

Court Service Center

New Hampshire Circuit Court

HOW TO FILE A MOTION

General information:

- If you are seeking some type of relief with the court, the way to do this is by filing a Motion. This could be to change your court date, change a current court order, etc.
- Submit the original motion to the court, keeping a copy for your own records, and mailing one to any other parties on the case, such as a prosecutor.
- There are few instances when the other party would not receive a copy of your motion before the judge rules on it. This is called an ex parte motion. If you think this is your situation, contact the court before submitting the motion to be sure.
- Refer to District Court Rule 1.8, Family Court Rule 1.26 and Probate Division Rules 4, 5 and 6 for more information on motions. District Court Rules 1.8A and B, Family Division Rule 1.27 and Probate Division Rules 48, 49, 49-A and 50 specifically address continuances.
- Motions are held for ten days to allow ample time for other parties to respond to it in writing. File any motions to continue well in advance of the hearing date to allow for this hold. Motions not received within a ten day window before the hearing will not be ruled upon until the time of the hearing.
- It is advisable that you contact the other party or parties on the case before filing the motion to see if they are in agreement with what you are asking for. If they are in agreement, you should include that information in your motion. This is called an assented to motion and does not require the ten day hold. If you tried to reach the other party, but could not do so, include that information in your motion.

Forms listed below are needed to start this action:

- Motion: **(NHJB-2201-DFP)**
Available in the Clerk's Office or online.

Other items that may be needed:

- Telephone number for other parties involved to see if they agree to the request.

Information needed to fill out the motion:

- Your case information including party names and docket number.
- Mailing address for other parties to send them a copy of the motion.

How much will this cost?

- There is no fee to file a regular Motion, like a Motion to Continue. There are some specific motions that have their own special form and filing fee, like a Motion for Periodic Payments. If you aren't sure, check the court's website or contact the court for guidance.

What happens next?

- After the motion has been held for the ten days (or less if the other side responds before the ten days are up), the judge will review the motion and make his or her order, usually on the same form.
- Parties will be advised by mail of the Court's decision.
- If you need to know the status of a motion right away (for example the hearing is scheduled for the next day) and the hold period has passed, you may call the court and ask. Have your case number handy so the case can be looked up quickly.

Forms and Instructions are available at any Circuit Court
Additional information can be found at:

www.courts.state.nh.us