



APPENDIX A

FORMS FOR FAMILY COURT APPEALS

NOTICE

Deadlines apply

You must act quickly after the family court enters a final order to preserve your right to appeal.

INSTRUCTIONS – Read Carefully

BEFORE YOU APPEAL

1. You can only appeal a **final** order of a family court judge. A final order is an order that rules on all issues for all parties in the case. Other orders cannot be appealed.
2. You cannot present any additional evidence or testimony in your appeal. Decisions on appeal are based only upon what was presented to the family court.
3. If you do not have the necessary funds for fees, transcripts, and other costs, you may request permission to proceed *in forma pauperis*, by completing an affidavit of indigency, setting forth information establishing your inability to pay the costs. You must file this completed form in the circuit clerk's office.

YOUR APPEAL OPTIONS

You have the right to appeal a family court final order to the circuit court. After the circuit court makes a final decision, you may then appeal the circuit court's final decision to the Supreme Court.

or

You may waive your right to appeal to the circuit court and file your appeal directly with the Supreme Court of Appeals. To do this, **both parties** must agree in writing within **14 days** of entry of the family court final order. A Notice and Waiver (Form 1) is available for this purpose.

To Appeal to Circuit Court:

- (1) File a Petition for Appeal (Form 2), within **thirty** days of entry of the family court final order.
- (2) The Petition for Appeal must be typewritten or legibly handwritten. You must file the original and two copies in the circuit clerk's office where the final order was entered. You must sign the petition under penalty of perjury, and mail a copy of the petition to the opposing party.

To Appeal Directly to the Supreme Court:

- (1) To appeal directly to the supreme court, **both parties** must agree to do so in writing. Both parties must file a Notice and Waiver (Form 1) **within 14 days of entry of the family court final order**.
- (2) Complete a petition for appeal (Form 2) and file the original and two copies of the petition in the circuit clerk's office where the final order was entered. The petition for appeal must be typewritten or legibly handwritten. You must sign the petition under penalty of perjury, and mail a copy of the petition to the opposing party.