

RULES OF APPELLATE PROCEDURE

NOTICE

Notice is hereby given that the following amendments to the Rules of Appellate Procedure were adopted to take effect August 1, 2014. The amendments to Sections 61-9 and 79a-2 were approved by the Appellate Court on January 15, 2014, and by the Supreme Court on April 30, 2014.

Attest:

Michèle T. Angers
Chief Clerk Appellate

INTRODUCTION

Contained herein are amendments to the Rules of Appellate Procedure. These amendments are indicated by brackets for deletions and underlines for added language.

CHAPTER AND SECTION HEADINGS OF THE RULES

RULES OF APPELLATE PROCEDURE

**CHAPTER 61
REMEDY BY APPEAL**

Sec.
61-9. Decisions Subsequent to Filing of Appeal; Amended Appeals

**CHAPTER 79a
APPEALS IN CHILD PROTECTION MATTERS**

Sec.
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AMENDMENTS TO THE RULES OF APPELLATE PROCEDURE

**CHAPTER 61
REMEDY BY APPEAL**

Sec. 61-9. Decisions Subsequent to Filing of Appeal; Amended Appeals
(Applicable to appeals filed on or after July 1, 2013.)

Should the trial court, subsequent to the filing of a pending appeal, make a decision that the appellant desires to have reviewed, the appellant shall file an amended appeal in the trial court within twenty days from the issuance of notice of the decision as provided for in Section 63-1.

The amended appeal shall be filed in the trial court in the same manner as an original appeal pursuant to Section 63-3. No additional fee is required to be paid upon the filing of an amended appeal.

Within ten days of filing the amended appeal, the appellant shall file with the appellate clerk the original and one copy of the endorsed amended appeal form and an original of either a certificate stating that there are no changes to the Section 63-4 papers filed with the original appeal or any amendments to those papers. Any other party may file an original of responsive Section 63-4 papers within twenty days of the filing of the certificate or the amendments.

If the original appeal is dismissed for lack of jurisdiction, the amended appeal shall remain pending if it was filed from a judgment or order from which an original appeal properly could have been filed.

After disposition of an appeal where no amended appeals related to that appeal are pending, a subsequent appeal shall be filed as a new appeal.

If the amended appeal is filed after the filing of the appellant's brief and appendix but before the filing of the appellee's brief and appendix, the appellant may move for leave to file a supplemental brief and appendix. If the amended appeal is filed after the filing of the appellee's brief and appendix, either party may move for such leave. In any event, the court may order that an amended appeal be briefed or heard separately from the original appeal.

If the appellant files a subsequent appeal from a trial court decision in a case, where there is a pending appeal, the subsequent appeal shall be treated as an amended appeal, and there shall be no refund of the fees paid.

COMMENTARY—August, 2014: The section was amended to emphasize that the appellant must file the original and one copy of the endorsed amended appeal form with the appellate clerk.

CHAPTER 79a APPEALS IN CHILD PROTECTION MATTERS

Sec. 79a-2. Time to Appeal

(a) General Provisions

Unless a different period is provided by statute, appeals from judgments of the superior court in child protection matters shall be taken within twenty days from the issuance of notice of the rendition of the decision or judgment from which the appeal is taken, [or within twenty days from the granting of any extension to appeal pursuant to Section 66-1 (a).] The judge who tried the case may, for good cause shown, extend the time limit provided for filing the appeal. In no event shall the trial judge extend the time for filing the appeal to a date which is more than twenty days from the expiration date of the initial appeal period. Where a motion for extension of the period of time within which to appeal has been filed at least ten days before expiration of the time limit sought to be extended, and such motion is denied, the party seeking to appeal shall have no less than ten days from issuance of notice of the denial of the motion for extension in which to file the appeal.

(b) When appeal period begins

If notice of the judgment or decision is given in open court, the appeal period shall begin on that day. If notice of the judgment or decision is given only by mail, the appeal period shall begin on the day that notice of the judgment or decision is mailed to counsel by the clerk for juvenile matters. The failure to give notice of judgment to a nonappearing party shall not affect the running of the appeal period.

(c) How a new appeal period is created

If a motion is filed within the appeal period that, if granted, would render the judgment or decision ineffective, then a new twenty day appeal period for filing the appeal shall begin on the day that notice of the ruling is given on the last such outstanding motion. Such motions include, but are not limited to, motions that seek: the opening or setting aside of the judgment; a new trial; reargument of the judgment

or decision; or any alteration of the terms of the judgment. Motions that do not give rise to a new appeal period include those that seek: clarification or articulation, as opposed to alteration, of the terms of the judgment or decision; a written or transcribed statement of the trial court's decision; or reargument or reconsideration of a motion listed in this paragraph.

If, within the appeal period, any application is filed, pursuant to Section 79a-4, seeking waiver of fees, costs and security or appointment of counsel, a new twenty day appeal period or statutory period for filing the appeal is not created. If a party files, pursuant to Section 66-6, a motion for review of the denial of any such application, a new appeal period shall begin on the day that notice of the ruling is given on the motion for review.

(d) What may be appealed during new appeal period

If a new appeal period is created under Section 79a-2 (c), the new appeal period may be used for appealing the original judgment or decision and/or for appealing any order that gave rise to the new appeal period. Such period may also be used for amending an existing appeal pursuant to Section 61-9 to challenge the ruling that gave rise to the new appeal period. Rulings on applications for waiver of fees, costs and security or motions for appointment of counsel may not be appealed during the new appeal period but may be challenged by motion for review in accordance with Section 66-6.

(e) Limitation of time to appeal

Unless a new appeal period is created pursuant to Section 79a-2 (c), the time to take a child protection appeal shall not be extended past forty days (the original twenty days plus one twenty day extension for appellate review) from the date of issuance of notice of the rendition of the judgment or decision.

COMMENTARY—August, 2014: Subsection (a) was amended to clarify that the trial judge may not grant an extension of more than twenty days beyond the initial appeal period. The amendment also seeks to avoid penalizing a party who files an “early” motion for extension of time to appeal; that is, one filed at least ten days before the expiration of the initial appeal period.
