

Civil C Transcript at Public Expense

Directive #14-76 July 12, 1977

Issued by:

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Acting Administrative Director of the Courts

On December 16, 1976, the Supreme Court decided *In the Matter of the Guardianship of Felicia Dotson*, 72 N.J. 112 (1976). In the decision, the Court set forth the standard to determine whether an indigent defendant in a civil action (almost quasi-criminal in nature, such as one in which the termination of defendant's parental rights is an issue, as in *Dotson*) is entitled to receive a transcript at public expense.

The State should not be obligated to furnish a transcript if the grounds stated for the appeal are frivolous or if the issues to be presented on appeal are such that they can adequately be determined on the basis of a truncated record (pursuant to R. 2:5-3 (c)). However, if the issues are such that only by a review of a full and complete transcript may a reviewing court properly decide the case, then in such a civil action (almost quasi-criminal in nature), the transcript will have to be provided at public expense to the indigent defendant.

EDITOR'S NOTE

No change has been made to the original text. See Directive #5-92, requiring indigent appellants to file a motion before the trial court for a free transcript in termination of parental rights or child abuse appeals.