

Rule 3.4. Appeals ~~f~~From Proceedings in Dependency or Neglect

(a) **How Taken.** Appeals from judgments, decrees, or orders in dependency or neglect proceedings, as permitted by section 19-1-109 (2)(b) and (c), C.R.S., and including an order allocating parental responsibilities pursuant to section 19-1-104 (6), C.R.S., final orders entered pursuant to section 19-3-612, C.R.S., and final orders of permanent legal custody entered pursuant to section 19-3-702 and 19-3-605, C.R.S., ~~shall~~ must be in the manner and within the time prescribed by this rule.

(b) Time for Appeal.

(1) A Notice of Appeal and Designation of Transcripts~~Record~~ (Form 1JDF 545) ~~must~~ shall be filed with the clerk of the ~~c~~Court of ~~a~~Appeals with and an advisory copy served on the clerk of the trial court within 21 days after the entry of the judgment, decree, or order from which the appeal ~~is taken~~. The trial court continues to have jurisdiction to hear and decide a motion under ~~If a motion for post-trial relief is timely filed pursuant to~~ C.R.C.P. 59; regardless of the time for filing of a the notice of appeal, provided the C.R.C.P. 59 motion is timely filed ~~begins to run upon the entry of an order denying the motion or upon the date the motion is deemed denied~~ under C.R.C.P. 59 (aj); and determined within the time specified in C.R.C.P. 59 (j) ~~whichever occurs first~~. An order is entered within the meaning of this rule when it is entered pursuant to C.R.C.P. 58. If notice of the entry of judgment, decree, or order is transmitted ~~the order is mailed~~ to the parties by mail or E-Service, the time for the filing of the notice of appeal ~~shall~~ commences from the date of mailing or E-Service of the notice.

(2) If a timely notice of appeal is filed by a party, any other party may file a Notice of Cross-Appeal and Designation of Record~~Transcripts~~ (Form 1JDF 545) within 7 days of the date on which the notice of appeal was filed or within the 21 days for the filing of the notice of appeal, whichever period last expires last.

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

(4) In appeals filed by respondent parents who were represented by counsel in the trial court, it is trial counsel's obligation to ensure a timely notice of appeal

is filed. This obligation is met if different counsel for appeal timely files a notice of appeal. Self-represented parties are obligated to timely file a notice of appeal on their own behalf.

~~(c) **Contents of Docketing the Notice of Appeal.** The appeal shall be docketed in accordance with C.A.R. 12(a).~~

A Notice of Appeal and Designation of Transcripts (JDF 545) must include:

- (1) identification of the party or parties initiating the appeal;
- (2) identification of the judgment, decree, or order from which the appeal is taken;
- (3) the date the judgment, decree, or order from which the appeal is taken was signed by the trial court;
- (4) a certificate of service in compliance with C.A.R. 25; and
- (5) a copy of the judgment, decree, or order from which the appeal is taken.

~~(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 identify the party or parties initiating the appeal, 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.~~

~~(de) **Record Composition of the Record on Appeal.**~~

(1) The record on appeal ~~must shall~~ include the trial court file, including all exhibits, ~~and any transcripts ordered by the parties pursuant to this rule.~~ **No designation of record is necessary for the trial court file and all exhibits. The record on appeal may also include any transcripts designated and ordered by the parties pursuant to this rule.**

(2) ~~The appellant and~~ **It is the duty of the appellant and any cross-appellant, if any, shall (A) to complete and properly serve the designation of transcripts**

~~portion of JDF 545 Notice of Appeal (Cross Appeal) and Designation of Record (Form 1); (B) file Form 1 with the clerk of upon the trial court's managing and the clerk of the Court of Appeals; and (C) serve Form 1 on any court reporter at the time the notice of appeal is filed listed therein.~~

(3) The designation of ~~record transcripts~~ portion of ~~Form 1 JDF 545~~ shall must set forth ~~identify~~ the dates of the proceedings for which transcripts are requested and the names of the court reporters, if applicable. ~~Service of the Notice of Appeal and Designation of Record (Form 1) and the Supplemental Designation of Record (Form 3), if any, on the court reporter shall constitute a request for transcription of the specified proceedings.~~

(4) Within 7 days after service of ~~a designation of record JDF 545~~, any appellee may complete and file a Supplemental Designation of ~~Record Transcripts (Form 3 JDF 547)~~ with the clerk of the trial court and the clerk of the ~~c~~Court of ~~a~~Appeals and serve it on the trial court's managing court reporter ~~listed therein~~.

(5) ~~Within 7 days after service of the Notice of Appeal and Designation of Record (Form 1),~~ ~~t~~The designating party or public entity responsible for the cost of transcription shall must make arrangements for payment with the managing court reporter. ~~W~~ within 147 days after servingee of the ~~Notice of Appeal and d~~Designation. Within 14 days after service of ~~Record (Form 1) JDF 545~~, the court reporter shall must file a statement with the clerk of the trial court and the clerk of the ~~c~~Court of ~~a~~Appeals indicating whether arrangements for payment have been made.

~~(6) After arrangements for payment of the transcript have been made, any party may request a copy of the unedited transcript from the court reporter for use in preparing the petition on appeal or the response to the petition on appeal (cross appeal). The unedited transcript may be in electronic form and is not an official transcript of the trial court proceedings. The court reporter may require a signed waiver of liability for any errors in the unedited transcript.~~

(ef) Transmission of Record.

(1) Within 42 days after the filing of ~~the Notice of Appeal and Designation of Record (Form 1) JDF 545~~, the record, composed as set forth in subsection (d), including any transcripts or exhibits, shall must be transmitted to the ~~c~~Court of ~~a~~Appeals in accordance with C.A.R. 11 (b).

(2) The appellant may request an extension of time of no more than 14 days in which to file the record, which will be granted only upon a showing of good cause. If ~~a~~the request of more than 14 days is based on ~~a~~the court reporter's or transcriber's inability to complete the transcript, it must be supported by an affidavit of the reporter, transcriber, managing court reporter, or clerk of the trial court ~~specifying why the transcript has not been completed.~~

(fg) Opening Brief ~~Petition~~ on Appeal.

(1) Within 21 days after the record is filed, ~~of the Notice of Appeal and Designation of Record (Form 1),~~ the appellant ~~shall~~ must ~~file~~ a brief. ~~an original and five copies of a Petition on Appeal (Form 4).~~ The ~~petition shall be prepared by appellant's~~ brief must be entitled "Opening Brief" and must contain the following under appropriate headings in the order indicated: ~~if proceeding pro se, by appellant's trial counsel, or by substitute counsel so long as substitute counsel has filed an entry of appearance. Except for extraordinary circumstances, substitution of counsel shall not be grounds for an extension of time.~~

(2) ~~The appellant may request one extension of time of no more than 7 days in which to file the petition, which will be denied except upon a showing of manifest injustice.~~

(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) ~~a~~ A cover page containing the information set forth caption in compliance with C.A.R. 32 (de);

(B) ~~a~~ A statement certificate of compliance ~~the nature of the case and the relief sought~~ as required by C.A.R. 32 (h);

(C) a table of contents, with page references ~~The date the trial court order was entered~~;

(D) ~~a~~ A table ~~concise statement~~ of authorities—cases (alphabetically arranged), statutes, and other authorities—with references to the pages of the brief where they are cited ~~the material facts as they relate to the issues~~

~~presented in the petition on appeal (references to page and line numbers in the record are not required);~~

(E) a statement of compliance with the Indian Child Welfare Act (ICWA) with citation(s) to the location(s) in the designated record of:

(i) each date when the court made an inquiry to determine whether the child is or could be an Indian child, and a statement of any identified tribe(s) or potential tribe(s);

(ii) copies of ICWA notices (including for foster care placement and termination of parental rights proceedings, if applicable), and other communications intended to provide such notice, sent to the child's parents, the child's Indian custodian(s), the Bureau of Indian Affairs (BIA), or the child's tribe(s) or potential tribe(s) may be found;

(iii) the postal return receipts for Indian child welfare notices sent to the child's parents, the child's Indian custodian(s), the BIA, or the child's tribe(s) or potential tribe(s) may be found;

(iv) responses from the parent(s) or Indian custodian(s) of the child, the BIA, and child's tribe(s) or potential tribe(s) may be found;

(v) additional notices (including for a termination hearing) were sent to non-responding tribe(s), or the BIA; and

(vi) date(s) of any ruling as to whether the child is or is not an Indian child;

(F) a statement of the issues presented for review;

~~(G) a~~ A concise statement identifying of the nature of the case, the relevant facts and procedural history, and the ruling, judgment, or order presented for review, with appropriate references to the record (see C.A.R. 28 (e)) 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);

~~(HF) 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~~ a summary of the arguments, which must:

(i) contain a succinct, clear, and accurate statement of the arguments made in the body of the brief;

(ii) articulate the major points of reasoning employed as to each issue presented for review; and

(iii) not merely repeat the argument headings or issues presented for review;

~~;~~ and

~~(IG) Copies of the petition in dependency or neglect, the motion to terminate, the trial court's adjudicatory order and/or order of termination, and rulings on any post-trial motions.~~ the arguments, which must contain:

(i) under a separate heading placed before the discussion of each issue, statements of the applicable standard of review with citation to authority, whether the issue was preserved, and if preserved, the precise location in the record where the issue was raised and where the court ruled; and

(ii) appellant's contentions and reasoning, with citations to the authorities and parts of the record on which the appellant relies; and

(J) a short conclusion stating the precise relief sought.

(2) The appellant may request one extension of time of no more than 7 days in which to file the opening brief.

(3) The opening brief must contain no more than 7,500 words, excluding attachments and/or any addendum containing statutes, rules, regulations, etc. A self-represented party who does not have access to a word-processing system must file a typewritten or legibly handwritten opening brief of not more than 25 double-spaced and single-sided pages. Such a brief must otherwise comply with this rule and C.A.R. 32.

(gh) Response to Petition Answer Brief on Appeal ~~(Cross-Appeal)~~.

(1) Within 21 days after service of the appellant's opening brief, ~~petition on appeal~~, any appellee may file an answer brief that must be entitled "Answer Brief," and any original and five copies of a Response to Petition on Appeal (Cross-Appeal) (Form 5). ~~The response (cross-appellant) may~~ shall be prepared by trial counsel or by substitute counsel so long as substitute counsel has filed an opening/answer brief that must be entitled "Cross-Appeal Opening/Answer Brief." ~~entry of appearance. Except for extraordinary circumstances, substitution of counsel shall not be grounds for an extension of time.~~

(2) ~~An appellee may request one extension of time of no more than 7 days in which to file a response (cross-appeal), which will be denied except upon a showing of manifest injustice. Under a separate heading following the table of authorities, the brief must contain a statement of whether the appellee agrees with the appellant's statements concerning compliance with the ICWA, and if not, why not.~~

(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: The brief must conform to the requirements of C.A.R 3.4 (f) except that separate headings titled statement of the issues or of the case need not be included unless the appellee is dissatisfied with the appellant's statement. For each issue, the answer brief must, under a separate heading placed before the discussion of the issue, state whether the appellee agrees with the appellant's statements concerning the standard of review with citation to authority and preservation for appeal, and if not, why not.~~

~~(A) A cover page containing the information set forth in C.A.R. 32(e);~~

~~(B) A concise statement of the material facts as they relate to the issues presented (references to page and line numbers in the record are not required);~~

~~(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) If a cross appeal, copies of the petition in dependency or neglect, the motion to terminate, the trial court's adjudicatory order and/or order of termination, and rulings on any post trial motions.~~

(4) A party may request one extension of time of no more than 7 days to file an answer brief or cross-appeal opening/answer brief.

(5) The answer brief or cross-appeal opening/answer brief must contain no more than 7,500 words, excluding attachments and/or any addendum containing statutes, rules, regulations, etc. A self-represented party who does not have access to a word-processing system must file a typewritten or legibly handwritten brief of not more than 25 double-spaced and single-sided pages. Such a brief must otherwise comply with this rule and C.A.R. 32.

(6) In cases involving more than one appellant and in which the appellee chooses to file an answer brief, the appellee must file a combined answer brief addressing the legal issues raised by all appellants. The combined answer brief must be filed within 28 days of service of the last opening brief filed and must contain no more than 9,500 words.

(7) In cases involving more than one appellee, the court encourages coordination among appellees to avoid repetition within the answer briefs. A joint answer brief may, but is not required to, be filed by appellees.

(h) Reply Brief. Within 14 days after service of the appellee's answer brief, any appellant may file a reply brief, which must be entitled "Reply Brief," in reply to the answer brief. A reply brief must comply with C.A.R. 3.4 (f)(1)(A)-(D) and must contain no more than 5,700 words. A self-represented party who does not have access to a word-processing system must file a typewritten or legibly handwritten reply brief of not more than 19 double-spaced and single-sided pages. Such a brief must otherwise comply with this rule and C.A.R. 32. No further briefs may be filed except with leave of court.

(i) Oral Argument. Oral argument will be allowed upon the written request of a party or upon the court's own motion, unless the court, in its discretion, dispenses

with oral argument. A request for oral argument ~~shall~~must be made in a separate, appropriately titled document filed no later than 7 days after briefs are closed~~the date on which the party's petition on appeal or response is due~~. Unless otherwise ordered, argument ~~may~~shall not exceed ~~fifteen~~15 minutes for the appellant(s) and ~~fifteen~~15 minutes for the appellee(s).

(j) Ruling Advancement on the Docket.

~~(1)~~ Appeals in dependency or neglect proceedings ~~shall~~must be advanced on the calendar of the ~~Court of Appeals~~appellate courts pursuant to section 19-1-109(1), C.R.S., and ~~shall~~will be set for disposition ~~upon the filing of the response to the petition on appeal or upon at~~ the earliest practical time ~~the response is due,~~ whichever is earlier.

~~(2)~~ After reviewing the petition on appeal, any response, and the record, the Court of Appeals may, by opinion in conformity with C.A.R. 35, affirm the trial court decision, reverse, or vacate the trial court decision, remand the case to the trial court, or set the case for supplemental briefing on issues raised by the parties or noticed by the court. If supplemental briefing is ordered, new counsel may be substituted upon a showing of good cause. Such request must be filed with the Court of Appeals within 7 days after the case is set for supplemental briefing.

(k)~~(1)~~ Petition for Rehearing. A petition for rehearing in the form prescribed by C.A.R. 40(b) may be filed within 14 days after entry of judgment. The time in which to file the petition for rehearing ~~shall~~will not be extended.

~~(l)~~(2) Petition for Writ of Certiorari. Review of the judgment of the ~~c~~Court of ~~a~~Appels may be sought by filing a petition for writ of certiorari in the ~~s~~Supreme ~~c~~Court in accordance with C.A.R. 51. The petition ~~must~~shall be filed within 14 days after the expiration of the time for filing a petition for rehearing or the date of denial of a petition for rehearing by the ~~c~~Court of ~~a~~Appels. The filing of the petition results in an automatic stay of proceedings in the court of appeals. Any cross-petition or opposition brief to a petition for writ of certiorari ~~shall~~must be filed within 14 days after the filing of the petition. The petition for writ of certiorari, any cross-petition, and any opposition brief ~~shall~~must be in the form prescribed by C.A.R. 53(a)-(c) and filed and served in accordance with C.A.R. 53(f).

~~(m)~~ Issuance of Mandate. The mandate ~~shall~~must be in the form prescribed by C.A.R. 41(a) and ~~shall~~must issue 29 days after entry of the judgment. The timely

filing of a petition for rehearing will stay the mandate until the cCourt of aAppeals has ruled on the petition. If the petition is denied, the mandate ~~shall~~must issue 14 days after entry of the order denying the petition. The mandate may also be stayed in accordance with C.A.R. 41.1.

(n) Filing and Service. All papers required or permitted by this rule ~~shall~~must be filed and served in accordance with C.A.R. 25,~~unless otherwise provided in this rule.~~

(o) Computation and Extension of Time. Computation and extension of any time period prescribed by this rule ~~shall~~must be in accordance with C.A.R. 26~~(a) and (c), unless otherwise provided in this rule.~~

Rule 3.4. Appeals from Proceedings in Dependency or Neglect

(a) How Taken. Appeals from judgments, decrees, or orders in dependency or neglect proceedings, as permitted by section 19-1-109 (2) (b) and (c), C.R.S., including an order allocating parental responsibilities pursuant to section 19-1-104 (6), C.R.S., final orders entered pursuant to section 19-3-612, C.R.S., and final orders of permanent legal custody entered pursuant to section 19-3-702 and 19-3-605, C.R.S., must be in the manner and within the time prescribed by this rule.

(b) Time for Appeal.

(1) A Notice of Appeal and Designation of Transcripts (JDF 545) must be filed with the clerk of the court of appeals with an advisory copy served on the clerk of the trial court within 21 days after the entry of the judgment, decree, or order from which the appeals. The trial court continues to have jurisdiction to hear and decide a motion under C.R.C.P. 59 regardless of the filing of a notice of appeal, provided the C.R.C.P. 59 motion is timely filed under C.R.C.P. 59 (a) and determined within the time specified in C.R.C.P. 59 (j). An order is entered within the meaning of this rule when it is entered pursuant to C.R.C.P. 58. If notice of the entry of judgment, decree, or order is transmitted to the parties by mail or E-Service, the time for the filing of the notice of appeal commences from the date of mailing or E-Service of the notice.

(2) If a timely notice of appeal is filed by a party, any other party may file a Notice of Cross-Appeal and Designation of Transcripts (JDF 545) within 7 days of the date on which the notice of appeal was filed or within the 21 days for the filing of the notice of appeal, whichever period last expires.

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

(4) In appeals filed by respondent parents who were represented by counsel in the trial court, it is trial counsel's obligation to ensure a timely notice of appeal is filed. This obligation is met if different counsel for appeal timely files a notice of appeal. Self-represented parties are obligated to timely file a notice of appeal on their own behalf.

(c) Contents of the Notice of Appeal. A Notice of Appeal and Designation of Transcripts (JDF 545) must include:

- (1) identification of the party or parties initiating the appeal;
- (2) identification of the judgment, decree, or order from which the appeal is taken;
- (3) the date the judgment, decree, or order from which the appeal is taken was signed by the trial court;
- (4) a certificate of service in compliance with C.A.R. 25; and
- (5) a copy of the judgment, decree, or order from which the appeal is taken.

(d) Composition of the Record on Appeal.

- (1) The record on appeal must include the trial court file, including all exhibits. No designation of record is necessary for the trial court file and all exhibits. The record on appeal may also include any transcripts designated and ordered by the parties pursuant to this rule.
- (2) It is the duty of the appellant and any cross-appellant to complete and properly serve the designation of transcripts portion of JDF 545 upon the trial court's managing court reporter at the time the notice of appeal is filed.
- (3) The designation of transcripts portion of JDF 545 must set forth the dates of the proceedings for which transcripts are requested and the names of the court reporters, if applicable.
- (4) Within 7 days after service of JDF 545, any appellee may complete and file a Supplemental Designation of Transcripts (JDF 547) with the clerk of the trial court and the clerk of the court of appeals and serve it on the trial court's managing court reporter.
- (5) The designating party or public entity responsible for the cost of transcription must make arrangements for payment with the managing court reporter within 7 days after serving the designation. Within 14 days after service of JDF 545, the court reporter must file a statement with the clerk of the

trial court and the clerk of the court of appeals indicating whether arrangements for payment have been made.

(e) Transmission of Record.

(1) Within 42 days after the filing of JDF 545, the record, composed as set forth in subsection (d), must be transmitted to the court of appeals in accordance with C.A.R. 11 (b).

(2) The appellant may request an extension of time of no more than 14 days in which to file the record, which will be granted only upon a showing of good cause. If a request of more than 14 days is based on a court reporter's or transcriber's inability to complete the transcript, it must be supported by an affidavit of the reporter, transcriber, managing court reporter, or clerk of the trial court.

(f) Opening Brief on Appeal.

(1) Within 21 days after the record is filed, the appellant must a brief. The appellant's brief must be entitled "Opening Brief" and must contain the following under appropriate headings in the order indicated:

(A) a caption in compliance with C.A.R. 32 (d);

(B) a certificate of compliance as required by C.A.R. 32 (h);

(C) a table of contents, with page references;

(D) a table of authorities—cases (alphabetically arranged), statutes, and other authorities—with references to the pages of the brief where they are cited;

(E) a statement of compliance with the Indian Child Welfare Act (ICWA) with citation(s) to the location(s) in the designated record of:

(i) each date when the court made an inquiry to determine whether the child is or could be an Indian child, and a statement of any identified tribe(s) or potential tribe(s);

- (ii) copies of ICWA notices (including for foster care placement and termination of parental rights proceedings, if applicable), and other communications intended to provide such notice, sent to the child's parents, the child's Indian custodian(s), the Bureau of Indian Affairs (BIA), or the child's tribe(s) or potential tribe(s) may be found;
 - (iii) the postal return receipts for Indian child welfare notices sent to the child's parents, the child's Indian custodian(s), the BIA, or the child's tribe(s) or potential tribe(s) may be found;
 - (iv) responses from the parent(s) or Indian custodian(s) of the child, the BIA, and child's tribe(s) or potential tribe(s) may be found;
 - (v) additional notices (including for a termination hearing) were sent to non-responding tribe(s), or the BIA; and
 - (vi) date(s) of any ruling as to whether the child is or is not an Indian child;
- (F) a statement of the issues presented for review;
- (G) a concise statement identifying the nature of the case, the relevant facts and procedural history, and the ruling, judgment, or order presented for review, with appropriate references to the record (see C.A.R. 28 (e));
- (H) a summary of the arguments, which must:
- (i) contain a succinct, clear, and accurate statement of the arguments made in the body of the brief;
 - (ii) articulate the major points of reasoning employed as to each issue presented for review; and
 - (iii) not merely repeat the argument headings or issues presented for review;
- (I) the arguments, which must contain:
- (i) under a separate heading placed before the discussion of each issue, statements of the applicable standard of review with citation to authority,

whether the issue was preserved, and if preserved, the precise location in the record where the issue was raised and where the court ruled; and

(ii) appellant's contentions and reasoning, with citations to the authorities and parts of the record on which the appellant relies; and

(J) a short conclusion stating the precise relief sought.

(2) The appellant may request one extension of time of no more than 7 days in which to file the opening brief.

(3) The opening brief must contain no more than 7,500 words, excluding attachments and/or any addendum containing statutes, rules, regulations, etc. A self-represented party who does not have access to a word-processing system must file a typewritten or legibly handwritten opening brief of not more than 25 double-spaced and single-sided pages. Such a brief must otherwise comply with this rule and C.A.R. 32.

(g) Answer Brief on Appeal.

(1) Within 21 days after service of the appellant's opening brief, any appellee may file an answer brief that must be entitled "Answer Brief," and any cross-appellant may file an opening/answer brief that must be entitled "Cross-Appeal Opening/Answer Brief."

(2) Under a separate heading following the table of authorities, the brief must contain a statement of whether the appellee agrees with the appellant's statements concerning compliance with the ICWA, and if not, why not.

(3) The brief must conform to the requirements of C.A.R 3.4 (f) except that separate headings titled statement of the issues or of the case need not be included unless the appellee is dissatisfied with the appellant's statement. For each issue, the answer brief must, under a separate heading placed before the discussion of the issue, state whether the appellee agrees with the appellant's statements concerning the standard of review with citation to authority and preservation for appeal, and if not, why not.

(4) A party may request one extension of time of no more than 7 days to file an answer brief or cross-appeal opening/answer brief.

(5) The answer brief or cross-appeal opening/answer brief must contain no more than 7,500 words, excluding attachments and/or any addendum containing statutes, rules, regulations, etc. A self-represented party who does not have access to a word-processing system must file a typewritten or legibly handwritten brief of not more than 25 double-spaced and single-sided pages. Such a brief must otherwise comply with this rule and C.A.R. 32.

(6) In cases involving more than one appellant and in which the appellee chooses to file an answer brief, the appellee must file a combined answer brief addressing the legal issues raised by all appellants. The combined answer brief must be filed within 28 days of service of the last opening brief filed and must contain no more than 9,500 words.

(7) In cases involving more than one appellee, the court encourages coordination among appellees to avoid repetition within the answer briefs. A joint answer brief may, but is not required to, be filed by appellees.

(h) Reply Brief. Within 14 days after service of the appellee's answer brief, any appellant may file a reply brief, which must be entitled "Reply Brief," in reply to the answer brief. A reply brief must comply with C.A.R. 3.4 (f)(1)(A)-(D) and must contain no more than 5,700 words. A self-represented party who does not have access to a word-processing system must file a typewritten or legibly handwritten reply brief of not more than 19 double-spaced and single-sided pages. Such a brief must otherwise comply with this rule and C.A.R. 32. No further briefs may be filed except with leave of court.

(i) Oral Argument. Oral argument will be allowed upon the written request of a party or upon the court's own motion, unless the court, in its discretion, dispenses with oral argument. A request for oral argument must be made in a separate, appropriately titled document filed no later than 7 days after briefs are closed. Unless otherwise ordered, argument may not exceed 15 minutes for the appellant and 15 minutes for the appellee.

(j) Advancement on the Docket. Appeals in dependency or neglect proceedings must be advanced on the calendar of the appellate courts pursuant to section 19-1-109 (1), C.R.S., and will be set for disposition at the earliest practical time.

(k) Petition for Rehearing. A petition for rehearing in the form prescribed by C.A.R. 40 (b) may be filed within 14 days after entry of judgment. The time in which to file the petition for rehearing will not be extended.

(l) Petition for Writ of Certiorari. Review of the judgment of the court of appeals may be sought by filing a petition for writ of certiorari in the supreme court in accordance with C.A.R. 51. The petition must be filed within 14 days after the expiration of the time for filing a petition for rehearing or the date of denial of a petition for rehearing by the court of appeals. The filing of the petition results in an automatic stay of proceedings in the court of appeals. Any cross-petition or opposition brief to a petition for writ of certiorari must be filed within 14 days after the filing of the petition. The petition for writ of certiorari, any cross-petition, and any opposition brief must be in the form prescribed by C.A.R. 53(a)–(c) and filed and served in accordance with C.A.R. 53 (f).

(m) Issuance of Mandate. The mandate must be in the form prescribed by C.A.R. 41(a) and must issue 29 days after entry of the judgment. The timely filing of a petition for rehearing will stay the mandate until the court of appeals has ruled on the petition. If the petition is denied, the mandate must issue 14 days after entry of the order denying the petition. The mandate may also be stayed in accordance with C.A.R. 41.1.

(n) Filing and Service. All papers required or permitted by this rule must be filed and served in accordance with C.A.R. 25.

(o) Computation and Extension of Time. Computation and extension of any time period prescribed by this rule must be in accordance with C.A.R. 26.

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|--|---|
| <p>Court of Appeals, State of Colorado 2 East 14th Ave., Denver, CO 80203 Name of Lower Court(s): _____</p> <p>Trial Court Judges(s): _____</p> <p>Case Number(s): _____</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO</p> <p>In the Interest of : _____ [initials pursuant to § 19-1-109(1)] Minor Child(ren),</p> <p>And Concerning: _____ [initials pursuant to § 19-1-109(1)]</p> <p>Appellant/Respondent: _____</p> | <p>▲ ▲</p> <p>COURT USE ONLY</p> |
| <p>Attorney or Party Without Attorney (Name and Address): </p> <p>Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____</p> | <p>Case Number: _____</p> <p>Division _____ Courtroom _____</p> |
| <p>NOTICE OF APPEAL (CROSS-APPEAL) AND DESIGNATION OF RECORD TRANSCRIPTS</p> | |

Notice is hereby given that _____ as counsel for _____ hereby appeals cross-appeals the order of adjudication disposition termination entered by the trial court and all adverse rulings made therein. The trial court's order was reduced to writing, dated, and signed on _____ (date).

DESIGNATION OF RECORD

1. The clerk of the trial court will prepare the record on appeal, which shall include the trial court file as set forth in C.A.R. 3.4(d)(1) and the following transcripts; pursuant to C.A.R. 3.4(e), the following items:

~~1. The trial court file, including all pleadings, motions, reports, exhibits, and orders of the court.~~

2. The original transcript of the following proceedings:

- The adjudicatory hearing held on _____ (date(s))
- The dispositional hearing held on _____ (date(s))
- The review hearing held on _____ (date(s))
- The permanency hearing held on _____ (date(s))
- The termination hearing held on _____ (date(s))

3. The name and address of the court reporter(s) is:

Name Name

Address Address

City State Zip Code City State
Zip Code City State Zip Code

[or]

4. I need not order transcripts because:

_____.

5. I need not secure appellant's signature because: [See C.A.R. 3.4(d)]

_____.

Signature, appellant or attorney for appellant Date _____ Signature of
appellant _____ Date

~~0B0B~~ CERTIFICATE OF MAILING SERVICE

I certify that on _____ (date) the original of this *NOTICE OF APPEAL (CROSS-APPEAL) AND DESIGNATION OF TRANSCRIPTS RECORD* was filed with the trial court and Court of Appeals; and a true and accurate copy of this *NOTICE OF APPEAL (CROSS-APPEAL) AND DESIGNATION OF TRANSCRIPTS RECORD* was served on the other party(ies) and any court reporters listed above by

1. E-file system

2. -placing it in the United States mail, postage pre-paid and addressed to the following:

_____ Signature

| | |
|---|---|
| <p>Court of Appeals, State of Colorado 2 East 14th Ave., Denver, CO 80203 Name of Lower Court(s): _____</p> <p>Trial Court Judges(s): _____</p> <p>Case Number(s): _____</p> | <p style="text-align: center;">▲ ▲</p> <p style="text-align: center;">COURT USE ONLY</p> |
| <p>THE PEOPLE OF THE STATE OF COLORADO</p> <p>In the Interest of : _____ [initials pursuant to § 19-1-109(1)] Minor Child(ren),</p> <p>And Concerning: _____ [initials pursuant to § 19-1-109(1)]</p> <p>Appellant/Respondent: _____</p> | |
| <p>Attorney or Party Without Attorney (Name and Address): _____ _____ _____</p> <p>Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____</p> | <p>Case Number: _____</p> <p>Division _____ Courtroom _____</p> |
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- The adjudicatory hearing held on _____ (date(s))
- The dispositional hearing held on _____ (date(s))
- The review hearing held on _____ (date(s))
- The permanency hearing held on _____ (date(s))
- The termination hearing held on _____ (date(s))

3. The name and address of the court reporter(s) is:

Name

Name

Address

Address

City

State

Zip Code

City

State

Zip Code

[or]

4. I need not order transcripts because:

_____.

Signature, appellant or attorney for appellant

Date

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this *NOTICE OF APPEAL (CROSS-APPEAL) AND DESIGNATION OF TRANSCRIPTS* was filed with the trial court and Court of Appeals; and a true and accurate copy of this *NOTICE OF APPEAL (CROSS-APPEAL) AND DESIGNATION OF TRANSCRIPTS* was served on the other party(ies) and any court reporters listed above by

1. E-file system
2. placing it in the United States mail, postage pre-paid and addressed to the following:

Signature

| | | |
|--|--|--|
| Court of Appeals, State of Colorado 2 East 14th Ave. Denver, CO 80203 Name of Lower Court(s): <hr/> | | ▲ ▲ COURT USE ONLY |
| Trial Court Judges(s): <hr/> | | |
| Case Number(s): <hr/> | | |
| THE PEOPLE OF THE STATE OF COLORADO In the Interest of : _____ [initials pursuant to § 19-1-109(1)] Minor Child(ren), And Concerning: _____ [initials pursuant to § 19-1-109(1)] Appellant/Respondent: <hr/> | | |
| Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____ | | Case Number: Division _____ Courtroom _____ |
| SUPPLEMENTAL DESIGNATION OF <u>TRANSCRIPTS RECORD</u> | | |

In addition to the transcripts designated by appellant, the clerk of the trial court shall include in the record on appeal:

1. The original transcripts of the following proceedings:

a. _____
a. (List the name and the date of the proceeding.)

b. _____
b. ([List the name and the date of the proceeding.)

The name and address of the court reporter(s) is:

Name _____ Name _____

Address _____ Address _____

City _____ State _____ Zip Code _____ City _____ State _____ Zip Code _____

Signature, appellee or attorney for appellee _____ Date _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this *NOTICE OF APPEAL (CROSS-APPEAL) AND DESIGNATION OF TRANSCRIPTS* was filed with the trial court and Court of Appeals; and a true and accurate copy of this *NOTICE OF APPEAL (CROSS-APPEAL) AND DESIGNATION OF TRANSCRIPTS* was served on the other party(ies) and any court reporters listed above by:

1. E-file system
2. placing it in the United States mail, postage pre-paid and addressed to the following:

_____ Signature

2. ~~The name and address of the court reporter(s) is:~~

3. _____

4. _____

5. ~~Name _____ Name~~

6. _____

7. _____

8. ~~Address _____ Address~~

9. _____

10. _____

11. ~~City _____ State _____ Zip Code _____ City~~

~~State _____ Zip Code~~

12. _____

13. _____

14. _____

15. _____

16. ~~Signature _____ Date~~

17. _____

18. _____

19. ~~CERTIFICATE OF MAILING~~

20. _____

21. ~~I certify that on _____ (date) the original of this
SUPPLEMENTAL DESIGNATION OF RECORD was filed with the trial court and the
Court of Appeals; and a true and accurate copy of this SUPPLEMENTAL DESIGNATION
OF RECORD was served on the other party (ies) and the court reporter(s) by placing it in
the United States mail, postage pre-paid and addressed to the following:~~

22. _____

23. _____

24. _____

25. _____

26. _____ Signature

| | |
|---|--|
| <p>Court of Appeals, State of Colorado 2 East 14th Ave. Denver, CO 80203 Name of Lower Court(s): _____</p> <p>Trial Court Judges(s): _____</p> <p>Case Number(s): _____</p> <hr/> <p>THE PEOPLE OF THE STATE OF COLORADO</p> <p>In the Interest of : _____ [initials pursuant to § 19-1-109(1)] Minor Child(ren),</p> <p>And Concerning: _____ [initials pursuant to § 19-1-109(1)]</p> <p>Appellant/Respondent: _____</p> | <p>▲</p> <p>COURT USE ONLY</p> <p>▲</p> |
| <p>Attorney or Party Without Attorney (Name and Address):</p> <p>Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____</p> | <p>Case Number:</p> <p>Division _____ Courtroom _____</p> |
| <p>SUPPLEMENTAL DESIGNATION OF TRANSCRIPTS</p> | |

In addition to the transcripts designated by appellant, the clerk of the trial court shall include in the record on appeal:

1. The original transcripts of the following proceedings:
 - a. _____
(List the name and the date of the proceeding.)
 - b. _____
([List the name and the date of the proceeding.]

The name and address of the court reporter(s) is:

Name

Name

Address

Address

City

State

Zip Code

City

State

Zip Code

Signature, appellee or attorney for appellee

Date

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this *NOTICE OF APPEAL (CROSS-APPEAL) AND DESIGNATION OF TRANSCRIPTS* was filed with the trial court and Court of Appeals; and a true and accurate copy of this *NOTICE OF APPEAL (CROSS-APPEAL) AND DESIGNATION OF TRANSCRIPTS* was served on the other party(ies) and any court reporters listed above by:

1. E-file system
2. placing it in the United States mail, postage pre-paid and addressed to the following:

Signature

| | |
|---|--|
| Court of Appeals, State of Colorado 2 East 14th Ave. Denver, Co 80203 Name of Lower Court(s): _____ Trial Court Judges(s): _____ Case Number(s): _____ | |
| THE PEOPLE OF THE STATE OF COLORADO In the Interest of : _____ [initials pursuant to § 19-1-109(1)] Minor Child(ren), And Concerning: _____ [initials pursuant to § 19-1-109(1)] Appellant/Respondent: _____ | ▲ COURT USE ONLY ▲ |
| Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____ | Case Number: _____ Division _____ Courtroom _____ |
| PETITION ON APPEAL | |

1. This Petition on Appeal is filed on behalf of _____(initials), the mother father child State Intervenor other _____(initials), with respect to child(ren):

Child(ren)'s Initials

Date(s) of Birth

2. Parental rights were terminated by the trial court pursuant to § 19-3-604(1)(____), C.R.S. **or**
 The children were adjudicated dependent or neglected pursuant to §19-3-505, C.R.S., and a dispositional decree was entered pursuant to §§19-3-507 and 19-3-508, C.R.S.

3. Appellant's attorney, _____, is is not the attorney who represented appellant at trial.

4. Are there any other pending appeals involving the child (ren)? Yes No If Yes, list below:

Case Name and Number: _____

Type of Appeal: adjudication disposition dissolution

5. Relevant dates regarding this appeal are the following:

D & N petition filed: _____ Termination hearing: _____

Adjudication order: _____ Termination order: _____

Disposition: _____ Notice of Appeal filed: _____

Permanency hearing: _____ Other material hearing: _____

Motion to terminate filed: _____

6. Nature of the case and relief sought: The appellant seeks reversal of the: adjudicatory order. dispositional decree. order: granting denying termination.
7. State the material facts as they relate to the issues presented on appeal:

8. State the legal issues presented for appeal, including a statement of how the issues arose:

The issues statement should be concise in nature and set forth the specific legal questions. General conclusions, such as "the trial court's ruling is not supported by the law or the facts," are not acceptable. Include supporting legal authority for each issue raised.

Issue 1: _____

Supporting legal authority for Issue 1: _____

Issue 2: _____

| | |
|---|--|
| Court of Appeals, State of Colorado 2 East 14th Ave., Denver, CO 80203 Name of Lower Court(s): _____ Trial Court Judges(s): _____ Case Number(s): _____ | |
| THE PEOPLE OF THE STATE OF COLORADO In the Interest of : _____ [initials pursuant to § 19-1-109(1)] Minor Child(ren), And Concerning: _____ [initials pursuant to § 19-1-109(1)] Appellant/Respondent: _____ | ▲ COURT USE ONLY ▲ |
| Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____ | Case Number: _____ Division _____ Courtroom _____ |
| RESPONSE TO PETITION ON APPEAL (CROSS-APPEAL) | |

1. This Response to the Petition on Appeal is filed on behalf of _____ (initials), the mother father child State Intervenor other _____ (initials).

2. Appellee's attorney, _____, is is not the attorney who represented appellee at trial.

3. The relevant date(s) regarding this appeal:
 - Are correctly stated in the Petition on Appeal.
 - Are corrected by appellee as follows: _____

4. The statement of material facts as they relate to the issues presented for appeal are:
 - Accurate as set forth by appellant and accepted by the undersigned appellee.
 - Require additions/corrections as follows: _____

5. Appellee's response to the legal issues presented for appeal are as follows:
 - Response to Issue 1: _____

Legal authority for Issue 1 supporting appellee's response: _____

Response to Issue 2: _____

Legal authority for Issue 2 supporting appellee's response: _____

(Additional responses to issues may be added.)

6. Are there any issues on cross-appeal Yes No If Yes, submit Petition on Appeal (Form 4 JDF 548).

The undersigned requests that the Court of Appeals affirm the order of the trial court in this matter.

Signature, attorney for appellee Date

CERTIFICATE OF MAILING

I certify that on _____ (date) the original and five copies of this *RESPONSE TO PETITION ON APPEAL (CROSS-APPEAL)* was filed with the Court; and a true and accurate copy of this *RESPONSE TO PETITION ON APPEAL (CROSS-APPEAL)* was served on the other party(ies) by placing it in the United States mail, postage pre-paid and addressed to the following:

Signature