

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

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

12 (b) **Preparation by ~~trial~~ counsel.** If the petitioner has appointed counsel in the juvenile
13 court, or has been found to be indigent, then the petition on appeal must be prepared by
14 appellate counsel appointed pursuant to the requirements of Rule 11-401 of the Utah
15 Code of Judicial Administration. Counsel must be appointed within 21 days from the
16 filing of the original notice of appeal. Otherwise, the petition on appeal must be
17 prepared by appellant's trial counsel.

18 ~~The petition on appeal must be prepared by appellant's trial counsel. Trial counsel may~~
19 ~~only be relieved of this obligation by the juvenile court upon a showing of~~
20 ~~extraordinary circumstances. Claims of ineffective assistance of counsel do not~~
21 ~~constitute extraordinary circumstances but should be raised by trial counsel in the~~
22 ~~petition on appeal.~~

23 (c) **Format.** All petitions on appeal must substantially comply with the Petition on
24 Appeal form that accompanies these rules. The petition must not exceed ~~15 pages~~ 5,000
25 words, excluding the attachments required by Rule 55(d)(7). The petition ~~must be~~
26 ~~typewritten, printed or prepared by photocopying or other duplicating or copying~~
27 ~~process that will produce clear, black and permanent copies equally legible to printing,~~
28 ~~on opaque, unglazed paper 8 inches wide and 11 inches long. Paper may be recycled~~
29 ~~paper, with or without deinking. The printing must be double spaced, except for matter~~

30 ~~customarily single spaced and indented. Margins must be at least one inch on the top,~~
31 ~~bottom and sides of each page. Page numbers may appear in the margins. Either a~~
32 ~~proportionally spaced or monospaced typeface in a plain, roman style may be used. A~~
33 ~~proportionally spaced typeface must be 13 point or larger for both text and footnotes.~~
34 ~~Examples are CG Times, Times New Roman, New Century, Bookman and Garamond.~~
35 ~~A monospaced typeface may not contain more than ten characters per inch for both text~~
36 ~~and footnotes. Examples are Pica and Courier~~ must comply with Rule 27(a) and (b),
37 except that it may be printed or duplicated on one side of the sheet.

38 (d) **Contents.** The petition on appeal must include all of the following elements:

- 39 ~~(d)~~(1) A statement of the nature of the case and the relief sought.
- 40 ~~(d)~~(2) The entry date of the judgment or order on appeal.
- 41 ~~(d)~~(3) The date and disposition of any post-judgment motions.
- 42 ~~(d)~~(4) A concise statement of the material adjudicated facts as they relate to the
43 issues presented in the petition on appeal.
- 44 ~~(d)~~(5) A statement of the legal issues presented for appeal, how they were
45 preserved for appeal, and the applicable standard of review. The issue
46 statements should be concise in nature, setting forth specific legal questions.
47 General, conclusory statements such as "the juvenile court's ruling is not
48 supported by law or the facts" are not acceptable.
- 49 ~~(d)~~(6) The petition should include supporting statutes, case law, and other legal
50 authority and argument for each issue raised, including authority contrary to
51 appellant's case, if known.
- 52 ~~(d)~~(7) The petition on appeal must have attached to it:
- 53 ~~(d)~~(7)(A) a copy of the order, judgment, or decree on appeal;
- 54 ~~(d)~~(7)(B) a copy of any rulings on post-judgment motions.

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