

FILED

09/30/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: DA 25-0675

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0675

FILED

SEP 30 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

IN RE THE MATTER OF:

D.L.,

ORDER

Youth in Need of Care.

Father D.L. petitions this Court for an out-of-time appeal of a youth-in-need-of-care proceeding where the Eighth Judicial District Court, Cascade County, issued a judgment terminating his parental rights on August 13, 2025. Father provides that he did not receive the written judgment until September 18, 2025, and further provides a kite (Offender/Staff Request Form) in support of that statement. Father requests an appeal as well as appointment of counsel.

M. R. App. P. 4(6) allows this Court to grant an out-of-time appeal “[i]n the infrequent harsh case and under extraordinary circumstances amounting to a gross miscarriage of justice[.]”

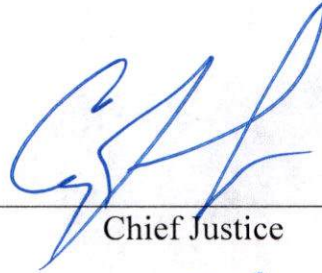
Father has presented extraordinary circumstances, which amount to a gross miscarriage of justice. He is entitled to this appeal. We observe that Father had counsel to represent him in the underlying proceeding. He may be entitled to representation of counsel in this appeal. Section 46-8-104, MCA. Therefore,

IT IS ORDERED that Father’s Petition for an Out-of-Time Appeal is GRANTED.

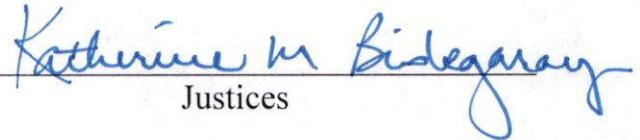
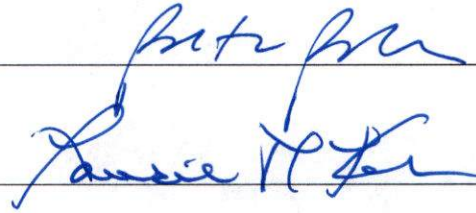
IT IS FURTHER ORDERED that the Appellate Defender Division is APPOINTED to represent Father D.L. The Appellate Defender Division shall have thirty days from the date of this Order within which either to file a Notice of Appeal or a Motion to Rescind this Order Appointing Counsel. When Father qualifies for appointed counsel, the Appellate Defender Division shall immediately order the appropriate transcripts.

The Clerk of the Supreme Court is directed to provide a copy of this Order to: the Appellate Defender Division; counsel of record, along with a copy of Father's Petition; and D.L. personally.

DATED this 30th day of September, 2025.



Chief Justice



Justices