

## FCA ARTICLE 11: APPEALS.

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Appeals from Family Court are taken to the Appellate Division.

Party can appeal any disposition as of right, as well as intermediate orders from Article 10 abuse/neglect cases; all other appeals shall only be with discretion of Appellate Division.

Appellate Division shall grant preference to Article 3 Juvenile Delinquencies; Article 7 PINS; Article 10/10A abuse/neglect/foster care; and Article 6 only insofar as Commitment of Care/Custody/Guardianship [termination of parental rights], and Adoptions.

Any order under Article 10/10A returning a child home shall be automatically stayed until 5:00 PM the next business day. Family Court may further stay if imminent risk to child, Appellate Division can also stay; if stayed, appeal shall be expedited.

Other Family Court appeals are NOT stayed unless Appellate Court so determines; surety may be required of stayed Support orders.

Appeal must be taken within 30 days from service of order by party, or receipt in Court; else 35 days from mailing by Clerk.

Notice of Appeal must be served on adverse party. Proof of service, original notice, and 2 copies are filed with Family Court Clerk; Clerk transmits 1 copy to Appellate Division.

Printed briefs are NOT required.

Costs awarded to Resp against Department of Social Services are payable as county charge.

Civil Practice Laws and Rules [CPLR] applies to Family Court appeals; but if appellant is represented by 18B counsel, assigned Law Guardian, or Legal Aid Society: upon certification of poor person status, fees are waived.

Appellate Court shall assign free counsel to adult indigent party.

Assigned Law Guardian continues in capacity unless relieved; IF such LG or an original party filed the appeal.

Counsel for appellant shall request transcript within 10 days of: filing appeal notice; appointment (if later); or from determination of poor person motion.

Transcript shall be completed within 30 days of request; else reporter shall notify Administrative Judge of Judicial District.

Appellant shall perfect appeal within 60 days of receiving transcript; unless time limit be extended.