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SUPREME COURT OF NORTH CAROLINA



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These amendments to the North Carolina Rules of Appellate Procedure shall be effective on the 12th day of May, 2004.

Adopted by the Court in Conference this the 6th day of May, 2004. These amendments shall be promulgated by publication in the Advance Sheets of the Supreme Court and the Court of Appeals. These amendments shall also be published as quickly as practical on the North Carolina Judicial Branch of Government Internet Home Page (<http://www.nccourts.org>).

Edmunds, J.  
For the Court

## IN THE SUPREME COURT OF NORTH CAROLINA

### **Order Adopting Amendments to the North Carolina Rules of Appellate Procedure**

Rules 3, 26, 30, 37, and 41 of the North Carolina Rules of Appellate are hereby amended as described below:

Rule 3(b) is amended to read as follows:

**(b) Special Provisions.** Appeals in the following types of cases shall be taken in the time and manner set out in the General Statutes section noted:

- (1) Termination of Parental Rights, G.S. 7B-1113.
- (2) Juvenile matters, G.S. 7B-~~1001~~1001 or 7B-2602.

For appeals filed pursuant to these provisions and for extraordinary writs filed in cases to which these provisions apply, the name of the juvenile who is the subject of the action, and of any siblings or other household members under the age of eighteen, shall be referenced by the use of initials only in all filings, documents, exhibits, or arguments submitted to the appellate court with the exception of sealed verbatim transcripts submitted pursuant to Rule 9(c). In addition, the juvenile's address, social security number, and date of birth shall be

excluded from all filings, documents, exhibits, or arguments with the exception of sealed verbatim transcripts submitted pursuant to Rule 9(c). Appeals filed pursuant to these provisions shall specifically comply, if applicable, with Rules 9(b), 9(c), 26(g), 28(d), 28(k), 30, 37, 41 and Appendix B.

Rule 26(g) is amended to add new subsection (4):

(4) Termination of Parental Rights and Juvenile Matters. All documents and exhibits filed with the appellate court shall not include the name of a juvenile or any other identifying information, in compliance with Rule 3(b).

Rule 30 is amended to read as follows:

**(a) Order and Content of Argument.**

(1) ~~(a) Order and Content of Argument.~~ The appellant is entitled to open and conclude the argument. The opening argument shall include a fair statement of the case. Oral arguments should complement the written briefs, and counsel will therefore not be permitted to read at length from briefs, records, and authorities.

(2) To the extent practicable, counsel shall refrain from using a juvenile's name in oral argument and, instead, refer to the juvenile consistent with the provisions of Rule 3(b).

Rule 37 is amended to add subsection (c):

**(c) Termination of Parental Rights and Juvenile Matters. Any motion or response to a motion filed in the appellate courts shall not include the name of a juvenile, in compliance with Rule 3(b).**

Rule 41(b)(2) is amended to read as follows:

(2) Each appellant shall complete and file the APPEAL INFORMATION STATEMENT with the Clerk of the Court of Appeals at or before the time his or her appellant's brief is due and shall serve a copy of the statement upon all other parties to the appeal pursuant to Rule 26. The APPEAL INFORMATION STATEMENT may be filed by mail addressed to the clerk and, if first class mail is utilized, is deemed filed on the date of mailing as evidenced by the proof of service. For cases arising out of termination of parental rights and juvenile matters, the name of the juvenile shall not be included in the APPEAL INFORMATION STATEMENT, in compliance with Rule 3(b).

These amendments to the North Carolina Rules of Appellate Procedure shall be effective on the 12th day of May, 2004.

Adopted by the Court in Conference this the 6th day of May, 2004. These amendments shall be promulgated by publication in the Advance Sheets of the Supreme Court and the Court of Appeals. These amendments shall also be published as quickly as practical on the North Carolina Judicial Branch of Government Internet Home Page (<http://www.nccourts.org>).

Edmunds, J.  
For the Court

## IN THE SUPREME COURT OF NORTH CAROLINA

### **Order Adopting Amendments to the North Carolina Rules of Appellate Procedure**

Rule 9 of the North Carolina Rules of Appellate is hereby amended as described below:

Rule 9(a) is amended to read as follows:

(a) **Function; Composition of Record.** In appeals from the trial division of the General Court of Justice, review is solely upon the record on appeal ~~and~~, the verbatim transcript of proceedings, if one is designated, constituted in accordance with this Rule ~~9-9~~, and any items filed with the record on appeal pursuant to Rule 9(c) and 9(d). Parties may cite any of these items in their briefs and arguments before the appellate courts.

Rule 9(a)(1)(l) is amended to read as follows:

(l) a statement, where appropriate, that the record of ~~proceeding~~proceedings was made with an electronic recording device.

Rule 9(a) is amended to add new subsection (4):

(4) Exclusion of Social Security Numbers from Record on Appeal. Social security numbers shall be deleted or redacted from any document before including the document in the record on appeal.

Rule 9(b) is amended to read as follows:

**Rule 9(b) Form of Record; Amendments.** The record on appeal shall be in the format prescribed by Rule 26(g) and the appendixes to these rules.

(1) *Order of Arrangement.* The items constituting the record on appeal should be arranged, so far as practicable, in the order in which they occurred or were filed in the trial tribunal.