

**Rule 6.1401 — Form 5: *Petition on Appeal (Cross-Appeal) (Child-in-Need-of-Assistance and Termination Cases).***

**IN THE SUPREME COURT OF IOWA**

IN THE INTEREST OF  _____, CHILD(REN)	Supreme Court No. _____ Juvenile Court No. _____
	<b>PETITION ON APPEAL (CROSS-APPEAL) (Child-In-Need-Of-Assistance and Termination Cases)</b>

County \_\_\_\_\_ Judge \_\_\_\_\_

The names of the parties involved in this appeal and their designations in juvenile court are shown below in column A. Their respective attorneys' names, law firms, addresses, and telephone numbers are shown below in column B.

Column A  
Parties

Column B  
Attorneys

Appellant(s):

Appellee(s):

1. This Petition on Appeal is filed on behalf of, *(insert name of person)* \_\_\_\_\_, *(insert role of filer i.e. mother, father, child, State, intervenor, or other)* in the above-identified (CHECK ONE)

- ☐ child-in-need-of-assistance
- ☐ termination-of-parental-rights
- ☐ post-termination

proceeding, with respect to child(ren)

Child(ren)'s Name(s)

Date(s) of Birth

_____
_____
_____
_____

_____
_____
_____
_____

2. (If applicable), parental rights were terminated by the juvenile court pursuant to Iowa Code section(s) 232.116(\_\_\_\_) *(insert specific subsection(s))* as to the mother and Iowa Code section(s) 232.116(\_\_\_\_) *(insert specific subsection(s))* as to the father.

If appealing from a **CINA** order, indicate as to the mother on what statutory ground(s) the child(ren) was/were adjudicated in need of assistance (\_\_\_\_)(*insert specific subsection(s)*) and indicate as to the father on what statutory ground(s) the child(ren) was/were adjudicated in need of assistance (\_\_\_\_)(*insert specific subsection(s)*).

3. Appellant's attorney, \_\_\_\_\_, is/is not the attorney who represented appellant at trial.

4. List any other pending appeals involving the child(ren).

Case Name: \_\_\_\_\_

Supreme Court No.: \_\_\_\_\_

Type of Appeal: (e.g., appeal from adjudication/disposition, dissolution) \_\_\_\_\_

5. The relevant dates regarding this appeal are the following:

a. Date of adjudication \_\_\_\_\_

b. Date of last removal (excluding any trial period at home of less than 30 days) \_\_\_\_\_

c. Date of disposition \_\_\_\_\_

d. Date(s) of any review hearings \_\_\_\_\_

e. Date of any permanency hearing \_\_\_\_\_

f. Date(s) termination petition filed/amended \_\_\_\_\_

g. Date(s) of termination hearing \_\_\_\_\_

h. Date(s) of child-in-need-of-assistance order(s) from which appeal was taken \_\_\_\_\_

i. Date of termination or dismissal order from which appeal was taken \_\_\_\_\_

j. Date of post-termination order from which appeal was taken \_\_\_\_\_

k. Date notice of appeal filed \_\_\_\_\_

l. Any other date(s)/hearing(s) material to appeal \_\_\_\_\_

6. Nature of case and relief sought: The appellant seeks a reversal of the juvenile court order:

a. terminating the parental rights of \_\_\_\_\_(*insert name(s)*) with respect to the child(ren) \_\_\_\_\_(*insert name(s)*); OR

b. dismissing a petition to terminate the parental rights of \_\_\_\_\_(*insert name(s)*) with respect to the child(ren), \_\_\_\_\_(*insert name(s)*); OR

c. If seeking reversal or modification of a **CINA** order, specify the relief requested:

\_\_\_\_\_  
\_\_\_\_\_

d. OTHER (specify) \_\_\_\_\_

7. State the material facts as they relate to the issues presented for appeal:

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8. State the legal issues presented for appeal, including a statement of how the issues arose and how they were preserved for appeal. Also, state what findings of fact or conclusions of law the district court made with which you disagree and why, generally referencing a particular part of the record, witnesses' testimony, or exhibits that support your position on appeal:

*The issue statement should be concise in nature setting forth specific legal questions. General conclusions, such as "the trial court's ruling is not supported by law or the facts" are not acceptable. Include supporting legal authority for each issue raised, including authority contrary to appellant's case, if known.*

a. Issue I:

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Was error preserved? \_\_\_\_ yes \_\_\_\_ no. If yes, state how:

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Supporting legal authority for Issue I:

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Findings of fact or conclusions of law with which you disagree:

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b. Issue II:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Was error preserved? \_\_\_\_ yes \_\_\_\_ no. If yes, state how:

\_\_\_\_\_

\_\_\_\_\_

Supporting legal authority for Issue II:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Findings of fact or conclusions of law with which you disagree:

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Additional issues may be added)

9. I hereby certify I will request within 30 days after the filing of the notice of appeal that the clerk of the trial court transmit immediately to the clerk of the supreme court:

(For appeals from child-in-need-of-assistance proceedings)

- a. The child-in-need-of-assistance court file, including all exhibits.
- b. Any transcript of a hearing or hearings resulting in the order from which an appeal has been taken.

(For appeals from termination proceedings)

- a. The termination-of-parental-rights court file, including all exhibits.
- b. Those portions of the child-in-need-of-assistance court file, either received as exhibits or judicially noticed in the termination proceedings.
- c. The transcript of the termination hearing.

(For appeals from post-termination proceedings)

- a. The order, judgment, or decree terminating parental rights.
- b. Any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2).
- c. The post-termination order from which the appeal was taken.
- d. Any motion(s), resistance(s), or transcript(s) related to the post-termination order from which the appeal was taken.

The undersigned requests that the appellate court issue an opinion reversing the order of the juvenile court in this matter, or, in the alternative, enter an order setting this case for full briefing.

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*(signature of appellant or appellant's attorney)*  
*Name, address, telephone number, fax number,*  
*and e-mail address of appellant or appellant's*  
*attorney.*

**ATTACHMENTS:**

(For appeals from child-in-need-of-assistance proceedings):

- (1) a copy of the order or judgment from which the appeal has been taken;
- and

- (2) a copy of any rulings on a motion for new trial as provided in Iowa R. Civ. P. 1.1007 or a motion as provided in Iowa R. Civ. P. 1.904(2).

(For appeals from termination orders):

- (1) a copy of the petition (and any amendments) for termination of parental rights filed in the juvenile court proceedings;
- (2) any ruling on a motion for new trial under Iowa R. Civ. P. 1.1007 or a motion under Iowa R. Civ. P. 1.904(2);
- (3) a copy of the order, judgment, or decree terminating parental rights or dismissing the termination petition; and
- (4) a copy of any rulings on a motion for new trial as provided in Iowa R. Civ. P. 1.1007 or a motion as provided in Iowa R. Civ. P. 1.904(2).

(For appeals from post-termination orders):

- (1) a copy of the order, judgment, or decree terminating parental rights;
- (2) a copy of the post-termination order from which the appeal was taken; and
- (3) any motion(s) or resistance(s) related to the post-termination order from which the appeal was taken.

#### **CERTIFICATE OF SERVICE**

The undersigned certifies a copy of this petition on appeal (cross-appeal) was served on the \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_, upon the following persons and upon the clerk of the supreme court *(list the names and addresses of the persons below and indicate the manner of service)*.

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*(signature of person making service)*