

STARTING AN APPEAL WITH THE ONEIDA JUDICIARY – COURT OF APPEALS

Your appeal is due within thirty (30) CALENDAR days from the date of the decision
NOT when you received it

1. **Complete and sign** the Notice of Appeal form.

*See the SAMPLE Notice of Appeal, if you have questions. **Sample is not for official use.***

2. A **copy of the decision** that you're appealing must be attached to the Notice of Appeal.
3. Service means providing documents to another party making them aware that an appeal will be filed. **Serve** (provide) a copy of your appeal (including all attachments) to the other party (respondent or if represented, their attorney/advocate). If there is more than one respondent, all of them must be served. Service must be completed in one of the following ways:
 - a. **Personal Service** – *You cannot provide personal service yourself.* Have an adult (18 years and older) or agency (process server or local police department) provide a copy of your appeal to the respondent or if represented, their attorney/advocate. The person who served your appeal must fill out and sign an Affidavit of Service form after service has been completed (agencies normally have their own documentation of service).
 - b. **Mail** – Mail your appeal using certified mail and request a return receipt (green card). *Keep in mind the 30-day timeframe if using this method.*

You must provide **proof** to the Court that all other parties or their counsel were served.

4. When you have completed the above, you are ready to file. Below is a checklist of what you'll need when filing your appeal:
 - Notice of Appeal
 - Copy of decision being appealed
 - Any additional attachments
 - Proof of Service
 - \$75 Filing fee or Filing Fee Waiver Request
 - Deposit/bond (*only if you ordered to pay any fines/fees/costs, etc.*) or Request for Waiver of Deposit/Bond
 - Party Contact Information sheet completed

You will need to provide AN ORIGINAL AND THREE (3) COPIES of your appeal. If you want a stamped copy for your own records, bring an additional copy.

5. The Clerk will review your documents and assign a Case #.

Please see the Rules of Appellate Procedure; the Rules of Civil Procedure; and/or the Rules of Evidence, to assist you with the appeals process.

Any questions, call the Appellate Clerk of Court at 920-496-7200