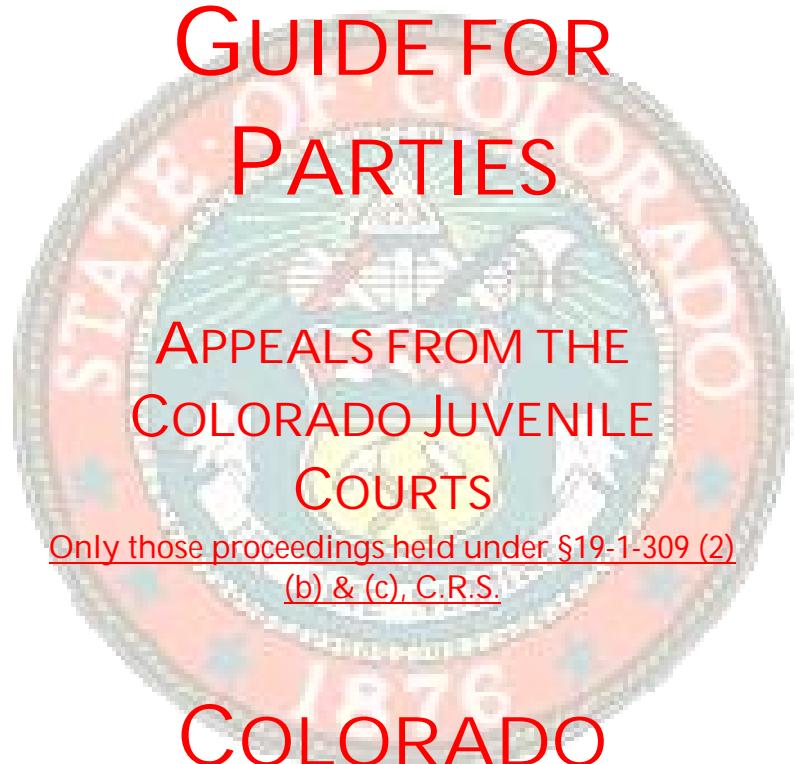


**Appellate Guide for Parties
Appeals From the Colorado Juvenile Courts
(only those proceedings under §19-1-309 (2) (b) & (c), C.R.S.)**

Chief Justice Directive:	Policy guidance and instructions, issued by the Chief Justice of the Supreme Court, controlling procedures used in the Colorado state courts. These directives can be found on the Internet at http://www.courts.state.co.us/supct/directives/supctdirectives.htm
In Forma Pauperis:	Describes permission given to a poor person to proceed in court without liability for fees.
Mandate:	An order issued upon the decision of an appellate court returning jurisdiction to the district court. The mandate may direct an specific action to be taken or disposition of a case by the lower court, in accordance with the appellate decision.
Pro se	Latin term: for oneself (representing self)
Service:	“Service of Process”; Delivering to or leaving with other parties to a case, a copy of documents filed with the court. The date of service is the date upon which the document is placed in the mail or hand delivered.

APPELLATE GUIDE FOR PARTIES



APPEALS FROM THE COLORADO JUVENILE COURTS

Only those proceedings held under §19-1-309 (2)
(b) & (c), C.R.S.

COLORADO COURT OF APPEALS

2 EAST FOURTEENTH AVENUE
DENVER, CO 80203

<http://www.courts.state.co.us/coa/coaindex>

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GLOSSARY OF TERMS:

Petitioner:	The party who takes an appeal from ICAO to the Court of Appeals; the party filing the appeal.
Respondent:	The parties in a cause against whom an appeal is taken.
Brief:	A document summarizing the basis for the argument of the parties to an appeal. The opening brief is filed by the petitioner and lists the legal basis for the appeal; an answer brief may be filed by the respondent. A reply brief may be filed by petitioner in response to the answer brief. Only the opening brief is mandatory for the appeal to proceed.
C.A.R.:	Abbreviation for the Colorado Appellate Rules. The rules outline the procedures for filing, reviewing and resolving appellate cases. The rules are published in the Colorado Revised Statutes, Volume 12, Chapter 32 and can be found in most public libraries or on the Internet at http://www.courts.state.co.us/supct/rules/rulesindex.htm
C.R.S.:	Abbreviation for the Colorado Revised Statutes or the state laws. Published volumes can be found in most public libraries or on the Internet at http://www.courts.state.co.us/supct/rules/rulesindex.htm
Certiorari:	A petition for the Supreme Court to review and 'certify' the record of the Court of Appeals, or the District Court in certain circumstances. The Supreme Court has discretionary authority to either grant or deny a Petition for writ of <i>Certiorari</i> .

This document is distributed as a public service and is not intended to be an authoritative reference. Parties to an appeal should always refer to the Colorado Appellate Rules (C.A.R.), the Colorado Revised Statutes (C.R.S.) or other authoritative sources, or consult with an attorney, whenever additional clarification is necessary.

Employees of the Colorado Court of Appeals, Colorado Supreme Court and the Colorado District & County Courts are not permitted to provide legal advice to any party.

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3) Oral Argument

- A Must be requested in a separate motion concurrently with either the petition on appeal or the response to petition on appeal, [C.A.R. 3.4\(i\)](#)
- B The court has discretion to grant motion or to dispense with oral arguments.

9) Decision in Appeal

- A Issuance of Opinion or Dismissal is the entry of judgment
- B Optional Petition for Rehearing must be filed within 10 days from date of judgment [C.A.R. 3.4 \(k\)\(1\)](#)
 - 1) Original plus five (5) copies [C.A.R. 40\(b\)](#) & [C.A.R. 31\(a\)](#)
 - 2) List judges on cover page [C.A.R. 40\(b\)](#)
 - 3) Maximum six (6) pages [C.A.R. 40\(b\)](#)

7) Petition for Writ of Certiorari

Per [C.A.R. 3.4 \(k\)\(2\)](#), petition must be filed with [Clerk of Supreme Court](#) within ten (10) days of:

- A Date Petition for rehearing was denied in Court of Appeals, if one was filed,
or
- B Expiration of the due date to file a petition for rehearing,
 - 1) Original plus ten (10) copies [C.A.R. 51\(a\)](#)
 - 2) Limited to twelve (12) pages in length

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1) Notice of Appeal & Designation of Record – JDF 545 (Original filed with the Court of Appeals, an advisory copy filed in the district court, and a copy mailed to parties and all court reporters from whom transcripts are requested.)

- A Must be filed in the Court of Appeals within (21) days after entry of judgment in the juvenile court. [C.A.R. 3.4.\(b\)\(1\)¹](#)
- B Original filed in the Court of Appeals. Advisory copy filed in the juvenile court and mailed to each of the parties and all court reporters from whom transcripts are requested. [C.A.R. 3.4 \(e\)\(2\) and \(m\)](#)
- C The Notice of Appeal & Designation of Record – JDF 545, can be used to file a cross-appeal within 5 days of the date the notice of appeal was filed or the 21 day period for filing the notice of appeal, whichever is later. [C.A.R. 3.4 \(b\)\(2\)](#)
- D Extensions of time to file a notice of appeal or cross-appeal are not permitted except upon a showing of good cause pursuant to C.A.R. 2 and C.A.R. 26(b). [C.A.R. 3.4 \(b\)\(3\)](#)
- E A form can be obtained from the Court of Appeals website: <http://www.courts.state.co.us/coa/coaindex>

2) Record on Appeal (All exhibits and transcripts requested must be listed on the Designation of Record, which identifies specific portions of the district file relevant to the appeal) [C.A.R. 3.4 \(e\)](#)

- A Designation of Record must be filed concurrently with the Notice of Appeal
 - (1) Must be filed in both the Court of Appeals and the district court.

¹ C.A.R. is the abbreviation for the Colorado Appellate Rules – Found in the Colorado Revised Statutes, Volume 12, Chapter 32. C.R.S is the abbreviation for the Colorado Revised Statutes.

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- (2) Designation of transcripts must include hearing/trial date and the name of the court reporter(s).
- (3) Designation must specify all trial court documents, exhibits and transcripts to be included.
- (4) The Designation of Record must be served on all named court reporters;
 - (a) The designating party must make payment arrangements with the court reporter within 5 days.
 - (b) Designating party must pay or make payment arrangements within 10 days.

- B Record on appeal is due within 40 days after filing the Notice of Appeal **C.A.R. 3.4 (f)(1)**
 - (1) It's the appellant's responsibility to ensure timely filing
 - (2) Extensions of time to file the record;
 - (a) must be filed by appellant on or before due date,
 - (b) must demonstrate good cause, and
 - (c) must include a supporting affidavit from the court reporter or district court clerk.
 - (d) Maximum of 15 days

3) Motions

Note: Before filing a motion, consider whether the specific relief or action requested should be sought first in the district court. Certain types of motions (request for IFP status, transcripts at state expense, etc.) must be filed in the district court.

- A Formatting requirements are listed in **C.A.R. 32**
- B According to **C.A.R. 27** an original plus 5 copies must be filed in the Court of Appeals. However, as a practical matter,
 - (1) In the Court of Appeals, the policy for most motions, requires filing only an original. In the Court of Appeals, file an original plus five (5) copies for any motion filed after briefing is completed.
 - (2) The policy described in #1 above does not apply to the Supreme Court.
 - (3) Motions for extension of time must demonstrate good cause **C.A.R. 3.4(f)(2)**

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- (4) Motions may or may not be deferred to allow a response from other parties. **C.A.R. 27(a) and (b)**
- (5) All motions must be signed and include a proper certificate of service.

4) Petition on Appeal and Response to Petition on Appeal

- A Original and five (5) copies required **C.A.R. 3.4(g)(1)**. A form can be obtained from the Court of Appeals website: <http://www.courts.state.co.us/coa/coaindex>
- B Petition on appeal is due within 20 days after filing the notice of appeal; response to petition on appeal is due within 20 days after filing the petition on appeal.
- C These documents may be no more than 6,300 words or 20 pages and must conform to the font & format requirements listed in **C.A.R. 32 (a)**
- D Contents of petition on appeal: See **C.A.R. 3.4(g)(3)**
 - (1) A concise statement of the material facts,
 - (2) The date the juvenile court order was entered
 - (3) A concise statement of the legal issues and how those legal issues arose (general conclusory statements such as "the trial court's ruling is not supported by the law or the evidence" are not acceptable).
 - (4) Copies of the petition in D&N, the motion to terminate and the juvenile court's order of termination
 - (5) See rule for additional contents.
- E Contents of response to petition on appeal: See **C.A.R. 3.4(h)(3)**
 - (1) A concise statement of the material facts,
 - (2) A concise statement of the legal issues and how those legal issues arose, and
 - (3) See rule for additional contents.
- D Verify that all referenced attachments and exhibits are included.
- E Must include original signature and certificate of service
- F The Court may order supplemental briefing on issues raised by the parties or noticed by the court.