

**NO-MERIT BRIEFS IN ABUSE/NEGLECT/DEPENDENCY AND  
TERMINATION OF PARENTAL RIGHTS APPEALS**

*IDS Policy:*

If appointed appellate counsel in an abuse, neglect, dependency or termination of parental rights case concludes that there are no meritorious issues to be raised on appeal and that the appeal would be frivolous, counsel must notify the Parent Representation Coordinator in the Appellate Defender's Office of this conclusion and afford the Parent Representation Coordinator an opportunity to review the appellate record for the existence of an appealable issue before filing a no-merit brief in the Appellate Division pursuant to North Carolina Rules of Appellate Procedure 3.1(d).

When requesting review by the Parent Representation Coordinator, counsel must submit:

- ✓ A completed "Checklist for Potential No-Merit Briefs;"
- ✓ An electronic copy of the transcript; and
- ✓ The proposed record on appeal if 300 pages or less. If the proposed record on appeal exceeds 300 pages, counsel shall submit the most relevant portions of the proposed record on appeal and a summary of those portions not submitted for review.

All documents are to be mailed or transmitted at the same time, or prior to the time the proposed record on appeal is served.

If appointed appellate counsel fails to follow this procedure, he or she will not be compensated for work on the appeal. Appointed appellate counsel who files a no-merit brief must note in the fee application that he or she has done so and has complied with this procedure.

Policy effective October 1, 2009.

*Authority:*

G.S. 7A-498.3(c); IDS Rules 3.3(a), 3.4(f).