

1 **Rule 55. Petition on appeal.**

2 (a) Filing; dismissal for failure to timely file. The appellant shall file with the
3 clerk of the Court of Appeals an original and four copies of the petition on
4 appeal. The petition on appeal must be filed with the appellate clerk within 15
5 days from the filing of the notice of appeal or the amended notice of appeal. If
6 the petition on appeal is not timely filed, the appeal shall be dismissed. It shall
7 be accompanied by proof of service. The petition shall be deemed filed on the
8 date of the postmark if first-class mail is utilized. The appellant shall serve a
9 copy on counsel of record of each party, including the Guardian ad Litem, or,
10 if the party is not represented by counsel, then on the party at the party's last
11 known address, in the manner prescribed in Rule 21(c).

12 (b) Preparation by trial counsel. The petition on appeal shall be prepared
13 by appellant's trial counsel. Trial counsel may only be relieved of this
14 obligation by the juvenile court upon a showing of extraordinary
15 circumstances. Claims of ineffective assistance of counsel do not constitute
16 extraordinary circumstances but should be raised by trial counsel in the
17 petition on appeal.

18 (c) Format. All petitions on appeal shall substantially comply with the
19 Petition on Appeal form that accompanies these rules. The petition shall not
20 exceed 15 pages, excluding the attachments required by Rule 55(d)(6). The
21 petition shall be typewritten, printed or prepared by photocopying or other
22 duplicating or copying process that will produce clear, black and permanent
23 copies equally legible to printing, on opaque, unglazed paper 8 ½ inches wide
24 and 11 inches long. Paper may be recycled paper, with or without deinking.
25 The printing must be double spaced, except for matter customarily single
26 spaced and indented. Margins shall be at least one inch on the top, bottom
27 and sides of each page. Page numbers may appear in the margins. Either a

28 proportionally spaced or monospaced typeface in a plain, roman style may be
29 used. A proportionally spaced typeface must be 13-point or larger for both text
30 and footnotes. Examples are CG Times, Times New Roman, New Century,
31 Bookman and Garamond. A monospaced typeface may not contain more than
32 ten characters per inch for both text and footnotes. Examples are Pica and
33 Courier.

34 (d) Contents. The petition on appeal shall include all of the following
35 elements:

36 (d)(1) A statement of the nature of the case and the relief sought.

37 (d)(2) The entry date of the judgment or order on appeal.

38 (d)(3) The date and disposition of any post-judgment motions.

39 (d)(4) A concise statement of the material adjudicated facts as they relate
40 to the issues presented in the petition on appeal.

41 (d)(5) A statement of the legal issues presented for appeal, how they were
42 preserved for appeal, and the applicable standard of review. The issue
43 statements should be concise in nature, setting forth specific legal questions.
44 General, conclusory statements such as "the juvenile court's ruling is not
45 supported by law or the facts" are not acceptable.

46 (d)(6) The petition should include supporting statutes, case law, and other
47 legal authority for each issue raised, including authority contrary to appellant's
48 case, if known.

49 (d)(7) The petition on appeal shall have attached to it:

50 (d)(7)(A) a copy of the order, judgment, or decree on appeal;

51 (d)(7)(B) a copy of any rulings on post-judgment motions.

52 (e) Compliance with Rule 21A. Petitions made under this rule that contain
53 information or records classified as other than public shall comply with Rule
54 21A.