

裁判救濟程序

Adjudication Relief Proceedings

貳、家事事件裁判教示條款

2. Legal Notice Provisions for Adjudications of Family Matters

421

如不服本判決，應於送達後 20 日內，向本院提出上訴狀並表明 上訴理由，如於本判決宣示後送達前提起上訴者，應於判決送達後 20 日內補提上訴理由書（須按他造當事人之人數附繕本）；如委任律師提起上訴者，應一併繳納上訴審裁判費。

421

If a party disagrees with this judgment, a written appeal petition with reasons set forth therein shall be filed with the Court within 20 days calculated from the date of service of the judgement. If the appeal is filed after the judgment is announced but before it is served, a written reason for petition shall be submitted to the Court within 20 days after the judgment is served (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.); if the petition of an appeal is filed by a retained attorney, the court costs on the appeal shall be paid along with the filing.

422

不得上訴。

422

Non-appealable

423

如對本裁定抗告須於裁定送達後 10 日內向本院提出抗告狀（須按他造當事人之人數附繕本），並應繳納抗告費新臺幣 1,000 元。

423

If a party disagrees with this ruling, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling

(The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.), and the court costs of NTD1,000 on an appeal from a ruling shall be paid.

424

如不服本裁定關於核定訴訟價額部分，應於送達後 10 日內向本院提出抗告狀（須按他造當事人之人數附繕本），並繳納抗告費新臺幣 1,000 元；其餘關於命補繳裁判費部分，不得抗告。

424

If a party disagrees with this ruling regarding the portion of determination of the value of the claim, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.), and the court costs of NTD1,000 on an appeal from a ruling shall be paid; no appeals may be taken from the rest of this ruling made to order to pay off the court costs.

425

如不服本裁定應於送達後 10 日內向本院提出抗告狀，並繳納抗告費新臺幣 1,000 元（但如對於原判決已合法上訴者，本件不得抗告）。

425

If a party disagrees with this ruling, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling, and the court costs of NTD1,000 shall be paid on an appeal from a ruling. (However, no interlocutory appeals may be taken from this ruling provided that an appeal against the original judgement has been made in conformity with the law.)

426

如對本裁定抗告，須於裁定送達後 10 日內向本院提出抗告狀。
本裁定自核發時起生效，於聲請人撤回通常保護令之聲請、法院審理終結核發通常保護令或駁回聲請時，失其效力。

426

If a party disagrees with this ruling, a written interlocutory appeal petition shall be

filed with the Court within 10 days calculated from the date of service of the ruling.

This ruling is effective from the time of issuance and shall cease to be effective when the petitioner revokes the petition for an ordinary protection order, when the court completes the trial and issues an ordinary protection order or when the court rejects the petition.

427

如對本裁定抗告，須於裁定送達後 10 日內向本院提出抗告狀（需附繕本）。

附錄：

依家庭暴力防治法第 16 條第 6 項規定，本院 00 年度(司)暫/緊家護字第 0000 號暫時保護令，於本院駁回聲請人聲請時，失其效力。

427

If a party disagrees with this ruling, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling (a written copy thereof shall be attached).

Postscripts:

In accordance with the provisions of the Domestic Violence Prevention Act, Article 16, Paragraph 6, the temporary protection order issued by the Court with case No. (Si) Jan / Jin Jia Hu Zi - xxxx in the year of xxxx, shall cease to be effective when the Court rejects the petition made by the petitioner.

428

如不服本裁定關於選定監護人及指定會同開具財產清冊之人等部分，應於送達後 10 日內向本院提出抗告狀(須按他造當事人之人數附繕本)，並繳納抗告費新臺幣 1,000 元；其餘關於宣告監護之部分，不得抗告。

428

If a party disagrees with this ruling with regard to designating a guardian and appointing a person who shall provide consultation and assistance to draw up an inventory of property together with the designated guardian, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.), and the court costs of NTD1,000 on an appeal from a ruling shall be paid; no interlocutory appeals may be taken from

the rest of this ruling made to declare the commencement of guardianship.

429

如不服本裁定關於選定輔助人之部分，應於送達後 10 日內向本院提出抗告狀（須按他造當事人之人數附繕本），並繳納抗告費新臺幣 1,000 元；其餘關於輔助宣告之部分，不得抗告。

429

If a party disagrees with this ruling with regard to selecting a person to assist, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.), and the court costs of NTD1,000 on an appeal from a ruling shall be paid; no interlocutory appeals may be taken from the rest of this ruling made to declare the commencement of assistance.

430

如提起再抗告者，應於裁定送達後 10 日內向本院提出再抗告狀（須按他造當事人之人數附繕本），並應委任律師或釋明符合民事訴訟法第 466 條之 1 第 2 項規定之關係人具有律師資格者為代理人（需一併提出委任狀正本），或釋明抗告人或其法定代理人具有律師資格。

依據民事訴訟法第 486 條第 4 項規定，再抗告僅得以其適用法規顯有錯誤為理由。

430

If a party disagrees with this ruling, a written interlocutory re-appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.), and shall appoint an attorney or identify that the related person specified under the Code of Civil Procedure, Article 466-1, Paragraph 2 with the qualification to act as an attorney is to act as his/her advocate (an original copy of the Power of Attorney is required to be submitted along), or make a preliminary showing that the appellant against the ruling or his/her statutory agent is qualified to act as an attorney.

In accordance with the provisions of the Code of Civil Procedure, Article 486,

Paragraph 4, a re-appeal may be taken from a ruling only when it is based on the ground that there is a manifest error in the application of the law.

431

如不服本裁定應於送達後 10 日內向本院提出再抗告狀(須按他造當事人之人數附繕本)，並繳納再抗告費新臺幣 1,000 元。

再抗告僅得以適用法規顯有錯誤為理由，並應委任律師或具律師資格之人為代理人。如委任律師提起再抗告者。應一併繳納再抗告裁判費。

431

If a party disagrees with this ruling, a written interlocutory re-appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.), and the court costs of NTD1,000 on a re-appeal from a ruling shall be paid along with the filing.

A re-appeal may be taken from this ruling except that it is based only on the ground that there is a manifest error in the application of law in such ruling, and an attorney or a person qualified to act as an attorney shall be retained as his/her advocate. If the petition of a re-appeal against the ruling is filed by a retained attorney, the court costs of NTD1,000 on the re-appeal against the ruling shall be paid along with the filing.

432

不得聲明不服。

432

No objection may be raised.

433

訴訟費用之裁判，非對於本案判決有上訴時，不得聲明不服。

433

A decision on the responsibility for litigation expenses is not reviewable in the absence of an appeal from the principal decision in issue.

434

不得抗告。

434

No interlocutory appeals may be taken against the ruling.

435

不得再抗告。

435

No re-appeals allowed against the ruling.

436

如對本裁定不服應於送達後 10 日內向本院提出異議狀。

436

If a party disagrees with this ruling, a written objection shall be filed with the Court within 10 days calculated from the date of service of the ruling.

437

本裁定不得再抗告。但得於收受送達後 10 日內向本院提出異議。

437

No further re-appeals are allowed against this ruling. However, a written objection may be filed with the Court within 10 days calculated from the date of service of the ruling.

438

依民事訴訟法第 486 條第 2 項規定，對於本裁定不得再為抗告，但得於本裁定送達後 10 日內向本院提出異議狀，並應一併繳納程序費用新臺幣 1,000 元。

438

In accordance with the Code of Civil Procedure, Article 486, Paragraph 2, no further re-appeals are allowed against this ruling. However, a written objection may be filed with the Court within 10 days calculated from the date of service of the ruling, and

the court costs of NTD1,000 on the proceeding shall be paid along with the filing.

439

當事人(及參加調解之利害關係人)得於送達後 10 日之不變期間內提出異議。如於期間內提出異議，視為調解不成立；未於期間內提出異議，視為已依本方案成立調解。

439

A party to the mediation (and an interested person who has intervened) may object to the proposed resolution within a ten-day peremptory period following the service thereof. The mediation shall be deemed unsuccessful upon an objection raised to it within the period provided in the preceding paragraph; in cases where no objection is raised within the period provided in the preceding paragraph, the mediation shall be deemed successful in accordance with that proposed resolution.

440

如不服本裁定，應於收受送達後 10 日內向本院提出抗告狀，並繳納抗告費新臺幣 1,000 元。但如對本件判決已合法上訴，則本裁定不得抗告。

440

If a party disagrees with this ruling, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling, and court costs of NTD1,000 on an appeal against a ruling shall be paid. However, no interlocutory appeals may be taken from this ruling provided that an appeal against the original judgement has been made in conformity with the law.

441

如對本判決上訴，須於判決送達後 20 日內向本院提出上訴狀，其未表明上訴理由者，應於提出上訴後 20 日內向本院提出上訴理由書（均須按他造當事人之人數附繕本）

上訴時應提出委任律師或具有律師資格之人之委任狀；委任有律師資格者，另應附具律師資格證書及釋明委任人與受任人有民事訴訟法第 466 條之 1 第 1 項但書或第 2 項所定關係之釋明文書影本。如委任律師提起上訴者，應一併繳納上訴裁判費。

441

If a party disagrees with this judgment, a written appeal petition shall be filed with the Court within 20 days calculated from the date of service of the judgement. If the reasons are not set forth in the appeal petition, a written appeal petition with reason may be filed with the Court within 20 days after filing the appeal. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.). When an appeal is filed, a power of attorney retaining an attorney or a person qualified to act as an attorney shall be submitted; in retaining a person qualified to act as an attorney, the attorney's certificate and the copy of the identification document making a preliminary showing that there is the relationship between the appointor and appointee specified under the Code of Civil Procedure, Article 466-1, the proviso of Paragraph 1, or Paragraph 2 shall be additionally submitted. If the appeal is filed by a retained attorney, the court costs on the appeal shall be paid along with the filing.

442

被（上訴人）不得上訴。

被（上訴人）如不服本判決，應於收受送達後 20 日內向本院提出上訴書狀，其未表明上訴理由者，應於提出上訴後 20 日內向本院補提理由書狀（均須按他造當事人之人數附繕本）上訴時應提出委任律師或具有律師資格之人之委任狀；委任有律師資格者，另應附具律師資格證書及釋明委任人與受任人有民事訴訟法第 466 條之 1 第 1 項但書或第 2 項所定關係之釋明文書影本。如委任律師提起上訴者，應一併繳納上訴審裁判費。

442

The appellee (appellant) may not file an appeal.

If the appellee (appellant) disagrees with this judgment, a written appeal petition shall be filed with the Court within 20 days calculated from the date of service of the judgement. If the reasons are not set forth in the appeal petition, a written appeal petition with reason may be filed with the Court within 20 days after filing the appeal. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.). When an appeal is filed, a power of attorney retaining an attorney or a person qualified to act as an attorney shall be submitted; in retaining a person qualified to act as an attorney, the attorney's certificate and the copy of the identification document making a preliminary showing that there is the relationship between the appointor and appointee specified under the Code of Civil Procedure, Article 466-1, the proviso of Paragraph 1, or Paragraph 2 shall be additionally submitted. If the appeal is filed by a retained attorney, the court costs on

the appeal shall be paid along with the filing.

443

被（上訴人）合併上訴利益額逾新臺幣 150 萬元，如不服本判決，應於收受送達後 20 日內向本院提出上訴書狀，其未表明上訴理由者，應於提出上訴後 20 日內向本院補提理由書狀（均須按他造當事人之人數附繕本）上訴時應提出委任律師或具有律師資格之人之委任狀；委任有律師資格者，另應附具律師資格證書及釋明委任人與受任人有民事訴訟法第 466 條之 1 第 1 項但書或第 2 項所定關係之釋明文書影本。如委任律師提起上訴者，應一併繳納上訴審裁判費。

443

Where the combined value of the interests in an appeal exceeds the amount of NT\$1,500,000 and the appellee (appellant) disagrees with this judgment, a written appeal petition shall be filed with the Court within 20 days calculated from the date of service of the judgement. If the reasons are not set forth in the appeal petition, a written appeal petition with reason may be filed with the Court within 20 days after filing the appeal. (The number of the written copies thereof to be filed shall all be the same as the number of opposing parties.) When an appeal is filed, a power of attorney retaining an attorney or a person qualified to act as an attorney shall be submitted; in retaining a person qualified to act as an attorney, the attorney's certificate and the copy of the identification document making a preliminary showing that there is the relationship between the appointor and appointee specified under the Code of Civil Procedure, Article 466-1, the proviso of Paragraph 1, or Paragraph 2 shall be additionally submitted. If the appeal is filed by a retained attorney, the court costs on the appeal shall be paid along with the filing.

444

如不服本判決，應於收受送達後 20 日內向本院提出上訴書狀，其未表明上訴理由者，應於提出上訴後 20 日內向本院補提理由書狀（均須按他造當事人之人數附繕本）上訴時應提出委任律師或具有律師資格之人之委任狀；委任有律師資格者，另應附具律師資格證書及釋明委任人與受任人有民事訴訟法第 466 條之 1 第 1 項但書或第 2 項所定關係之釋明文書影本。

444

If a party disagrees with this judgment, a written appeal petition shall be filed with the Court within 20 days calculated from the date of service of the judgement. If the

reasons are not set forth in the appeal petition, a written appeal petition with reason may be filed with the Court within 20 days after filing the appeal. (The number of the written copies thereof to be attached shall all be the same as the number of opposing parties.) When an appeal is filed, a power of attorney retaining an attorney or a person qualified to act as an attorney shall be submitted; in retaining a person qualified to act as an attorney, the attorney's certificate and the copy of the identification document making a preliminary showing that there is the relationship between the appointor and appointee specified under the Code of Civil Procedure, Article 466-1, the proviso of Paragraph 1, or Paragraph 2 shall be additionally submitted.

445

本案訴訟標的價額逾新臺幣 150 萬元時，如不服本裁定，應於收受送達後 10 日內向本院提出抗告狀，並應繳納抗告費新臺幣 1,000 元。

445

Where the value of the claim of this case is more than NTD1,500,000, and a party disagrees with this ruling, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling, and court costs of NTD1,000 on the interlocutory appeal from a ruling shall be paid.

446

核定訴訟標的價額部分，如不服裁定得於收受送達後 10 日內向本院提出抗告狀，並繳納抗告費新臺幣 1,000 元。
命補繳裁判費部分不得抗告。

446

If a party disagrees with this ruling regarding the portion of the determination of the value of a claim, a written interlocutory appeal petition shall be filed with the Court within 10 days calculated from the date of service of the ruling, and court costs of NTD1,000 on the interlocutory appeal against a ruling shall be paid.

No interlocutory appeals may be taken from the ruling made to order to pay off the court costs.

447

本裁定除以適用法規顯有錯誤為理由外，不得再抗告。如提起再抗告，應於收受送達後 10 日內委任律師為代理人向本院提出再抗告狀。並繳納再抗告費新臺幣 1,000 元。

447

No re-appeals may be taken from this ruling except that it is based only on the ground that there is a manifest error in the application of law in such ruling. If a party files a re-appeal against this ruling, a written interlocutory re-appeal petition shall be filed with the Court by the attorney retained as the agent within 10 days calculated from the date of service of the ruling, and court costs of NTD1,000 on a re-appeal from a ruling shall be paid.

448

本案訴訟標的價額逾新臺幣 150 萬元時，對本裁定除以適用法規顯有錯誤為理由外，不得再抗告。如提起再抗告，應於收受送達後 10 日內委任律師為代理人向本院提出再抗告狀。並繳納再抗告費新臺幣 1,000 元。

448

Where the value of a claim of this case is more than NTD1,500,000, no re-appeals may be taken from this ruling except that it is based only on the ground that there is a manifest error in the application of law in such ruling. If a party files a re-appeal against this ruling, a written interlocutory re-appeal petition shall be filed with the Court by the attorney retained as the agent within 10 days calculated from the date of service of the ruling, and court costs of NTD1,000 on a re-appeal from a ruling shall be paid.