



OFFICE OF RESPONDENT
PARENTS' COUNSEL
Protecting the Fundamental Right to Parent

ORPC Appellate Policy

The ORPC Appellate Policy is outlined in CJD 16-02 and requires that all respondent parent clients be advised of their right to appeal. There is no automatic appeal upon a termination of parental rights or mandate from the office that terminations must be appealed. Ultimately, it would be unethical for the ORPC to require appeals of terminations or adjudications because, under client directed representation, the decision to pursue an appeal rests entirely with the individual respondent parent.

CJD 16-02 states that within seven calendar days after an appealable order or an order terminating parental rights, all RPCs are required to submit one of three documents to the ORPC: an Appellate Transmittal Form if the client wants to appeal, a signed Waiver of Appeal if the client does not want to pursue an appeal but has been advised of his/her appellate rights, or an unsigned Waiver of Appeal that contains a notice of diligent search to locate a missing client.

If the RPC attorney cannot locate a client after diligent efforts, the attorney should assess how to proceed based upon the client's last clearly articulated position. If the client previously expressed an interest in appealing, the attorney should submit the Appellate Transmittal Form to the ORPC within seven calendar days after an appealable order or termination order. If there was no discussion regarding an appeal and the client cannot be located, the attorney must provide the ORPC with an unsigned Waiver of Appeal noting they could not locate the client after diligent efforts within seven calendar days of an appealable order or termination order. This policy is consistent with Colorado Formal Ethics Opinion 114, Responsibilities of Respondent Parents' Attorneys in Dependency and Neglect Proceedings.

Upon receipt of the Appellate Transmittal Form, the ORPC will select and notify appellate counsel. Appellate counsel will file a Notice of Appeal and Designation of Record. Appellate counsel must also complete the Transcript Request Form and submit it to the managing court reporter in the judicial district where the appeal originates. Trial counsel and appellate counsel are obligated to consult about appellate issues upon receipt of the appointment notification from the ORPC.

If you have questions regarding appeals through the ORPC, please contact the ORPC Appellate Director, Ruchi Kapoor, at rkapoor@coloradoorpc.org.