

IN THE SUPREME COURT OF IOWA

No. 21-0540

Marshall County JVJU005130

IN THE INTEREST OF

W.T.

A Child

APPLICATION TO THE SUPREME COURT OF IOWA FOR FURTHER
REVIEW

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QUESTION PRESENTED FOR REVIEW

1. Did the Court err in failing to grant a delayed appeal?

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STATEMENT SUPPORTING FURTHER REVIEW

The father of the child in interest seeks further review of a Court of Appeals decision dismissing his appeal as being untimely.

The father relied upon recent cases in which delayed appeals were granted when the delay was negligible and accompanied by extenuating circumstances. A reading of the cases which allowed a delayed appeal include as an additional significant factor that it was clear that the parent wanted to appeal.

BRIEF

I

DID THE COURT ERR IN FAILING TO GRANT A DELAYED APPEAL?

The undersigned is focusing his application for further review on the issue of allowing or disallowing a late appeal. The merits of the case have not changed materially since the Petition on Appeal was filed.

The Court noted that it was significant that the appeal process was not delayed by the late filing as is referenced in footnote 1 and the text of page 4 of the opinion.

In this case, the order to terminate was filed on April 6, 2021, and the Petition on Appeal was filed on May 6th. If April 7, 2021, is day one on the timeline for appeal, the father's appeal has also not served to prolong the appeal process.

As was the case in *In re A. B.*, 957 N.W.2d 280 (Iowa 2021), the expedited appeal process was not delayed by even one day.

In this case it is clear that the father wished to appeal. The father testified extensively at trial and made significant efforts toward the end of the case to be able to be ready to take custody of his daughter. It is clear the appeal was not

delayed by the late filing of the notice of appeal as the Petition on Appeal was filed within 30 days of the decision terminating parental rights. The only thing which is missing is a statement of extenuating circumstances. The father contends that he should not be required to suffer a different outcome than happened in the cases of A. B. and W. M. when his appeal was processed as quickly as it would have been had his notice of appeal had been filed one day earlier.

CONCLUSION

For the reasons stated above, the father requests the Court grant further review, upon further review either reach the merits of the Petition on Appeal or direct full briefing on the same.

REQUEST FOR ORAL ARGUMENT

If the Supreme Court of Iowa grants further review, the father respectfully requests to be heard in oral argument.

Respectfully Submitted,

/s/ Christopher A. Clausen

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