STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SHANNA MARIAH WILDEN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MATTHEW WILDEN,

Respondent-Appellant,

and

YVONNE RATIU,

Respondent.

UNPUBLISHED
March 19, 2009

No. 287680
Macomb Circuit Court
Family Division
LC No. 2007-000160-NA

In the Matter of MATTHEW TRE WILDEN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

MATTHEW WILDEN,

Respondent-Appellant,

and

YVONNE RATIU,

Respondent.

No. 287681
Macomb Circuit Court
Family Division
LC No. 2007-000161-NA

Before: Cavanagh, P.J., and Fort Hood and Davis, JJ.

PER CURIAM.

In these consolidated appeals, respondent Matthew Wilden appeals as of right from a circuit court order terminating his parental rights based on his release, MCL 710.29(7). We affirm. This appeal has been decided without oral argument pursuant to MCR 7.214(E).

Respondent argues that termination was improper because his release was not knowingly and voluntarily made. Respondent did not raise this issue in an appropriate motion to revoke the release, MCL 710.29(10), or for rehearing, MCL 710.64(1); MCR 3.806(A). Therefore, this issue is not preserved, *Keenan v Dawson*, 275 Mich App 671, 681; 739 NW2d 681 (2007), and "review is limited to determining whether a plain error occurred that affected substantial rights." *In re Egbert R Smith Trust*, 274 Mich App 283, 285; 731 NW2d 810 (2007), aff'd 480 Mich 19 (2008).

A review of the record shows that respondent was advised of the parental rights affected by the release and stated under oath that he wanted to give up those rights. He further stated that he was acting of his own free will after conferring with counsel and that he was not being forced or pressured into releasing his parental rights. He also acknowledged that he understood that he had a right to a hearing on the supplemental petition for involuntary termination, MCL 712A19b(3), and that he was giving up his right to such a hearing by executing the release. The extensive colloquy between the trial court and respondent clearly establishes that the release was knowingly and voluntarily made. See *In re Curran*, 196 Mich App 380, 381-382; 493 NW2d 454 (1992).

Respondent also argues that the trial court, when advising him of his right to a rehearing, erred by failing to advise him that such a motion would not be granted unless the court concluded that granting the motion was in the children's best interests. We disagree. In *In re Burns*, 236 Mich App 291, 293 n 1; 599 NW2d 783 (1999), this Court "urge[d] creation of a clearly worded uniform release advice form so that parents will understand that, although there is a technical right to rehearing . . . , that right will not permit the court to set aside the release unless it is convinced that it is in the best interest of the child to do so." However, the Court did not hold that a trial court is required to so advise the parents on the record, and it ultimately affirmed the denial of a motion to withdraw the release. In this case, in advising respondent of his right to seek rehearing, the trial court clearly stated that respondent could not revoke the release at will even if a motion was timely filed. Therefore, respondent has failed to establish a plain error.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Karen M. Fort Hood
/s/ Alton T. Davis