prior the scheduled hearing.
- Prior to creating the report, review the on-line case record to ensure that all identifying information (e.g., names, addresses, etc.) and court information (e.g., past hearing dates, notices of hearing, attorneys’ names, etc.) are recorded and current. If necessary, **the SW will** update the case record.
- Create a “Generic Report” in CWS/CMS as soon as possible. Title the report “Request for Continuance”. Complete all appropriate fields on the report not populated by the database. If needed, manually enter any information not found in the application. Provide the following information in the indicated fields:

**HEARING DATE**

Enter the date of the scheduled hearing for which date the continuance is being requested. If necessary, edit/enter data not populated from the database directly into these fields.

**IN THE MATTER OF**

This information should populate from the Hearing Notebook and the child’s Client Notebook but **the SW should verify the information.**

**PARENTS/LEGAL GUARDIANS**

This information should populate from the parent’s Client Notebook but **the SW should verify the information.**

## REASON FOR APPLICATION

Enter: "The matter is before the Court to request a continuance".

## NOTICES

All information in this field should populate from the database if the notices were actually completed. Ensure that the information (names, addresses, method used to notice, etc.) regarding the parties entitled to notice is accurate. If necessary, edit/enter data directly into these fields.

## REASON FOR RECOMMENDATION

Enter a brief explanation as to why it is necessary to ask for a continuance. *The following questions must be addressed in specific paragraphs:*

- Prior continuances of this hearing requested by DSS:
- Proposed length of continuance:
- Placement of child:
- Reason for continuance:
- Why continuance would not be **contrary to the best interest of the child: (Note: the court will consider a minor's need for prompt resolution of his or her custody status, the need to provide children with stable environments, and the damage to a minor of prolonged temporary placements.)**

## RECOMMENDATION

Recommend that the case be continued to the earliest possible date. For jurisdictional, disposition and status review hearings, select a date not less than 21 calendar days and no more than 30 calendar days from the date of the previously scheduled hearing. For WIC 366.26 hearings, select a date not less than 90 calendar days and no more than 120 calendar days from the date the permanency planning hearing was held. Ensure that the date requested is not on a weekend or court holiday.

- When the report is completed by the SWS, route the report with the staffing sheet and any additional attachments to court staff for final preparation and delivery to court three court days prior to the hearing.

## SWS Responsibilities

- Review the report and any supporting documents.
- Sign and date the report making sure the staffing sheet is attached.

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**OVERVIEW OF STATUTES/REGULATIONS****Welfare and Institutions Code Sections 352**

- a) Upon request of counsel for the parent, guardian, minor, or petitioner, the court may continue any hearing under this chapter beyond the time limit within which the hearing is otherwise required to be held, provided that no continuance shall be granted that is contrary to the interest of the minor. In considering the minor's interests, the court shall give substantial weight to a minor's need for prompt resolution of his or her custody status, the need to provide children with stable environments, and the damage to a minor of prolonged temporary placements. Continuances shall be granted only upon a showing of good cause and only for that period of time shown to be necessary by the evidence presented at the hearing on the motion for the continuance. Neither a stipulation between counsel nor the convenience of the parties is in and of itself a good cause. Further, neither a pending criminal prosecution nor family law matter shall be considered in and of itself as good cause. Whenever any continuance is granted, the facts proven which require the continuance shall be entered upon the minutes of the court. In order to obtain a motion for a continuance of the hearing, written notice shall be filed at least two court days prior to the date set for hearing, together with affidavits or declarations detailing specific facts showing that a continuance is necessary, unless the court for good cause entertains an oral motion for continuance.
- b) Notwithstanding any other provision of law, if a minor has been removed from the parents' or guardians' custody, no continuance shall be granted that would result in the dispositional hearing, held pursuant to Section 361, being completed longer than 60 days after the hearing at which the minor was ordered removed or detained, unless the court finds that there are exceptional circumstances requiring such a continuance. The facts supporting such a continuance shall be entered upon the minutes of the court. In no event shall the court grant continuances that would cause the hearing pursuant to Section 361 to be completed more than six months after the hearing pursuant to Section 319.
- c) In any case in which the parent, guardian, or minor is represented by counsel and no objection is made to an order continuing any such hearing beyond the time limit within which the hearing is otherwise required to be held, the absence of such an objection shall be deemed a consent to the continuance. The consent does not affect the requirements of subdivision (a).