

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DEVON PAUL WEESE,
DESIREE YVONNE MARIE WEESE, and
DUSTIN JEROME RAY WEESE, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

NATHAN PAUL WEESE,

Respondent-Appellant,

and

RACHEL POOLE,

Respondent.

UNPUBLISHED

January 29, 2008

No. 279532

Jackson Circuit Court

Family Division

LC No. 06-005642-NA

Before: Beckering, P.J., and Sawyer and Fort Hood, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating his parental rights to the minor children following his execution of voluntary releases of his parental rights. We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

On appeal, respondent argues that the trial court erred in terminating his parental rights based upon his voluntary releases because the court did not follow the procedures set forth in MCL 710.29(5) to determine that he was releasing those rights knowingly and voluntarily. We disagree.

This Court reviews the trial court's investigation of whether a respondent's voluntary release of parental rights is made voluntarily and knowingly for an abuse of discretion. *In re Blankenship*, 165 Mich App 706, 714; 418 NW2d 919 (1988). An abuse of discretion occurs when the trial court chooses an outcome falling outside the principled range of outcomes. *Maldonado v Ford Motor Co*, 476 Mich 372, 388; 719 NW2d 809 (2006). Because respondent's decision to consent to the termination of his parental rights did not transfer the proceeding from the Juvenile Code, MCL 712A.1 *et seq.*, to the Adoption Code, MCL 710.21 *et seq.*, the trial

court was not required to follow the requirements listed in MCL 710.29. *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992).

Nonetheless, respondent's release was made knowingly and voluntarily. The trial court carefully and extensively reviewed the implications and consequences of respondent's decision to release his parental rights. The trial court investigated respondent's understanding of his parental rights and appropriately determined his willingness to release those rights. The court's lengthy discussion with respondent, and respondent's statement that he had no questions after the court's explanation, satisfied the statutory requirement for an investigation into the knowing and voluntary nature of respondent's execution of the release. MCL 710.29(6); *In re Curran*, 196 Mich App 380, 381-382, 385; 493 NW2d 454 (1992); *In re Blankenship, supra* at 712, 714. The trial court first explained the rights that respondent would be giving up and then had him sign written releases. Even though unnecessary for cases initiated under the Juvenile Code, the written release forms and the statements accompanying the releases signed by the respondent satisfied the additional requirements of MCL 710.29(1) and (5)(a) through (f). Accordingly, the trial court did not abuse its discretion in accepting respondent's voluntary releases of parental rights to the minor children.

Respondent also argues that the trial court should not have terminated his parental rights because it did not take into account the best interests of the children as required by MCL 710.29(6). We disagree.

As discussed above, because this case was initiated under the Juvenile Code, the trial court was not obligated to follow the requirements of MCL 710.29(6). Nonetheless, the court did address the issue of the children's best interests pursuant to MCL 712A.19b(5). Termination was required in this case because the evidence did not show that termination of respondent's rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Respondent admitted that he considered it to be in the best interests of the children to release his parental rights. Likewise, the attorney representing the children expressed her belief that the releases were in the children's best interests. Given respondent's history of prior terminations, failure to complete his treatment plan, his longstanding drug addiction, failure to complete outpatient drug treatment, and the poor prognosis given in his psychological evaluation, the evidence established that release of his parental rights served the children's best interests in obtaining some permanency, security, and stability in their lives.

Affirmed.

/s/ Jane E. Beckering
/s/ David H. Sawyer
/s/ Karen M. Fort Hood