

**COURT OF APPEALS OF WISCONSIN
PUBLISHED OPINION**

Case No.: 98-0075-NM

Complete Title
of Case:

**IN RE THE TERMINATION OF
PARENTAL RIGHTS OF ASHLEY A.T.,
A PERSON UNDER THE AGE OF 18:**

BROWN COUNTY,

PETITIONER-RESPONDENT,

v.

EDWARD C.T.,

RESPONDENT-APPELLANT.

Opinion Filed: March 31, 1998
Submitted on Report: March 10, 1998

JUDGES: Cane, P.J., Myse and Hoover, JJ.

Appellant

ATTORNEYS:

On behalf of the respondent-appellant, the cause was submitted on the no merit report of *John D. Lubarsky*, assistant state public defender, of Madison.

On behalf of the respondent-appellant, the cause was submitted on the response of *Edward C. T.*, pro se, of Green Bay.

**COURT OF APPEALS
DECISION
DATED AND FILED**

March 31, 1998

Marilyn L. Graves
Clerk, Court of Appeals
of Wisconsin

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

No. 98-0075-NM

STATE OF WISCONSIN

IN COURT OF APPEALS

IN RE THE TERMINATION OF

PARENTAL RIGHTS OF ASHLEY A.T.,

A PERSON UNDER THE AGE OF 18:

BROWN COUNTY,

PETITIONER-RESPONDENT,

V.

EDWARD C.T.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for Brown County:
WILLIAM C. GRIESBACH, Judge. *Jurisdiction confirmed.*

Before Cane, P.J., Myse and Hoover, JJ.

PER CURIAM. Counsel for Edward C.T. has filed a no merit report from an order terminating Edward's parental rights. This court required the no merit report to address the applicability of the no merit procedure to a TPR appeal.¹ We conclude that a no merit report may be filed in a TPR appeal within the times set by RULE 809.107, STATS.

In *Christopher D. v. Franklin*, 191 Wis.2d 680, 699-700, 530 N.W.2d 34, 41-42 (Ct. App. 1995), responding to an equal protection argument that a parent should have a longer time to appeal a TPR order because he would have 180 days in a no merit appeal, this court held that RULE 809.32, STATS., (no merit reports) does not apply to TPR appeals. That language should not be construed to preclude the filing of a no merit report in a TPR case. Rather, the generous time limits imposed by RULE 809.32, STATS., have been superseded by RULE 809.107, STATS., in TPR cases. A no merit report may be filed where, as here, the notice of intent and notice of appeal were timely filed under RULE 809.107(2) and (5), STATS., and the no merit report was filed within the time set for filing the appellant's brief under RULE 809.107(6)(a), STATS.

Upon the timely filing of a no merit report, this court will allow ten days for the parent to file a response to the report. This time is consistent with the time for filing a respondent's brief under RULE 809.107(6)(b), STATS. The thirty-day response time set by RULE 809.32, STATS., has been superseded by the shorter deadlines imposed by § 809.107, STATS. *Christopher D.*, 191 Wis.2d at 700, 530 N.W.2d at 42.

¹ The merits of the TPR appeal will be decided by separate order.

By the Court.—Jurisdiction confirmed.

