

CHAPTER 19

APPEAL

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	PROCEDURE	AUTHORITY
19.01	<p>APPLICABILITY OF RULES OF CIVIL APPELLATE PROCEDURE</p> <p>Except as noted below in section 16.03 regarding the timing of filing an appeal, appeals of juvenile protection matters shall be in accordance with the Rules of Civil Appellate Procedure.</p>	RJPP 47.01
19.02	<p>APPEALABLE ORDER</p> <p>An appeal may be taken by an aggrieved person from a final order of the juvenile court affecting a substantial right of the aggrieved person, including, but not limited to, an order adjudging a child to be in need of protection or services, neglected, or in foster care.</p>	RJPP 47.02, subd. 1
19.03	<p>TIMING</p> <p>A. GENERALLY. Any appeal shall be taken within thirty (30) days of the date the court administrator serves notice of the filing of the court's order.</p> <p>B. APPEAL FOLLOWING POST-TRIAL MOTION. In the event of the filing and service of a timely and proper post-trial motion under RJPP 45 or for other relief under RJPP 46, if the motion is filed within 15 days of the date the court administrator serves notice of filing of the courts' order, the provisions of Minn. R. Civ. P. 104.01, subds. 2 and 3, apply, except that the time for appeal runs for all parties from the service of notice by the court administrator of the filing of the order disposing of the last post-trial motion.</p> <p><i>COMMENT: Minn. Stat. § 260C.415 provides that an appeal shall be taken within 30 days of the filing of the appealable order and "as in other civil cases" under the Rules of Civil Appellate Procedure. Rule 47.02, subd. 2, however, is a departure from the statute and provides that the appeal time begins to run from the date the court administrator serves notice of the filing of the order. This departure is intended to expedite the appellate process, which is deemed to be in the best interests of the child.</i></p>	<p>RJPP 47.02, subd. 2</p> <p>RJPP 47.02, subd. 2</p> <p>RJPP 45.01, subd. 1 (timing of post-trial motions)</p> <ul style="list-style-type: none"> • Minn. Stat. § 260C.415 • <i>In Re Welfare of J.R., Jr. and A.I.R.</i>, 655 N.W.2d 1 (Minn. 2003) (difference between statutes and rules regarding timing of appeals)
19.04	<p>RESPONSIBILITIES OF APPEALING PARTY</p> <p>A. SERVE AND FILE NOTICE OF APPEAL. Within the time allowed for an appeal the party appealing shall:</p> <ol style="list-style-type: none"> 1. Serve a notice of appeal upon the county attorney and all parties, or their counsel if represented, including notice of the correct case caption pursuant to RJPP 8.08; and 2. File with the clerk of appellate courts a notice of appeal, together with proof of service upon all parties, including notice of the correct case caption pursuant to RJPP 8.08. 	<ul style="list-style-type: none"> • RJPP 47.02, subd. 3 • <i>In Re Welfare of J.R., Jr. and A.I.R.</i>, 655 N.W.2d 1 (Minn. 2003) (failure to timely serve notice of appeal on GAL in TPR appeal was jurisdictional defect requiring

	PROCEDURE	AUTHORITY
	<p>19.04 Responsibilities of Appealing Party (continued)</p> <p><i>COMMENT: RJPP 8.08 provides that upon the filing of an appeal the appellant shall provide to the juvenile court administrator, the appellate court, and the parties and participants notice of the correct appellate case caption. RJPP 8.08 also provides that all juvenile protection court files opened in any Minnesota appellate court shall be captioned in the initials of the parent(s) or legal custodian(s) as follows: "In the Matter of the Welfare of the Child(ren) of _____, Parent(s)/Legal Custodian(s)." The caption shall not include the child's name or initials.</i></p> <p>B. NOTICE TO COURT ADMINISTRATOR. At the same time as the appeal is filed the appellant shall provide notice of the appeal to the court administrator. Failure to notify the court administrator does not deprive the court of appeals of jurisdiction.</p> <p>C. FAILURE TO FILE PROOF OF SERVICE. Failure to file proof of service required above in section 16.04(A)(2) does not deprive the court of appeals of jurisdiction over the appeal, but is grounds only for such action as the court of appeals deems appropriate, including a dismissal of the appeal.</p>	<p>dismissal of appeal)</p> <p>RJPP 8.08, subd. 2</p> <ul style="list-style-type: none"> • RJPP 47.02, subd. 4 • RJPP 47.02, subd. 5
19.05	<p>NOTICE TO LEGAL CUSTODIAN</p> <p>The court administrator shall notify the child's legal custodian of the appeal. Failure to notify the legal custodian does not affect the jurisdiction of the court of appeals.</p>	RJPP 47.02, subd. 6
19.06	<p>APPLICATION FOR STAY OF TRIAL COURT ORDER</p> <p>The service and filing of a notice of appeal does not stay the order of the trial court. The trial court order stands pending the determination of the appeal, but the trial court may in its discretion and upon application stay the order. If the trial court denies the application for stay of appeal, the appellate court may, upon motion, grant a stay pending appeal.</p>	RJPP 47.03
19.07	<p>RIGHT TO ADDITIONAL REVIEW</p> <p>Upon an appeal, any party or the county attorney may obtain review of an order entered in the same case which may adversely affect that person by filing a notice of review with the clerk of appellate courts. The notice of review shall specify the order to be reviewed, shall be served and filed within fifteen (15) days after service of the notice of appeal, and shall contain proof of service.</p>	RJPP 47.04
19.08	<p>TRANSCRIPT OF PROCEEDINGS</p> <p>The requirements regarding preparation of a transcript shall be governed by Minn. R. Civ. P. 110.02, except that the estimated completion date contained in the certificate of transcript shall not exceed thirty (30) days.</p>	RJPP 47.05

	PROCEDURE	AUTHORITY
19.09	TIME FOR RENDERING DECISIONS All decisions regarding juvenile protection matters shall be issued by the appellate court within sixty (60) days of the date the case is deemed submitted pursuant to the Rules of Civil Appellate Procedure.	RJPP 47.06