

## DEPOSITIONS IN ABUSE, NEGLECT, AND DEPENDENCY PROCEEDINGS

### IDS Policy:

In preparation for an adjudicatory hearing in an abuse, neglect, or dependency proceeding in district court, an attorney appointed to represent a respondent parent may need to conduct a deposition of an expert witness pursuant to Article 5 of the Rules of Civil Procedure. The Office of Indigent Defense Services (“IDS”) will bear the costs associated with such depositions only if they are conducted in accordance with the following policies and procedures.

### **I. Prior Authorization/Court Order Required:**

The appointed parent attorney must obtain an advance court order authorizing:

1. The deposition and the expenses of the stenographer; and
2. Any expert witness expenses of the deponent in accordance with IDS’ Expert Fee and Expense Policy.

The court order must set forth all of the requirements and restrictions identified herein, including:

1. All of the limitations on payment to the stenographer that are contained in Section II., below.

A model motion and order are attached to this policy and appointed attorneys are encouraged to utilize them.

### **II. Conditions and Limitations on Stenographer Expenses:**

The appointed parent attorney is responsible for finding a stenographer to take the deposition and for making arrangements directly with the stenographer. To assist appointed counsel, IDS has a list of stenographers who agree to handle depositions in these cases at the payment rates approved by IDS. However, the appointed parent attorney is still responsible for independently verifying that the stenographer taking the deposition agrees to the following conditions:

- As directed by § 18B.21A of S.L. 2013-360, as amended by § 6.3 of S.L. 2013-363, for transcripts requested on or after September 27, 2017, IDS will pay the stenographer the following amounts:
  - ✓ \$200.00 per day appearance fee;
  - ✓ \$2.00 per page for the original transcript, plus an additional \$0.40 per page for the original if the court orders an expedited copy;
  - ✓ \$0.60 per page for a copy of the transcript for the appointed parent attorney who arranged the deposition;
  - ✓ \$0.60 per page for a copy of the transcript for an appointed attorney for another parent respondent in the case; and
  - ✓ reimbursement at the current State authorized mileage rate for travel.
- IDS will also pay the stenographer \$0.30 per page for a signature-condensed copy of the transcript for the deponent’s review *if* the deponent does not waive submission, review, and certification of the deposition as allowed by Rule 30(e) of the Rules of Civil Procedure. However, in light of funding limitations and the strict timelines in

these cases, the appointed parent attorney is required to waive submission, review, and certification of the deposition and the deponent is strongly encouraged to waive submission, review, and certification of the deposition.

- No other transcript copies shall be paid by IDS. Any other person requesting a copy shall pay for the copy. If a copy is requested by AOC's Guardian ad Litem ("GAL") program, AOC shall pay for that copy from the GAL program's budget as set forth in Section III., below.
- No video or other visual recording expenses will be paid by IDS.
- Expenses for exhibits and other annexed documents produced for inspection during the examination of the deponent will not be paid by IDS. Any person producing exhibits, documents, or non-documentary materials during the deposition is responsible for ensuring that sufficient copies are available for all parties. Exhibits, documents, and non-documentary materials should be marked, but shall not be annexed to the deposition. Options set forth in Rule 30(f) of the Rules of Civil Procedure should be used in lieu of annexation.
- No postage and handling will be paid by IDS.

### **III. Payment of Stenographer:**

*To get paid for all costs that will be borne by IDS, the stenographer should mail his or her itemized bill and the court order authorizing the deposition and the stenographer's funding to:*

Wendy Sotolongo  
Parent Representation Coordinator  
123 West Main Street, Suite 308  
Durham, NC 27701

IDS Financial Services will then issue payment directly to the stenographer.

*To get paid for the GAL program's copy, the stenographer should mail a completed form AOC-A-42 ("Court Reporter Statement for Transcripts") and the court order authorizing the deposition and the stenographer's funding to:*

Administrative Office of the Courts  
Attn: Financial Services Division  
P.O. Box 2448  
Raleigh, NC 27602

AOC will then issue separate payment directly to the stenographer.

**IV. Payment of Expert Witness Deponent:**

To get paid, the parent attorney or expert deponent should mail the expert deponent's itemized bill and the court order (AOC-G-309) authorizing expert funding to:

IDS Financial Services  
P.O. Box 2448  
Raleigh, NC 27602

IDS Financial Services will then issue payment directly to the expert.

**V. Questions and Assistance:**

If you have questions, please contact IDS' Parent Representation Coordinator, Wendy Sotolongo, at (919) 354-7230 or [Wendy.C.Sotolongo@nccourts.org](mailto:Wendy.C.Sotolongo@nccourts.org).

Policy effective February 7, 2008; updated July 10, 2008, August 19, 2013 and September 27, 2017.

Authority:

G.S. 1A-1, Article 5; 7A-454; 7A-498.3(c); 7A-498.5(c)(6); IDS Rule 1.10.