

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

2 (a) Filing; dismissal for failure to timely file. The appellant ~~shall~~must file with the clerk of
3 the Court of Appeals ~~an original and four copies of the a~~ petition on appeal. ~~The petition on~~
4 ~~appeal must be filed with the appellate clerk~~ within 15 days from the filing of the notice of
5 appeal or the amended notice of appeal. The petition will be deemed filed on the date of the
6 postmark if first-class mail is used. If the petition on appeal is not timely filed, the ~~appeal shall~~
7 ~~be dismissed. It shall~~ court may dismiss the appeal or take other appropriate action. The petition
8 must be accompanied by proof of service. ~~The petition shall be deemed filed on the date of the~~
9 ~~postmark if first-class mail is utilized.~~ The appellant ~~shall~~must serve a copy on counsel of record
10 of each party, including the Guardian ad Litem, or, if the party is not represented by counsel,
11 then on the 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~~must be prepared by appellant's
13 trial 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~~must substantially comply with the Petition on
18 Appeal form that accompanies these rules. The petition ~~shall~~must not exceed 15 pages, excluding
19 the attachments required by Rule 55(d)(67). The petition ~~shall~~must be typewritten, printed or
20 prepared by photocopying or other duplicating or copying process that will produce clear, black
21 and permanent copies equally legible to printing, on opaque, unglazed paper 8 1/2 inches wide and
22 11 inches long. Paper may be recycled paper, with or without deinking. The printing must be
23 double spaced, except for matter customarily single spaced and indented. Margins ~~shall~~must be
24 at least one inch on the top, bottom and sides of each page. Page numbers may appear in the
25 margins. Either a proportionally spaced or monospaced typeface in a plain, roman style may be
26 used. A proportionally spaced typeface must be 13-point or larger for both text and footnotes.
27 Examples are CG Times, Times New Roman, New Century, Bookman and Garamond. A
28 monospaced typeface may not contain more than ten characters per inch for both text and
29 footnotes. Examples are Pica and Courier.

30 (d) Contents. The petition on appeal ~~shall~~must 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
35 presented in the petition on appeal.

36 (d)(5) A statement of the legal issues presented for appeal, how they were preserved for
37 appeal, and the applicable standard of review. The issue statements should be concise in nature,
38 setting forth specific legal questions. General, conclusory statements such as "the juvenile
39 court's ruling 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
41 for each issue raised, including authority contrary to appellant's case, if known.

42 (d)(7) The petition on appeal ~~shall~~must 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.