1   AN ACT *to amend* 808.04 (7m) and 809.82 (2) (b) of the statutes; **relating to:**

2   enlargement of time for filing a notice of appeal in a termination of parental rights

3   proceeding.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

> JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on adoption and termination of parental rights law.
>
> Under current law relating to appellate procedure, the time for filing a notice of appeal or cross−appeal of a final judgment or order, other than in a criminal, children's code [ch. 48], mental health act [ch. 51], protective services system [ch. 55], or juvenile justice code [ch. 938] case or a no merit order, may not be enlarged. In *Gloria A. v. State*, the court of appeals held that the rule for enlargement of time in which to file notice of appeal does not apply to termination of parental rights (TPR) cases. [195 Wis. 2d 268, 536 N.W.2d 396 (1995).]
>
> The bill draft provides that the time in which to file notice of appeal in a TPR case may be enlarged.

4   **SECTION 1.** 808.04 (7m) of the statutes is amended to read:

5   808.04 **(7m)** An appeal from a judgment or order terminating parental rights or denying

6   termination of parental rights shall be initiated by filing the notice required by s. 809.107 (2)

7   within 30 days after the date of entry of the judgment or order appealed from. ~~Notwithstanding~~

8   ~~s. 809.82 (2) (b), this time period may not be enlarged.~~

9   **SECTION 2.** 809.82 (2) (b) of the statutes is amended to read:

10   809.82 **(2)** (b) Notwithstanding the provisions of par. (a), the time for filing a notice of

11   appeal or cross−appeal of a final judgment or order other than in an appeal under s. <u>809.107,</u>

12   809.30<u>,</u> or 809.32 may not be enlarged.

NOTE: Provides that the time in which to file notice of appeal of a final judgment in a TPR case may be enlarged.

1 **(END)**