No. COA \_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_DISTRICT

NORTH CAROLINA COURT OF APPEALS

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

IN THE MATTER OF: )

**[INITIALS]**  ) From **[NAME]** County

) **[File No.]**

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

APPELLANT RESPONDENT’S MOTION FOR

AN EXTENSION OF TIME TO

SERVE PROPOSED RECORD ON APPEAL

AND TO DEEM IT TIMELY SERVED

TO THE HONORABLE COURT OF APPEALS OF NORTH CAROLINA:

COMES NOW Appellant, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, through their undersigned counsel, pursuant to N.C. Rules of Appellate Procedure 3.1 and 37 and respectfully requests the Court allow an extension of time serve the Proposed Record on Appeal and to Deem It Timely Served. In support of their motion, Appellant shows unto the Court:

1. Appellant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_’s parental rights were terminated through an Order to Terminate Parental Rights Order filed **[DATE]**. (Attachment A, Order)

2. Appellant \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ timely filed their Notice of Appeal on **[DATE]**. (Attachment B, Notice of Appeal)

3. A Notice to Preserve the Right to Appeal a hearing that was held on **[DATE]** was located and Amended Appellate Entries were prepared. (Attachment C, Amended Appellate Entries)

4. Undersigned counsel served the Proposed Record on Appeal in a timely manner on **[DATE]**. (Attachment D, Certificate of Service)

5. Undersigned counsel realized that s/he failed to identify the cessation of reunification efforts as an issue on appeal in the proposed issues on appeal and that failure to do so would constitute a violation of N.C. Gen. Stat. § 7B-1001(a)(5) if s/he chooses to argue such an issue as part of the appeal of the termination of parental rights.

6. Undersigned counsel has advised both DSS and GAL appellate counsel that s/he is seeking an extension to serve the proposed record on appeal and to deem it timely served. This would extend DSS and GAL’s deadline to respond so that they have the full response time in accordance with N.C. Rule of Appellate Procedure 3.1.

7. Undersigned counsel has served the Proposed Record on Appeal reflecting all of the proposed issues on **[DATE]**. (Attachment E, Certificate of Service)

8. This motion is not filed in order to delay or hamper these proceedings.

THEREFORE, Appellant respectfully requests the Court grant their motion and allow an extension of time to serve proposed record on appeal and to deem it timely served.

Submitted this the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

Electronically Submitted

Appellate Attorney Information

Bar No.

Contact Information

CERTIFICATE OF FILING AND SERVICE

This is to certify that the undersigned has this date filed and served a copy of the APPELLANT RESPONDENT’S MOTION FOR AN EXTENSION OF TIME TO SERVE PROPOSED RECORD ON APPEAL AND TO DEEM IT TIMELY SERVED upon the parties and counsel of record by mailing, postage pre-paid, or by electronic mail where indicated, a copy of said instrument as follows:

Dan Horne, Clerk electronic filing

North Carolina Court of Appeals

P.O. Box 2779

Raleigh, NC 27602

This the \_\_\_\_\_\_th day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

Electronically submitted

Appellate Attorney