

## 16.2 Notice of Appeal

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Notice of appeal must be given in open court at the time of the hearing or in writing within 10 days after entry of a final order. G.S. 7B-2602. Giving oral notice of appeal is preferable as it avoids many of the complications that arise when filing a written notice of appeal. If no disposition is made within 60 days after entry of the order, written notice of appeal of the adjudication may be given within 70 days after entry of the adjudicatory order. *Id.* Counsel should maintain a calendaring system to ensure that appeals are filed within the strict statutory time limits.

If counsel files a written notice of appeal, counsel must ensure that the notice of appeal is in proper form. Although notice of appeal in juvenile delinquency cases is governed by G.S. 7B-2602, the Court of Appeals has applied Rule 3 of the N.C. Rules of Appellate Procedure to the contents of written notices of appeal filed in delinquency cases. *See, e.g., In re A.V.*, 188 N.C. App. 317, 321 (2008) (declining to review dispositional order because the order was not included in the written notice of appeal as required by Rule 3). According to Rule 3(d), a written notice of appeal must specify the party appealing, designate the judgment from which the appeal is taken, and designate the court to which the appeal is taken. The notice of appeal must also be signed by counsel and contain proof of service on the State. A sample notice of appeal is available on the [Juvenile Defender website](#). Counsel should be sure to comply with the requirements of Rule 3 when entering written notice of appeal as a violation of the rule could provide grounds for dismissal of the appeal. *See, e.g., Ribble v. Ribble*, 180 N.C. App. 341, 343 (2006) (dismissing appeal under Rule 3 where the written notice of appeal lacked a certificate of service).

When entering notice of appeal, counsel should be sure to give notice of appeal from an order that can be appealed. If the order cannot be appealed, the appeal will be dismissed. *See In re A.L.*, 166 N.C. App. 276, 277–78 (2004) (dismissing appeal because the juvenile gave notice of appeal from adjudication order, which was not appealable). Appealable orders are discussed *infra* in § 16.3, Right to Appeal.