

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of N.A.G., and J.W.J., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

WALTER KENNETH JECZEN,

Respondent-Appellant.

UNPUBLISHED

September 17, 2002

No. 237185

St. Clair Circuit Court

Family Division

LC No. 00-000095

Before: O'Connell, P.J., and Griffin and Hoekstra, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children pursuant to respondent's voluntary release of his parental rights. We affirm.

Respondent first argues that the trial court erred in denying his motion for rehearing in which he argued that his release of his parental rights should be set aside on the ground that it was not voluntarily made, but was made under duress. This Court reviews a trial court's decision on a motion for rehearing to set aside a release of parental rights for an abuse of discretion. *In re Curran*, 196 Mich App 380, 385; 493 NW2d 454 (1992); *In re Toler*, 193 Mich App 474, 478; 484 NW2d 672 (1992). After reviewing the transcript of the hearing at which respondent released his parental rights, we find no error in the trial court's conclusion that the release was made voluntarily. There is no evidence in the record to support respondent's contention that he was pressured into releasing his parental rights by the judge presiding over the criminal trial in which he was involved at the time of the release.

Respondent next argues that the trial court erred in terminating his parental rights because the release did not comply with the requirements of the Adoption Code, specifically, MCL 710.29. However, respondent did not raise this issue before the trial court. Therefore, this issue is not preserved for appellate review. *In re Murray Estate*, 191 Mich App 347, 350; 477 NW2d 510 (1991). Nevertheless, we conclude that respondent's release was proper under the Juvenile Code and was not required to comply with the Adoption Code. *In re Toler, supra*.

We decline to address the remaining issues respondent raised in his motion for rehearing on the ground that they are moot in light of our conclusion that respondent's release of his

parental rights was voluntarily made and was proper under the Juvenile Code. *City of Jackson v Thompson-McCully Co, LLC*, 239 Mich App 482, 493; 608 NW2d 531 (2000).

Finally, respondent argues that the trial court erred in denying, in part, his motion for reconsideration. This Court reviews a trial court's decision on a motion for reconsideration for an abuse of discretion. *Churchman v Rickerson*, 240 Mich App 223, 233; 611 NW2d 333 (2000). To succeed on a motion for reconsideration, the moving party must demonstrate palpable error by which the court and the parties have been misled and show that a different disposition of the motion must result from correction of the error. MCR 2.119(F)(3); *Churchman, supra*. Respondent's motion for reconsideration did not do so. Therefore, the trial court did not abuse its discretion in denying, in part, respondent's motion for reconsideration.

Affirmed.

/s/ Peter D. O'Connell
/s/ Richard Allen Griffin
/s/ Joel P. Hoekstra