

Rule Change 2006 (15)

CHAPTER 32
THE COLORADO APPELLATE RULES

Rule 3.4. Appeals from Proceedings in Dependency or Neglect

(a) **How Taken.** Appeals from orders in dependency or neglect proceedings, as permitted by section 19-1-109 (2)(b) and (c), C.R.S., and including final orders of permanent legal custody entered pursuant to section 19-3-702, C.R.S., shall be in the manner and within the time prescribed by this rule.

(b) **Time for Appeal.**

(1) Through (2) [No change.]

(3) The time in which to file a notice of appeal or a notice of cross-appeal and the corresponding designation of record will not be extended, except upon a showing of good cause pursuant to C.A.R. 2 and C.A.R. 26(b).

(c) [No change.]

(d) **Notice of Appeal.** The Notice of Appeal and Designation of Record (Form 1) must be prepared and signed by the appellant's trial counsel or by the appellant, if pro se. The notice must identifyset forth the party or parties initiating the appeal, and specify the order or part thereof from which the appeal is taken, and set forth the date the order was reduced to writing, dated, and signed by the trial court. The notice must be signed by the appellant, if an adult, unless counsel states in the notice of appeal that the appellant has specifically authorized the filing of the appeal. If counsel is unable to file a notice of appeal because the appellant is unavailable, counsel may file a Certificate of Diligent Search (Form 2) with the clerk of the trial court.

(e) Through (f) [No change.]

(g) **Petition on Appeal.**

(1) Through (2) [No change.]

(3) Unless the petition contains no more than 6,300 words, it shall not exceed twenty pages, excluding the attachments required by this Rule 3.4(g)(3)(G). The petition on appeal shall conform to the requirements in C.A.R. 32(a) and shall include:

(A) Through (D) [No change.]

(E) A concise statement of the legal issues presented for appeal, including a statement of how the issues arose (general conclusory statements such as "the trial court's ruling is not supported by the law or the evidence" are not acceptable);

(F) Supporting statutes, case law, or other legal authority for the issues raised, together with a statement of the legal proposition for which the legal authority stands and a concise

explanation of its applicability to the issues presented on appeal; and

(G) [No change.]

(h) Response to Petition on Appeal (Cross-Appeal).

(1) Through (2) [No change.]

(3) Unless the response (cross-appeal) contains no more than 6,300 words, it shall not exceed twenty pages, excluding the attachments required by this Rule 3.4(h)(3)(E). The response (cross-appeal) shall conform to the requirements of C.A.R. 32(a) and shall include:

(A) Through (B) [No change.]

(C) A concise response to the legal issues presented (general conclusory statements such as "the trial court's ruling is supported by the law or the evidence" are not acceptable);

(D) Supporting statutes, case law, or other legal authority in support of the response, together with a statement of the legal proposition for which the legal authority stands and a concise explanation of its applicability to the issues presented on appeal; and

(E) [No change.]

Rule 4. Appeal as of Right -- When Taken

(a) Appeals in Civil Cases (Other than Appeals or Appellate Review Within C.A.R. 3.1, 3.2, 3.3 and 3.4 ~~and 3.3~~). Except as provided in Rule 4(e), in a civil case in which an appeal is permitted by law as of right from a trial court to the appellate court, the notice of appeal required by C.A.R. 3 shall be filed with the appellate court with an advisory copy served on the clerk of the trial court within forty-five days of the date of the entry of the judgment, decree, or order from which the party appeals. In appeals from district court review of agency actions, such notice of appeal shall be in addition to the statutory forty-five-day notice of intent to seek appellate review filed with the district court required by C.R.S. 24-4-106 (9). If a timely notice of appeal is filed by a party, any other party may file a notice of appeal within fourteen days of the date on which the first notice of appeal is filed, or within the time otherwise prescribed by this section (a), whichever period last expires.

Amended and Adopted by the Court, En Banc November 9, 2006,
effective immediately.

BY THE COURT:

Nancy E. Rice
Justice, Colorado Supreme Court