

IN THE DISTRICT COURT OF _____ COUNTY, KANSAS

IN THE INTEREST OF:

Name _____ Case No. _____

DOB xx/xx/____ A male female

Name _____ Case No. _____

DOB xx/xx/____ A male female

Name _____ Case No. _____

DOB xx/xx/____ A male female

NOTICE OF APPEAL
Pursuant to K.S.A. 38-2273

Comes now counsel for _____ (*party*) and hereby provides notice of appeal of the decision of the Court issued on the _____ day of _____, _____, specifically the order _____.

Appellant

VERIFICATION
(Required)

STATE OF KANSAS)
) ss:
COUNTY OF _____)

COMES NOW _____, of lawful age, being first duly sworn and under oath, and states:

I am _____, and I have read and understand the above and foregoing Notice of Appeal, and believe that all of the content thereof is true and correct.

Appellant

Subscribed and sworn to before me this _____ day of _____, _____.

Notary Public/Clerk of the Court/Deputy

Authority

K.S.A. 38-2273.

Notes on Use

An appeal may be taken by any party or interested party from any order of temporary custody, adjudication, disposition, finding of unfitness, or termination of parental rights. An appeal from a district magistrate judge's order shall be heard by a district judge, on the basis of the record, within 30 days from the filing of the notice of appeal. Procedure on appeal shall be governed by the code of civil procedure. Pending the determination of the appeal, the appealed order shall continue in force unless modified, Form 201. K.S.A. 38-2274.

If the appellant has been personally served at any time during the proceedings the notice of appeal, docketing statement and brief shall be verified by the appellant. Failure to have the required verification shall result in the dismissal of the appeal.

The court on appeal may assess the fees and expenses of the case against a party or interested party. The county may enforce the order of assessment as a civil judgment. K.S.A. 38-2275.

The Judicial Council publishes the *Kansas Appellate Practice Handbook* which is a complete and comprehensive resource.

Comments

An appeal out of time may be considered in the interest of fundamental fairness, where the appellant was not advised of the time limitation. *In re T.M.C.*, 26 Kan. App. 2d 297, 988 P.2d 241 (1999).

An order of temporary custody is a final order that must be appealed within 30 days after entry of judgment. *In re D.I.G.*, 34 Kan. App. 2d 34, 114 P.3d 173 (2005).