

§3402. Appeals to Supreme Judicial Court

1. Matters for appeal. Appeals of the following matters may be taken from the Juvenile Court to the Supreme Judicial Court by a party specified in subsection 2:

- A. An adjudication, as long as the appeal is taken after an order of disposition; [PL 2015, c. 100, §3 (AMD).]
- B. An order of disposition, or of any subsequent order modifying disposition, for an abuse of discretion; [PL 2021, c. 23, §1 (AMD).]
- C. [PL 1997, c. 645, §12 (RP).]
- D. A detention order entered pursuant to section 3203-A, subsection 5 or any refusal to alter a detention order upon petition of the juvenile pursuant to section 3203-A, subsection 11, for abuse of discretion. The appeal must be handled expeditiously; [PL 2021, c. 326, §15 (AMD).]
- E. [PL 1979, c. 512, §9 (RP).]
- F. [PL 1979, c. 512, §9 (RP).]
- G. [PL 1979, c. 512, §9 (RP).]
- H. An order binding a juvenile over for prosecution as an adult, which may be taken following issuance of the bind-over order, or, at the election of the appellant, following a judgment of conviction as an adult, but not both; and [PL 2021, c. 326, §15 (AMD).]
- I. A judicial review decision pursuant to section 3317. [PL 2021, c. 326, §15 (NEW).]

[PL 2021, c. 326, §15 (AMD).]

2. Who may appeal. An appeal may be taken by the following parties:

- A. The juvenile; or [PL 1979, c. 512, §9 (RPR).]
- B. The juvenile's parents, guardian or legal custodian on behalf of the juvenile, if the juvenile is not emancipated and the juvenile does not wish to appeal. [PL 1979, c. 512, §9 (RPR).]
- C. [PL 1979, c. 512, §9 (RP).]

[PL 1979, c. 512, §9 (RPR).]

2-A. Appeal from a bind-over order of the juvenile court.

[PL 2021, c. 23, §4 (RP).]

3. Appeals by the State. The State may appeal from a decision or order of the juvenile court to the Supreme Judicial Court to the same extent and in the same manner as in criminal cases under section 2115-A. The State may appeal from the juvenile court to the Supreme Judicial Court for the failure of the juvenile court to order a bind-over.

- A. [PL 1979, c. 512, §9 (RP).]
- B. [PL 1979, c. 512, §9 (RP).]
- C. [PL 1979, c. 512, §9 (RP).]
- D. [PL 1979, c. 512, §9 (RP).]

[PL 2015, c. 100, §3 (AMD).]

4. Stays and releases. On an appeal pursuant to subsection 1, paragraphs A and B, the Supreme Judicial Court shall consider a stay of execution and release pending the appeal.

[PL 2015, c. 100, §3 (AMD).]

5. Time for appeals. An appeal from the juvenile court to the Supreme Judicial Court must be taken within 21 days after the entry of an order of disposition or other appealed order or such further time as the Supreme Judicial Court may provide pursuant to a rule of court.

[PL 2015, c. 100, §3 (AMD).]

6. Record on appeal.

[PL 1979, c. 512, §9 (RP).]

SECTION HISTORY

PL 1977, c. 520, §1 (NEW). PL 1977, c. 664, §45 (AMD). PL 1979, c. 512, §9 (RPR). PL 1989, c. 502, §A45 (AMD). PL 1991, c. 202 (AMD). PL 1997, c. 645, §11 (AMD). PL 1997, c. 645, §§11-13 (AMD). PL 1997, c. 645, §12 (AMD). PL 1997, c. 645, §13 (AMD). PL 2005, c. 488, §2 (AMD). PL 2013, c. 234, §11 (AMD). PL 2015, c. 100, §3 (AMD). PL 2021, c. 23, §§1-4 (AMD). PL 2021, c. 326, §15 (AMD).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Maine Legislature and is current through January 1, 2025. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.