STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JONATHON LEE UTTER, JASON TYLER MAXSON and TODD JACOB MARTIN, JR., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JESSICA UTTER,

Respondent-Appellant,

and

JOHN MAXSON, TODD MARTIN, SR., and GARY DENTLER,

Respondents.

UNPUBLISHED
June 23, 2000

No. 222081
Cass Circuit Court
Family Division
LC No. 98-000164-NA

Before: Hoekstra, P.J., and Holbrook, Jr., and Zahra, JJ.

MEMORANDUM.

Respondent-mother voluntarily released her parental rights to the minor children pursuant to MCL 710.29; MSA 27.3178(555.29). She subsequently filed a motion for reconsideration, seeking to vacate her prior release. The trial court denied the motion, and respondent-mother now appeals as of right. We affirm.

First, respondent-mother argues that reversal is required because the trial court failed to secure her presence at the earlier statutory review hearings, which preceded the termination proceeding at which she voluntarily released her parental rights. However, respondent-mother did not raise this issue in the trial court. Normally, an appellate court will not consider issues raised for the first time on appeal,

including constitutional issues. *Booth v U of M Bd of Regents,* 444 Mich 211, 234; 507 NW2d 422 (1993). Accordingly, this issue is not preserved.

In any event, there is no absolute right to be present at a statutory review hearing. Cf. *In re Vasquez,* 199 Mich App 44, 49-50; 501 NW2d 231 (1993). Here, respondent-appellant was represented by counsel at the earlier hearings. Moreover, as in *In re Vasquez*, respondent-mother has not shown how her presence at the earlier hearings would have changed anything. *Id.* at 48. Indeed, her parental rights were ultimately terminated pursuant to her own voluntary release of parental rights, not because of any contested evidence presented at the earlier review hearings. Under these circumstances, respondent-mother is not entitled to appellate relief.

Second, we also reject respondent-mother's assertion that the trial court abused its discretion by denying her request to vacate her release of parental rights. *In re Burns,* 236 Mich App 291, 292; 599 NW2d 783 (1999). Apart from respondent-mother's history of refusing to avail herself of available services, the record amply supports the trial court's determination that it would not be in the children's best interests to set aside the release and that the children would be harmed if their placements were changed. *In re Blankenship,* 165 Mich App 706, 713; 418 NW2d 919 (1988).

Affirmed.

/s/ Joel P. Hoekstra
/s/ Donald E. Holbrook, Jr.
/s/ Brian K. Zahra