

RULE CHANGE 2025(11)

THE COLORADO APPELLATE RULES

Rules 3.4, 21, 27, 52, and 53

Rule 3.4. Appeals From Proceedings in Dependency or Neglect

(a) [NO CHANGE]

(b) Time for Appeal.

(1) A Notice of Appeal and Designation of Transcripts (JDF ~~545~~1941) must be filed with the clerk of the court of appeals with an advisory copy served on the clerk of the trial court within 21 days after the entry of the judgment, decree, or order. The trial court continues to have jurisdiction to hear and decide a motion under C.R.C.P. 59 regardless of the filing of a notice of appeal, provided the C.R.C.P. 59 motion is timely filed under C.R.C.P. 59(a) and determined within the time specified in C.R.C.P. 59(j). An order is entered within the meaning of this rule when it is entered pursuant to C.R.C.P. 58. If notice of the entry of judgment, decree, or order is transmitted to the parties by mail or E-Service, the time for the filing of the notice of appeal commences from the date of mailing or E-Service of the notice.

(2) If a timely notice of appeal is filed by a party, any other party may file a Notice of Cross-Appeal and Designation of Transcripts (JDF ~~545~~1941) within 7 days of the date on which the notice of appeal was filed or within the 21 days for the filing of the notice of appeal, whichever period last expires.

(3) - (4) [NO CHANGE]

(c) Contents of the Notice of Appeal. A Notice of Appeal and Designation of Transcripts (JDF ~~545~~1941) must include:

(1) - (5) [NO CHANGE]

(d) Composition of the Record on Appeal.

(1) [NO CHANGE]

(2) It is the duty of the appellant and any cross-appellant to complete and properly serve the designation of transcripts portion of JDF ~~545~~1941 upon the trial court's managing court reporter at the time the notice of appeal is filed.

(3) The designation of transcripts portion of JDF ~~545~~1941 must set forth the dates of the proceedings for which transcripts are requested and the names of the court reporters, if applicable.

(4) Within 7 days after service of JDF ~~545~~1941, any appellee may complete and file a Supplemental Designation of Transcripts (JDF 547) with the clerk of the trial court and the clerk of the court of appeals and serve it on the trial court's managing court reporter.

(5) The designating party or public entity responsible for the cost of transcription must make arrangements for payment with the managing court reporter within 7 days after serving the designation. Within 14 days after service of JDF ~~545~~1941, the court reporter must file a statement with the clerk of the trial court and the clerk of the court of appeals indicating whether arrangements for payment have been made.

(e) Transmission of Record.

(1) Within 42 days after the filing of JDF ~~545~~1941, the record, composed as set forth in subsection (d), must be transmitted to the court of appeals in accordance with C.A.R. 10(c).

(2) [NO CHANGE]

(f) - (o) [NO CHANGE]

Rule 21. Original Proceedings in the Supreme Court

(a) - (c) [NO CHANGE]

(d) Form, Caption, and Title of the Petition.

(1) *Form.* Unless otherwise provided, the petition and all documents filed under this rule must comply with the requirements of C.A.R. 28(g) for opening briefs and C.A.R. 32.

(2) *Caption and Title.*

(A) If there is no underlying proceeding, the petition must be captioned, “In Re [Petitioner v. Proposed Respondent(s)].”

(B) If there is an underlying proceeding, except as otherwise required by C.A.R. 32(f) or another provision of these Rules, the petition must use the full, exact, and unmodified caption given by the lower court or tribunal in the underlying proceeding, “In Re [Caption of Underlying Proceeding].” Only one case may be listed as the underlying proceeding in the caption.

(C) The petition must be titled “Petition for Order to Show Cause Pursuant to C.A.R. 21.”

(e) - (p) [NO CHANGE]

Rule 27. Motions

(a) [NO CHANGE]

(b) Determination of Stipulated Motions and Motions for Procedural Orders. The court may act on a stipulated motion signed by all parties or a motion for a procedural order, including a motion under Rule 26([cb](#)), at any time without awaiting a response. Any party adversely affected by the court's action may file a motion to reconsider, vacate, or modify that action. Timely opposition filed after the motion is granted in whole or in part does not constitute a request to reconsider, vacate, or modify the disposition; a motion specifically requesting that relief must be filed.

(c) - (e) [NO CHANGE]

Rule 52. Review on Certiorari--Time for Petitioning

(a) [NO CHANGE]

(b) Time to File.

(1) *In General.* Except as provided in subsections (2), (3), and (34) of this rule, a petition for writ of certiorari must be filed within 42 days after entry of the judgment on appeal if no petition for rehearing is filed. If a petition for rehearing is filed, the petition for writ of certiorari must be filed within 28 days after the intermediate appellate court's denial of the petition for rehearing. No certiorari proceeding may be initiated in the supreme court until the time for filing a petition for rehearing in the intermediate appellate court has expired. A timely filed petition for writ of certiorari or a timely filed motion for extension of time to file a petition for writ of certiorari transfers jurisdiction from the court of appeals to the supreme court.

(2) – (3) [NO CHANGE]

(4) *In Mental Health Proceedings.* A petition for writ of certiorari to review a judgment of the court of appeals in mental health proceedings pursuant to C.A.R. 3.5 must be filed within 28 days after the issuance of the court of appeals opinion if no petition for rehearing is filed or 14 days after the denial of a petition for rehearing by the court of appeals.

Rule 53. Petition for Writ of Certiorari and Cross-Petition for Writ of Certiorari

(a) – (c) [NO CHANGE]

(d) **Reply Brief.** A reply brief is not required. If a petitioner or cross-petitioner files a reply brief, the brief must be filed and served within 7 days after service of an opposition brief. The reply brief must comply with C.A.R. 32. In dependency or neglect appeals, pursuant to C.A.R. 3.4(l), and mental health proceedings, pursuant to C.A.R. 3.5(l), no reply briefs are allowed.

(e) – (h) [NO CHANGE]

Rule 3.4. Appeals From Proceedings in Dependency or Neglect

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(1) A Notice of Appeal and Designation of Transcripts (JDF 1941) must be filed with the clerk of the court of appeals with an advisory copy served on the clerk of the trial court within 21 days after the entry of the judgment, decree, or order. The trial court continues to have jurisdiction to hear and decide a motion under C.R.C.P. 59 regardless of the filing of a notice of appeal, provided the C.R.C.P. 59 motion is timely filed under C.R.C.P. 59(a) and determined within the time specified in C.R.C.P. 59(j). An order is entered within the meaning of this rule when it is entered pursuant to C.R.C.P. 58. If notice of the entry of judgment, decree, or order is transmitted to the parties by mail or E-Service, the time for the filing of the notice of appeal commences from the date of mailing or E-Service of the notice.

(2) If a timely notice of appeal is filed by a party, any other party may file a Notice of Cross-Appeal and Designation of Transcripts (JDF 1941) within 7 days of the date on which the notice of appeal was filed or within the 21 days for the filing of the notice of appeal, whichever period last expires.

(3) - (4) [NO CHANGE]

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(1) - (5) [NO CHANGE]

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(2) It is the duty of the appellant and any cross-appellant to complete and properly serve the designation of transcripts portion of JDF 1941 upon the trial court's managing court reporter at the time the notice of appeal is filed.

(3) The designation of transcripts portion of JDF 1941 must set forth the dates of the proceedings for which transcripts are requested and the names of the court reporters, if applicable.

(4) Within 7 days after service of JDF 1941, any appellee may complete and file a Supplemental Designation of Transcripts (JDF 547) with the clerk of the trial court and the clerk of the court of appeals and serve it on the trial court's managing court reporter.

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(B) If there is an underlying proceeding, except as otherwise required by C.A.R. 32(f) or another provision of these Rules, the petition must use the full, exact, and unmodified caption given by the lower court or tribunal in the underlying proceeding, “In Re [Caption of Underlying Proceeding].” Only one case may be listed as the underlying proceeding in the caption.

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(d) Reply Brief. A reply brief is not required. If a petitioner or cross-petitioner files a reply brief, the brief must be filed and served within 7 days after service of an opposition brief. The reply brief must comply with C.A.R. 32. In dependency or neglect appeals, pursuant to C.A.R. 3.4(l), and mental health proceedings, pursuant to C.A.R. 3.5(l), no reply briefs are allowed.

(e) – (h) [NO CHANGE]

Amended and Adopted by the Court, En Banc, May 22, 2025, effective July 1, 2025.

By the Court:

**Richard L. Gabriel
Justice, Colorado Supreme Court**