

1 **Rule 52. Child welfare appeals.**

2 (a) **Time for appeal.** A notice of appeal from an order in a child welfare proceeding, as
3 defined in Rule [1\(f\)](#), must be filed within 15 days of the entry of the order appealed from.
4 If the juvenile court enters an order on a Saturday, Sunday, or legal holiday, the date of
5 entry will be deemed to be the first day following the juvenile court's entry that is not a
6 Saturday, Sunday, or legal holiday.

7 (b) **Time for appeal extended by certain motions.**

8 (1) If a party timely files in the trial court any of the following, the time for all parties
9 to appeal from the judgment runs from the entry of the dispositive order:

10 (A) A motion for judgment under Rule [50\(b\)](#) of the Utah Rules of Civil Procedure;

11 (B) A motion to amend or make additional findings of fact, whether or not an
12 alteration of the judgment would be required if the motion is granted, under Rule
13 [52\(b\)](#) of the Utah Rules of Civil Procedure;

14 (C) A motion to alter or amend the judgment under Rule [59](#) of the Utah Rules of
15 Civil Procedure; or

16 (D) A motion for a new trial under Rule [59](#) of the Utah Rules of Civil Procedure.

17 (2) A notice of appeal filed after announcement or entry of judgment, but before entry
18 of an order disposing of any motion listed in paragraph (b), will be treated as filed
19 after entry of the order and on the day thereof, except that the notice of appeal is
20 effective to appeal only from the underlying judgment. To appeal from a final order
21 disposing of any motion listed in paragraph (b)(1), a party must file a notice of appeal
22 or an amended notice of appeal within the prescribed time measured from the entry
23 of the order.

24 (c) ~~Time for~~ [Additional or](#) **cross-appeal.** If a timely notice of appeal is filed by a party,
25 any other party may file a notice of appeal within ~~five~~⁵ days after the first notice of appeal

26 was filed, or within the time otherwise prescribed by paragraphs (a) and (b) of this
27 rule, whichever period last expires.

28 (d) Motion to reinstate period for filing a direct appeal in child welfare appeals.

29 (1) The juvenile court ~~must~~ will reinstate the 15-day period for filing a direct appeal
30 from an order terminating parental rights or terminating the jurisdiction of the
31 juvenile court in a child welfare case if a parent ~~with a right to effective assistance of~~
32 ~~counsel~~ demonstrates by a preponderance of evidence that the parent was deprived
33 of the right to appeal through no fault of the parent.

34 (2) The motion must be filed within ~~XX~~45 days of the entry of the order terminating
35 ~~order~~ parental rights or terminating the jurisdiction of the juvenile court. ~~appealed~~
36 ~~from.~~

37 (3) If the parent is not represented by counsel and is indigent, ~~and has the right to~~
38 ~~effective assistance of counsel,~~ the juvenile court will appoint counsel.

39 (4) The motion must be served on the attorney general and the guardian ad litem. The
40 attorney general, the guardian ad litem, or both may file a response to the motion
41 within ~~14~~28 days after being served.

42 (5) If the motion to reinstate the time to appeal is opposed, the juvenile court will set
43 a hearing at which the parties may present evidence.

44 (6) If the juvenile court enters an order reinstating the time for filing a direct appeal,
45 the parent's notice of appeal must be filed with the juvenile court clerk ~~of the juvenile~~
46 ~~court~~ within 15 days after the date the order is entered.

47 **(ed) Appeals of interlocutory orders.** Appeals from interlocutory orders are governed by
48 Rule 5.

49 Effective ~~May 1, 2023~~