

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of D.K., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ANDREA KELLOGG,

Respondent-Appellant.

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UNPUBLISHED

August 16, 2002

No. 239197

Montcalm Circuit Court

Family Division

LC No. 01-000032-NA

Before: White, P.J., and Neff and Jansen, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to her voluntary relinquishment of those rights.<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Petitioner sought to terminate respondent's parental rights to the child based on allegations that she neglected her other children and had had her parental rights to another child terminated. During the permanent custody hearing, respondent indicated that she wished to voluntarily relinquish her parental rights to the child. The court questioned respondent and ascertained that she understood the nature of the proceedings and wished to voluntarily relinquish her parental rights. Respondent executed the release, and the court accepted it. The court advised respondent that she had the right to seek rehearing of the order terminating her parental rights within twenty-one days of its entry. Respondent did not do so.

Respondent argues that the trial court erred by terminating her parental rights, and that the trial court's advice of rights was inadequate. We disagree and affirm the order terminating respondent's parental rights. Respondent voluntarily relinquished her parental rights to the child; therefore, the trial court was not required to announce a statutory basis for the termination. *In re*

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<sup>1</sup> The trial court's order also terminated the parental rights of non-participating respondent Eric Schodowski, D.K.'s father, based on Schodowski's voluntary relinquishment of those rights. Schodowski has not appealed the trial court's order.

*Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992). Nevertheless, the trial court's order indicated that termination of respondent's parental rights was warranted on the ground that respondent failed to provide proper care or custody for the child, and could not be expected to do so within a reasonable time. MCL 712A.19b(3)(g). Respondent has not attempted to establish that the trial court clearly erred in so finding.

Furthermore, we find that the trial court's advice of rights was adequate. No statute or case law requires a trial court to advise a respondent that voluntary termination of parental rights could result in termination of parental rights to any future children. MCL 712A.2(b). Moreover, because respondent had had her parental rights to another child terminated in a separate proceeding, she already was subject to that consequence. Respondent has not established that reversal of the trial court's decision is warranted.

Affirmed.

/s/ Helene N. White

/s/ Janet T. Neff

/s/ Kathleen Jansen