No. COA \_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ DISTRICT

NORTH CAROLINA COURT OF APPEALS

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

IN THE MATTER OF: *\_\_\_\_\_\_*  )

) From \_\_\_\_\_\_\_\_\_\_\_ County

***Minor Child*** ) File No. \_\_\_\_\_\_\_

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**APPELLANT RESPONDENT'S**

**MOTION FOR ADDITIONAL TRANSCRIPT**

**AND FOR AN EXTENSION OF TIME TO SERVE**

**THE PROPOSED RECORD ON APPEAL**

(N.C.R. App. P. 9(b)(5)(b)

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Comes now Respondent-Appellant pursuant to Rules 9(b)(5)(b) and 37, N.C.R. App. P., and moves this Court to enter an Order providing for the transcription of the permanency planning hearings held by the [COUNTY] District Court in this matter on [DATE] (R pp \_\_\_\_\_\_) and to have said transcripts sent up and added as a supplement or amendment to the record on appeal.

In support of this Motion, Respondent-Appellant states the following:

1. This is an appeal of an Order entered on [DATE] terminating Respondent’s parental rights as the [Father/Mother] of the juvenile, together with the above Order entered pursuant to N.C. Gen. Stat. 906.2(b) eliminating reunification as a permanent plan. In addition to [his/her] right of review pursuant to N.C. Gen. Stat. §7B-1001(a)(5), Respondent has petitioned this Court for a writ of certiorari to review the permanency planning Order.

2. Respondent-Appellant identified in the Record on Appeal the trial court’s order ceasing reunification efforts as an issue to be presented.

3. In his Brief filed contemporaneous with this Motion and the Petition, Respondent-Appellant has argued reversible error in the permanency planning orders of the trial court.

4. The transcript of the permanency planning hearings were not ordered transcribed by the trial court and were not provided by the court reporter. The undersigned counsel has checked the Order that ceased reunification efforts and the errors alleged cannot be argued on its face and the transcript is therefore needed.

5. [The Record on Appeal has been docketed with this Court. OR The Record on Appeal has not yet been docketed with this Court.] The undersigned counsel contacted the clerk and requested Amended Appellate Entries be prepared but the clerk would not do so due to the amount of time that had lapsed. The transcript cannot be completed unless it is ordered by a court and AOC policy does not permit such transcription on request by counsel. [Because of the limited time allowed for settling the record on appeal in juvenile cases, and because the undersigned was unable to complete all other necessary tasks in this appeal for a variety of reasons, the Record was filed in this Court prior to the filing of this Motion.]

5. The transcripts of the permanency planning hearings are necessary for this Court to review and decide the issues argued concerning the elimination of reunification as a permanent plan. This Court has recently suggested such transcripts should be included or added to the Record on Appeal pursuant to a Motion such as this. See *In re A.L.L., R.J.M., R.A.M., A.O.Z., D.A.M., O.E.J.M.*, \_\_ N.C. \_\_, \_\_, \_\_ S.E.2d \_\_, \_\_ (No. COA17-146, July 5, 2017).

WHEREFORE, Respondent-Appellant (and Petitioner), prays the Court to grant this Motion and to enter an Order as follows:

1. Directing the court reporter to transcribe the electronic recordings of the permanency planning hearing held in this matter on [DATE], and to transmit copies of such transcriptions to this Court and counsel of record in this appeal.

2. Allowing the Record on Appeal to be supplemented and/or amended with the addition of the transcripts. **OR**

2. Extending the time to serve the Proposed Record on Appeal until such time as the transcript has been delivered.

3. Because Respondent-Appellant is indigent, the Office of Indigent Defense Services shall pay the costs of producing a transcript for the respondent.

4. For such other relief as the Court deems proper.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney Name, Bar No.

Attorney for Appellant-Respondent

Address

City, State, Zip

(phone)

e-mail address

**CERTIFICATE OF FILING and SERVICE**

This certifies pursuant to the Rules of Appellate Procedure that the foregoing Motion for Transcript was duly filed with the North Carolina Court of Appeals by electronic filing; and that a copy has been served on all parties as follows:

( ) electronic service using other counsel’s correct and current electronic mail address(es) as indicated.

[***Insert name and email address of attorney served in this manner]***

( ) depositing said notice in a postpaid, properly addressed wrapper in a Post Office or official depository under the exclusive care and custody of the United States Post Office Department.

**[*Insert name and address of attorney or party served in this manner]***

THIS the \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney Name, Bar No.

Attorney for Appellant-Respondent

Address

City, State, Zip

(phone)

e-mail address