

**Termination of Parental Rights Cases - Advisory Notice Regarding
Public Defender Representation at the Conclusion of the
Proceeding/Appeal (N.J.S.A. 30:4C-15.4; R. 2:7-2)**

Directive # 10-01
Issued by:

June 27, 2001
Richard J. Williams
Administrative Director

The attached advisory is to be given to parents who are the subject of a Title 30 termination of parental rights proceeding at the conclusion of that proceeding.

The advisory informs the parents of their rights regarding legal representation by the Office of the Public Defender in the event that they decide to appeal the termination of their parental rights or, if their parental rights were not terminated, and the Division of Youth and Family Services chooses to appeal. The advisory also informs counsel for the parents and the law guardian for the child(ren) of counsel's ongoing obligations.

This advisory must be annexed to the final judgment in all Title 30 termination of parental rights proceedings and, if the final disposition is rendered in open court, must be orally stated as well. Please distribute this directive and the attached advisory to all Family Division judges and to appropriate Family Division staff and ask that they take whatever steps are necessary to implement this requirement. Thank you.

ADVISORY NOTICE FOR PARENTS AND COUNSEL
WHEN PARENTAL RIGHTS ARE TERMINATED

This court has entered an order terminating your parental rights and relationship with your child(ren). **You have 45 days in which to appeal this decision.**

If you wish to appeal and you were represented by the Office of the Public Defender, you will continue to be represented by the Office of the Public Defender, although a new attorney may be assigned for the appeal.

If you wish to appeal and you are presently represented by a court-appointed attorney (pro bono counsel), your attorney will file a Notice of Appeal on your behalf. However, this court will not require your attorney to continue to represent you on appeal. If your attorney wishes to be relieved, he or she must file a motion to be relieved in the Appellate Division when filing the Notice of Appeal. In that event, your case will be referred to the Office of the Public Defender, which will assign an attorney to represent you in your appeal.

If you were represented by retained counsel in this proceeding - that is by an attorney who you paid - and you cannot afford to pay for an attorney for your appeal, you may apply to the court to see if you qualify for the services of the Public Defender. If the court finds that you are indigent, your case will be referred to the Office of the Public Defender, which will then assign an attorney to represent you in your appeal.

If the Public Defender does assign an attorney to represent you in your appeal, the attorney who represented you at trial must cooperate with the Public Defender to see that all evidence and other relevant materials in your case are transferred to the Public Defender Parental Representation Unit, P.O. Box 850, Trenton, NJ 08625-0850 for the preparation of your appeal.

Your attorney will be able to explain in more detail how you can exercise your right to appeal. Please acknowledge on the record that you understand that you have the right to appeal the determination in this matter.

ADVISORY NOTICE FOR PARENTS AND COUNSEL
WHERE TERMINATION COMPLAINT IS DENIED

This court has entered an order dismissing the Complaint that sought to terminate your parental rights. The State has 45 days in which it may choose to appeal this decision. If the State does file an appeal, you are entitled to be represented in that appeal by an attorney.

If you wish to appeal and you were represented by the Office of the Public Defender, you will continue to be represented by the Office of the Public Defender, although a new attorney may be assigned for the appeal.

If you were represented by a court-appointed attorney (pro bono counsel), you will be represented by the Office of the Public Defender on appeal. Your present attorney will send the State's Notice of Appeal, along with all evidence and other relevant materials in your case to the Office of the Public Defender, Parental Representation Unit, P.O. Box 850, Trenton, NJ 08625-0850. Once the record is complete, the Office of the Public Defender will assign an attorney to represent you in the appeal.

If you were represented by retained counsel in this proceeding - that is by an attorney you paid - and you cannot afford to pay for an attorney to respond to the State's appeal, you may apply to the court to see if you qualify for the services of the Office of the Public Defender. If the court finds that you are indigent, your case will be referred to the Office of the Public Defender, which will then assign an attorney to represent you in your appeal.

Your attorney will be able to explain in more detail how you can exercise your right to defend the State's appeal. Please acknowledge on the record that you understand that you have the right to defend the State's appeal of the determination in this matter.

FOR THE LAW GUARDIAN

[Name of Attorney] - you were appointed to serve as Law Guardian for [name(s) of child(ren)] at this proceeding. Your services are now concluded. The Appellate Section of the Office of the Public Defender will be appointed to act as Law Guardian should an appeal be filed. You must cooperate with that office and make your file available to the assigned attorney. If you wish to continue to represent the interests of the child(ren) you may contact the Office of the Public Defender, Appellate Section, 31 Clinton Street, P.O. Box 46003, Newark, NJ 07101, to request that they assign the case to you as designated counsel.