

## **STARTING AN APPEAL WITH THE ONEIDA JUDICIARY – COURT OF APPEALS**

*(This process is for appeals of final decisions)*

**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.*
2. A **copy of the decision** that you're appealing must be attached to the Notice of Appeal.
3. **Serve** (provide) a copy of your appeal (including all attachments) to the respondent (other party). If there is more than one respondent, all of them must be served. Service means a formal presentation of documents that can be proven. Service may be done in one of the following ways:
  - a. Personal Service – You cannot serve your appeal yourself. Have another adult (18 years and older) or an agency (process server or local police department) provide a copy of your appeal to the other party. You may use the Judiciary's Affidavit of Service, or the agency's document for service.
  - b. Mail – Mail your appeal using first class certified mail with tracking service. *Keep in mind the 30-day timeframe to file an appeal if using this method. Mailing it is not enough, it must be **received** by the other party, and you must show receipt.*
  - c. Electronic Mail - YOU MAY ONLY SERVE THE OTHER PARTY BY THIS METHOD IF YOU FIRST RECEIVE THEIR CONSENT. Consent to Electronic Service **does not transfer** from court to court. A new consent must be filed.
4. You **must** provide **proof** to the Court that all other parties were served.
5. **When you have completed the above, you are ready to file. APPEALS CANNOT BE FILED ELECTRONICALLY. Below is a **CHECKLIST** of what you'll need to file:**

- Notice of Appeal
- Copy of decision being appealed (and any additional attachments)
- Proof of Service
- Completed Party Contact Information sheet
- An original and three (3) copies for the Court's use\***
- Filing fee or completed Filing Fee Waiver Request
- Pay deposit/bond or completed Request for Waiver of Deposit/Bond (only required if you were ordered to pay any fines/fees/costs, etc.)

\*If you would like a stamped copy of your filing for your own records, please provide an extra copy.

6. The Clerk will review your documents and assign a case number.

Please review the Judiciary 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 Court Clerk at 920-496-7200, Ext. 7209**