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TEMPORARY AND FINAL DAPO APPEAL PROCESS Miss. Code Ann. § 93-21-15.1

Note: Ex Parte DAPOs are not appealable.

Orders from Municipal and Justice Court

Step One: The party desiring to appeal a decision of a Municipal or Justice Court Judge to issue a Temporary DAPO has a right of a trial de novo on appeal in the Chancery Court having jurisdiction. Miss. Code Ann. § 93-21-15.1(1)(a). The party desiring to appeal must file written notice of the appeal with the Chancery Court Clerk **within 10 days of the issuance of the DAPO**. Miss. Code Ann. § 93-21-15.1(1)(b).

The Notice of Appeal shall state the parties and designate the judgment or order from which the appeal is taken. Miss. Code Ann. § 93-21-15.1(1)(b). A Certificate of Service shall also accompany the written notice. Miss. Code Ann. § 93-21-15.1(1)(b).

Step Two: Any costs associated with the appeal must be paid. In all appeals, the Notice of Appeal and payment of costs must be filed and paid at the same time with the clerk. Miss. Code Ann. § 93-21-15.1(1)(b).

Step Three: A copy of the notice shall be provided to all parties and their attorney, if any, and to the clerk of court from which the appeal is taken. Miss. Code Ann. § 93-21-15.1(1)(b).

Step Four: Upon receipt of the Notice of Appeal by the Justice or Municipal Court, the entire court file shall be immediately provided to the Chancery Clerk, and the Chancery Court shall treat the appeal as **priority**. Miss. Code Ann. § 93-21-15.1(1)(a)-(b).

Step Five: The trial shall be held **within 10 days of the filing of the Notice of Appeal**. Miss. Code Ann. § 93-21-15.1(1)(a).

Step Six: Following a trial de novo, if the petitioner has proven the existence of abuse by preponderance of the evidence, the Chancery Court may grant a Final DAPO. Miss. Code Ann. § 93-21-15.1(1)(a).

Orders from County Court

Step One: The party desiring to appeal a decision from County Court to issue a Final DAPO or to deny such an order shall be entitled to an appeal on the record in the Chancery Court having jurisdiction. Miss. Code Ann. § 93-21-15.1(2)(a). The party desiring to appeal must file written Notice of Appeal with Chancery Court having jurisdiction **within 10 days of the issuance of a DAPO**. Miss. Code Ann. § 93-21-15.1(2)(b).

The Notice of Appeal must state the parties and the judgment or order from which the appeal is taken. Miss. Code Ann. § 93-21-15.1(2)(b). A Certificate of Service must also accompany the written notice. Miss. Code Ann. § 93-21-15.1(2)(b).

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Miss. Code Ann. § 93-21-15.1

Step Two: Any costs associated with the appeal shall be paid. In all appeals, the Notice of Appeal and payment of costs must be filed with the clerk and paid simultaneously. Miss. Code Ann. § 93-21-15.1(2)(b).

Step Three: A copy of the notice shall be provided to all parties and their attorney, if any, and to the clerk of court from which the appeal is taken. Miss. Code Ann. § 93-21-15.1(2)(b).

Step Four: The record from County Court must be filed with the Chancery Clerk. In all appeals on the record, the record from County Court must be filed with the Chancery Clerk **within 30 days of filing of the Notice of Appeal**. Miss. Code Ann. § 93-21-15.1(2)(b).

Failure to file the record with the clerk or to request assistance within 30 days of the filing of the notice of appeal may be deemed an abandonment of appeal, and the court may dismiss the same with costs to the appealing party. Miss. Code Ann. § 93-21-15.1(2)(b).

In cases involving a transcript, the court reporter or County Court may request an extension of time. Miss. Code Ann. § 93-21-15.1(2)(b).

Step Five: Briefs, if any, are to be filed. Briefs filed in an appeal on the record must conform to the practice in the Supreme Court as to form and time of filing and service, except parties should file only an original and one copy of each brief. § 93-21-15.1(2)(c).

The consequences of failure to timely file a brief will be the same as in the Supreme Court. Miss. Code Ann. § 93-21-15.1(2)(c).

Step Six: The Chancery Court shall treat the appeal as a priority matter and render a decision as expeditiously as possible. Miss. Code Ann. § 93-21-15.1(2)(a).

Orders from Chancery Court

Step One: Any party aggrieved by the issuance or denial of a Final DAPO by Chancery Court shall be entitled to appeal the decision. The appeal shall be governed by the Mississippi Rules of Appellate Procedure and any other applicable rules or statutes. Miss. Code Ann. § 93-21-15.1(6).

A Note on all appeals: Any DAPO issued by a Municipal, Justice, or County Court shall remain in full force and effect for the duration of the appeal, unless the DAPO otherwise expires due to the passage of time. Miss. Code Ann. § 93-21-15.1(3).

Contact Bureau of Victim Assistance (601) 359-6766 victimassistance@ago.ms.gov

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