

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

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

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

17 (c) Format. All petitions on appeal shall substantially comply with the Petition on Appeal form
18 that accompanies these rules. The petition shall not exceed 15 pages, excluding the attachments
19 required by Rule 55(d)(~~67~~). The petition shall be typewritten, printed or prepared by
20 photocopying or other duplicating or copying process that will produce clear, black and
21 permanent copies equally legible to printing, on opaque, unglazed paper 8 " inches wide and 11
22 inches long. Paper may be recycled paper, with or without deinking. The printing must be double
23 spaced, except for matter customarily single spaced and indented. Margins shall be at least one
24 inch on the top, bottom and sides of each page. Page numbers may appear in the margins. Either
25 a proportionally spaced or monospaced typeface in a plain, roman style may be used. A
26 proportionally spaced typeface must be 13-point or larger for both text and footnotes. Examples
27 are CG Times, Times New Roman, New Century, Bookman and Garamond. A monospaced
28 typeface may not contain more than ten characters per inch for both text and footnotes. Examples
29 are Pica and Courier.

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

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

- 32 (d)(2) The entry date of the judgment or order on appeal.
- 33 (d)(3) The date and disposition of any post-judgment motions.
- 34 (d)(4) A concise statement of the material adjudicated facts as they relate to the issues presented
35 in the petition on appeal.
- 36 (d)(5) A statement of the legal issues presented for appeal, how they were preserved for appeal,
37 and the applicable standard of review. The issue statements should be concise in nature, setting
38 forth specific legal questions. General, conclusory statements such as "the juvenile court's ruling
39 is not supported by law or the facts" are not acceptable.
- 40 (d)(6) The petition should include supporting statutes, case law, and other legal authority for
41 each issue raised, including authority contrary to appellant's case, if known.
- 42 (d)(7) The petition on appeal shall have attached to it:
- 43 (d)(7)(A) a copy of the order, judgment, or decree on appeal;
- 44 (d)(7)(B) a copy of any rulings on post-judgment motions.