

**GEAUGA COUNTY PROBATE/JUVENILE COURT
JUDGE TIMOTHY J. GRENDALL**

CHECKLIST – APPELLATE PROCESS

These instructions are provided as a public service of the Geauga County Court, Probate and Juvenile Divisions, are intended as a guideline only, and are not legal advice. Depending on the circumstances of each case, additional steps may be required that are not listed below. The clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation. The documents that you file must be typewritten, legible, and completed in their entirety. The clerks may refuse for filing illegible or incomplete documents. The Court recommends that you obtain legal advice from your attorney or obtain assistance from the Court’s Help Center before preparing and filing any forms. You may make an appointment with the Help Center by calling 440-279-1834.

Suggested Additional Reading.

- Ohio Rules of Appellate Procedure¹
- Eleventh Appellate District Local Rules²
- The information sheet titled “Appellate Process”

Initial Considerations

- Determine whether (1) you will order a full or partial transcript of the trial court proceeding, and if so, then determine the estimated completion date; (2) you will rely upon a statement as permitted by App. R. 9(C) and (D) rather than a transcript; or (3) no transcript or statement is required.
- Determine whether you require an order to extend the 40-day time period to have the Record on Appeal delivered to the Court of Appeals.
- Determine whether your appeal should be handled on the Regular Calendar or whether it qualifies for the Accelerated Calendar or Expedited Calendar.
- Determine whether you qualify as an Indigent for the purpose of deferral of cost costs, preparation of a transcript, and appointment of legal counsel.
- Determine whether to prepare and file a Motion to Stay with the trial court and then the 11th Appellate District as permitted by App. R. 7³ and Loc. R. 7.⁴
- Determine whether the appeal should be granted priority as permitted by App. R. 11.2 and Eleventh Loc. R. 11.2. In certain juvenile cases, the Court of Appeals will give priority to the appeal. Carefully

¹ <https://www.supremecourt.ohio.gov/LegalResources/Rules/appellate/AppellateProcedure.pdf>

² <http://www.11thcourt.co.trumbull.oh.us/pdfs/Local%20Rules.pdf>

³ App. R. refers to the Ohio Rules of Appellate Procedure

⁴ Loc. R. refers to the local rules of the Eleventh Appellate District.

read App. R. 11.2, but generally the Court of Appeals will give priority to (1) abortion-related appeals, (2) adoption and parental rights appeals, and (3) certain prosecutorial appeals.

Filing Requirements with the Clerk of this Court

1. Notice of Appeal [file sufficient copies to serve all parties (including appellant) and Court of Appeals]
2. Docketing Statement [file sufficient copies to serve all parties (including appellant) and Court of Appeals]
3. Instructions for Service – Appellate
4. Payment of Court Costs to the Clerk
 - a. Court costs for the Geauga County Court Probate/Juvenile Division - \$38.00, and
 - b. Court costs for both (1) the Geauga County Court General Division and (2) the 11th Appellate District Court - \$220.00
 - c. See additional notes below if you are indigent.

Additional Notes

- Indigency – if you are indigent and desire (i) a waiver of court costs, (ii) a waiver of costs of transcription, or (iii) an appointment of legal counsel, then prepare and file with the Clerk both an Affidavit of Indigency and (2) the Financial Disclosure Form (ODP 206-R). For clarity, consider preparing and filing with the Clerk of Court the form titled “GC AP 11.2 – Motion of Indigent,” which form is available through the Help Center.
- The Chief Deputy Clerk of this Court will cause the (1) Notice of Probate (and copies), (2) Docketing Statement (and copies), and (3) the court cost deposit of \$220.00 to be filed with the Clerk of Courts of the Geauga County Court General Division.
- If a transcript is required, then promptly commence the process of obtaining the transcript, preparing and filing the form titled (i) GC JF 6.0 – Request for Transcription if a juvenile matter, OR (ii) GC PF 4.32 – Request for Transcription if a probate matter. Note that App. R. 10(A) requires the Record on Appeal, including the transcript, to be delivered to the Court of Appeals no later than 40 days (20 days if for an accelerated calendar case) after filing the Notice of Appeal.
 - If you are indigent, then with Court approval, an indigent appellant may be able to have the county pay the cost of the Transcript of Proceedings after filing the forms titled (i) the Affidavit of Indigency and (ii) “Financial Disclosure Form (ODP 206-R).
 - If an extension of time to transmit the Record on Appeal is necessary as permitted by App. R. 10(A), then prepare and file with the Clerk of this Court a Motion for Extension; provided, however, that if the appeal is an App. R 11.2 appeal, then only the Court of Appeals may grant the extension.⁵

⁵ Loc. R. 10(A)