



# Appeals Overview

## What is an Appeal?

**An appeal is different than your trial at the Juvenile Court.** At the Juvenile Court, you were able to call witnesses and present evidence. Once you get to the Court of Appeals, however, **you will not be able to do this, meaning that you won't have the opportunity to present new evidence.**

Instead, **the Court of Appeal's role is to review what happened in the Juvenile Court.**

When you appeal your case, you are essentially arguing that the Juvenile Court made a mistake. This could be an error in applying the law, determining the facts of the case, or something else.



## The Juvenile Court Compared to the Court of Appeals

During your appeal, you may hear the Juvenile Court referred to as the "trial court," which is the court that originally heard your case.

If you are appealing a decision from the Juvenile Court, your appeal will be heard at a **separate court** known as the **Court of Appeals.**



## When Can I Appeal My Case?

Generally speaking, you may appeal **once your trial at the Juvenile Court is over.**

- If a magistrate heard your case and issued the decision that you feel is incorrect, **you must first file an objection to the magistrate's decision within 14 days of the decision**, which will be heard by the Juvenile Court judge
- The judge will review the objection and will generally either grant or deny the objections. The judge will also decide whether they agree with the magistrate's decision (adopt it) or disagree with the magistrate's decision (reject it). The judge may also enter its own decision which may be different from the magistrate's decision
- **If you disagree with the judge's decision, then you can file an appeal**



## The Court of Appeals

The Court of Appeals will have **three judges hearing your appeal**, unlike the single judge that heard your case here at the Juvenile Court.

**The Court of Appeals will not retry your case.** Instead, it will determine whether or not the Juvenile Court made an error.



## What Will the Court of Appeals Do with My Case?

The Court of Appeals will review the Juvenile Court's decision and will generally:

1. **"Affirm"** - Agree with the Juvenile Court's decision
2. **"Reverse"** - Find an error with the Juvenile Court's decision
3. **"Remand"** - Send the case back to the Juvenile Court, ordering the Juvenile Court to do something with your case
4. **"Dismiss"** - End your appeal and can occur due to a variety of procedural or legal reasons
5. Take some other action that the Court finds appropriate



## How Do I Start My Appeal?

An appeal is started by filing a **notice of appeal** with the Juvenile Court Clerk's Office. Please see the next page for more information on starting your appeal.

Your appeal will be transferred to the **First District Court of Appeals of Ohio, located at 230 East Ninth Street, 12<sup>th</sup> Floor, Cincinnati OH 45202.** You will then be given a new case number.

Additionally, the First District Court of Appeals has provided a **guide to representing yourself on appeal**, which can be found at the link included under the Resources section on the last page of this packet.



## After I file my Appeal, Can I file another Motion/Petition at Juvenile Court?

**Yes, but** depending on the motion/petition, the Juvenile Court may put it on hold until the Court of Appeals makes its decision. In other words, **you may have to wait** until your appeal is finished before the Juvenile Court will be able to hear your new motion/petition.

Additionally, the Juvenile Court **may even dismiss your motion/petition entirely.** If this happens, it may have to be **refiled after the Court of Appeals has given its decision** in order for the Juvenile Court to hear your new motion/petition.

# STARTING YOUR APPEAL

# 1

## Filing Your Notice of Appeal

Generally, when there is a decision from the Juvenile Court that you disagree with, you have **30 days to file your notice of appeal** with the Juvenile Court Clerk's Office. A link to this form is included in the Resources section on the next page.

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## Serving Your Notice of Appeal

In addition to filing your notice of appeal, you must **serve a copy of your notice of appeal to all other parties from your Juvenile Court case.**

## Filing the Docket Statement

In addition to filing your notice of appeal, it is required that you **file two copies of the "docket statement."** This may be done at the same time you file the notice of appeal and should similarly be filed with the Juvenile Court Clerk's Office.

A link to this form is included in the Resources section on the next page.

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## Ordering the Record on Appeal

The record on appeal consists of:

- Original papers and exhibits to those papers filed in the trial court (the Juvenile Court),
- Transcript of the proceedings, including exhibits\*;
- Certified copy of the docket and journal entries

**\*If there was a hearing and you want the Court of Appeals to review it, you must order the transcript from the court reporter.** The Clerk's Office can provide you with the contact information for the court reporter.

# WHAT CAN I EXPECT DURING MY APPEAL?

## The Scheduling Order

After filing your notice of appeal, docket statement, paying the filing fee (if applicable), and ordering any transcripts of proceedings (if applicable), **the Court of Appeals will provide you with a "scheduling order."**

The **scheduling order contains important dates and deadlines regarding your appeal**, such as the due date for your brief and deadline for transmitting the record on appeal.

It is highly important to follow the scheduling order. **Failure to follow the scheduling order could potentially result in dismissal of your appeal.**



## The Written Argument to the Court (The "Brief")

Your written argument to the Court of Appeals is known as a "brief." The brief describes **the mistake the Juvenile Court made and how you want the Court of Appeals to correct it.** The brief should be submitted by the deadline provided by the scheduling order.

It's important that briefs are formatted correctly. **Some of the formatting rules can be found in the links included on the next page.**

If you do not substantially follow the formatting rules, the Court may:

- refuse to accept your brief
- order you to correct your brief
- or could even dismiss your appeal

## After the Brief...

After you've submitted your brief, there may be an **Oral Argument.** The oral argument is **the verbal argument based on your brief**, made to the Court of Appeals.

**You may request an oral argument by noting the following on the cover page of your brief:**

- "Oral Argument Requested."

**If you do not want to have an oral argument, you may note the following on the cover page of your brief:**

- "[Your Name] Hereby Waives Its Right to Oral Argument and Submits Its Case."

If you **waive your right to oral argument**, then your case is considered **submitted on the briefs.**

## What Happens During Oral Argument?

**Arrive to your oral argument 15 minutes early.** If a party does not arrive 15 minutes early, the Court could potentially treat this as waiving their right to oral argument.

During oral argument, generally:

- Each side will have **15 minutes** to argue their case
- The Court will **not consider** arguments that weren't raised in the brief

**Some of the oral argument rules can be found in the links included on the next page.**

## What Comes Next?

**The Court will notify you when a decision is made. You will not receive the Court's decision right away.**

A decision **typically takes between 60 and 90 days** depending on the complexity of the case. As stated before, the Court may rule to affirm, reverse, remand, or dismiss your case. The Court may also rule in a combination of these, such as affirming in part and dismissing in part.



# Resources

## First District Court of Appeals - Website

- <https://firstdistrictcoa.org/>

## First District Court of Appeals Guide to Representing Yourself on Appeal

- <https://firstdistrictcoa.org/guide-to-filing-an-appeal/>

## First District Court of Appeals Guide to E-Filing

- <https://firstdistrictcoa.org/guide-to-e-filing-without-an-attorney/>

## First District Court of Appeals - Local Rules

- <https://firstdistrictcoa.org/wp-content/uploads/2026/01/First-District-Local-Rules-Eff-2-1-2026-1.pdf>
  - **Formatting requirements for the brief** can be found at: Rule 16.1, Rule 16.2, Rule 18, and Rule 19
  - **Oral Argument procedures** may be found at: Rule 21

## Ohio Rules of Appellate Procedure

- <https://hamiltoncountyohio.aiserver7.us/wp-content/uploads/2021/12/AppellateProcedure.pdf>
  - **Formatting requirements for the brief** can be found at: Rule 16, Rule 18, and Rule 19
  - **Oral Argument procedures** may be found at: Rule 21

## First District Court of Appeals Checklist

- <https://firstdistrictcoa.org/wp-content/uploads/2022/01/Checklist-1-FORMS-NEEDED-TO-BEGIN-AN-APPEAL-CIVIL-2022.pdf>

## Docket Statement

- [https://firstdistrictcoa.org/wp-content/uploads/2026/01/Form-3.1-DCV\\_Eff-2-1-26.pdf](https://firstdistrictcoa.org/wp-content/uploads/2026/01/Form-3.1-DCV_Eff-2-1-26.pdf)

## Sample Brief

- [https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Ffirstdistrictcoa.org%2Fwp-content%2Fuploads%2F2024%2F08%2FForm-16.1CV-Sample-Brief\\_2023.docx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Ffirstdistrictcoa.org%2Fwp-content%2Fuploads%2F2024%2F08%2FForm-16.1CV-Sample-Brief_2023.docx&wdOrigin=BROWSELINK)

## Notice of Appeal

- [https://firstdistrictcoa.org/wp-content/uploads/2024/01/Form-3.1-NCV\\_Eff-2-1-24.pdf](https://firstdistrictcoa.org/wp-content/uploads/2024/01/Form-3.1-NCV_Eff-2-1-24.pdf)

## Fee Waiver

- [https://hamiltoncountyohio.aiserver7.us/wp-content/uploads/2021/12/Form-20-Fee-Waiver-Affidavit\\_Rev.-12-27-21.pdf](https://hamiltoncountyohio.aiserver7.us/wp-content/uploads/2021/12/Form-20-Fee-Waiver-Affidavit_Rev.-12-27-21.pdf)

## Cincinnati Bar Association Lawyer Referral Service

- **Phone:** (513) 381-8359 // **Website:** <https://cincybar.org/lrs>

# Helpful Definitions

As you go through the appeals process, there may be a few words, terms, and phrases that you are unfamiliar with. **Please read and familiarize yourself with these terms below:**

**Appellant:** The person/people bringing the appeal. If you are filing the appeal, you are considered the “appellant(s).”

**Appellee:** The people responding to the appeal. If you are filing the appeal, then the people you argued against during your trial would be considered the “appellee(s).”

**Assignment of Error:** The error that you believe the Juvenile Court made during your trial.

**Err; erred:** The judge’s failure to follow the law.

**Motion:** A specific request filed with the Court.

**Opinion:** The written reasoning for how the Court decided the case and came to its conclusion.

**Oral Argument:** The verbal argument by the parties where they explain to the Court of Appeals why they should win.

**Party:** The people directly involved to the case. If you are filing the appeal, you would be considered a “party” to the case. All people you argued against in Juvenile Court may also be considered a “party” to the case.

**Pro Se:** A party not represented by a lawyer.

**Show Cause:** An order by the Court to correct or explain something submitted to the Court.

**Standard of Review:** The law(s) that guide the Court of Appeals in deciding your appeal.

**Submitted on the Brief:** When no oral argument occurs, the Court of Appeals will decide the appeal based on the briefs from the parties.

**DISCLAIMER:** Nothing in this informational overview should be taken as legal advice. This packet aims to give a general overview of the appeals process and is not a substitute for legal advice, which may only be given by a licensed attorney. **If you are going to appeal, it is recommended that you seek legal counsel.** You can easily find local attorneys by searching “custody appeals attorney Cincinnati” on Google. It’s important to read the reviews left by prior clients in determining who to hire as your potential attorney.

Additionally, **the Cincinnati Bar Association Lawyer Referral Service may be able to connect you with an attorney. Their contact information can be found to the left.**