SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
DOCKET NO. A-3725-21

HARRY TAYLOR,

Plaintiff-Respondent,

v.

VANESSA D. TAYLOR,

Defendant-Appellant.

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Submitted March 11, 2024 – Decided June 6, 2024

Before Judges DeAlmeida and Berdote Byrne.

On appeal from the Superior Court of New Jersey, Chancery Division, Family Part, Monmouth County, Docket No. FM-13-0655-18.

Vanessa D. Taylor, appellant pro se.

Harry Taylor, respondent pro se.

PER CURIAM

Defendant Vanessa Taylor appeals from the Family Part's June 27, 2022 order denying her motion to reconsider a May 3, 2022 post-judgment order

terminating child support and emancipating the parties' twenty-year old son. Because defendant failed to provide a transcript necessary for this appeal, we dismiss the appeal.

I.

We glean the following facts from the limited record before us. On March 3, 2022, the Monmouth County's Probation Office notified defendant that plaintiff's child support obligation for their son would terminate on May 31, 2022. The notice informed defendant she could seek relief from the court by filing a motion or application. On March 7, 2022, defendant filed a motion to continue child support. In support of her motion, she claimed the parties' son was in his third year "as a full-time student at Brookdale Community College" and was "planning to enroll in a four[-]year college [in] the fall of 2022." She also attached a billing statement from her son's community college which showed he was enrolled for thirteen credits. Plaintiff filed opposition.

On May 2, 2022, the trial court heard oral argument from the parties, who were both self-represented, and entered an order and written decision on May 3, 2022, denying defendant's motion. The trial court found the parties' son failed to complete twelve or more credit hours per semester at Brookdale Community College (Brookdale) and had not "maintained full-time student status." The

court noted that although defendant argued their son failed to maintain full-time status due his illness, defendant had not provided the court with any proof of the illness. As a result, the court deemed the parties' son emancipated and determined plaintiff would no longer provide child support. Lastly, the court noted its order was "issued without a Statement or Reasons pursuant to R. 1:6-2(f) based on this court's conclusion that further explanation is unnecessary, reasons are contained herein, and reasons have been set forth on the record May 2, 2022."

Defendant filed a motion to reconsider, which plaintiff opposed. During oral argument on June 27, 2022, the court recounted that during the May 2 hearing, defendant "provided [it] with the proofs and [it] found that [their son] should be emancipated." Defendant also noted that during the May 2 hearing she explained her son withdrew from "school on a couple of occasions . . . due to illness" to which the court responded: "Well, you didn't provide that to the [c]ourt."

In opposition to the motion, plaintiff argued that after defendant was asked to state which college their son would be attending, defendant did not provide documentation of proof until two weeks after the May 2 hearing. Plaintiff alleged he called Rider University and confirmed Their son did not apply to the

school until March 8, the day after defendant filed the motion to continue child support.

The following colloquy ensued:

> THE COURT: . . . The first thing I want to know is, did you apply to Rider College the same day that you filed the opposition to the -- to the motion? That's a yes or no. It's really easy. It doesn't call for –
>
> [DEFENDANT]: I did not -- I did not apply to Rider. [Our son] applied to Rider. This is not about me.
>
> . . . .
>
> THE COURT: I reviewed everything. Your son is not disabled. Your son has not been enrolled in school full-time consistently. Your son does not share any information with his father. He is way outside of the scope of his father's influence at this point. So your motion for reconsideration is denied, Miss Taylor. I've reviewed the medical, everything you've submitted. It's all hearsay.

Following the hearing, the court entered its order the same day. It denied defendant's motion "for the reasons expressed on the record and in the Order of" May 3, 2022.

Defendant filed a motion to stay the court's June 27 order denying her motion for reconsideration, which the trial court denied.

This appeal followed.

Defendant was informed by Appellate Division personnel that the transcript of the May 2, 2022 hearing was necessary to decide the issue before us on appeal because the trial court denied reconsideration for the reasons expressed in the May 2, 2022, hearing. Defendant communicated with the trial court and requested it convert its oral findings into a written opinion. The trial court declined.

On April 18, 2024, this court entered a sua sponte order, once again informing defendant the trial transcript of May 2, 2022, was necessary for the proper disposition of the issues on appeal. Defendant was given until May 2, 2024, to provide the necessary transcript and advised that failure to comply with the order may result in dismissal of the appeal. Defendant did not provide the transcript. Instead, she filed a motion on April 30, 2024, seeking to have us "review [the] appeal without transcript of the May 3, 2022, order." We denied the motion.

We are unable to review the trial court's findings because defendant refuses to provide the relevant transcript. A stenographic transcript or statement of the proceedings is an essential part of the record on appeal. See R. 2:5-4. As such, our court rules require an appellant "serve a request for preparation of an original and a copy of the [relevant] transcript . . . ." R. 2:5-1(a). Unless

otherwise excepted, "the transcript shall include the entire proceedings in the court . . . from which the appeal is taken, . . . unless a written statement of . . . reasons was filed by the judge." R. 2:5-3(b). Because we are without the necessary transcript, this fatal deficiency prohibits our review of the order from which defendant appeals. See Cipala v. Lincoln Tech. Inst., 179 N.J. 45, 55 (2004). Defendant filed for a waiver of fees, which was denied on March 27, 2024, based on both Rule 1:13-2 and Rule 2:7-1. The trial court found her monthly income "exceeds the threshold for a finding of indigency."

Because the record is incomplete, and defendant, after notice to her, has failed to supply the necessary transcript, we are constrained to dismiss the appeal.

Dismissed.