STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of J. M. TOLLIVER, Minor.

UNPUBLISHED
July 27, 2010

No. 295984
Kent Circuit Court
Family Division
LC No. 09-050029-NA

Before: SHAPIRO, P.J., and SAAD and SERVITTO, JJ.

PER CURIAM.

Respondent J. Pearson appeals as of right from the trial court order terminating his parental rights to the minor child following his voluntary release of his parental rights. We affirm.

Respondent first contends that the trial court erred in failing to advise him of all of the consequences of his plea of admission to the allegations in the supplemental petition because it did not tell him that he would still be liable for child support unless and until the child was adopted. We disagree. MCR 3.971 governs pleas of admission in termination of parental rights cases. MCR 3.971(B)(4) requires the court to advise the respondent "of the consequences of the plea, including that the plea can later be used as evidence in a proceeding to terminate parental rights if the respondent is a parent." MCR 3.971(B)(4); *In re Hudson*, 483 Mich 928, 928; 763 NW2d 618 (2009).

The trial court complied with the court rule because it advised respondent that his plea would result in termination of his parental rights and that he would not have custody, visitation, or any voice in any of the life decisions that would be made concerning Jayla. The obligation to pay child support was *not* a consequence of respondent's plea. At the time of respondent's plea, his obligation to pay child support had already been in existence for almost a year—since the day his child was born. See *In re Beck Minors*, ___ Mich App ___; ___ NW2d ___ (Docket No. 293138, issued March 4, 2010, slip op at 4) (Recognizing that children "possess[] the inherent and fundamental right to receive support from a parent," which may not be bargained away and which remains with the natural parents unless adoption occurs). Thus, his obligation to pay child support was a consequence, not of his plea, but of Jayla's birth almost 11 months earlier.

Accordingly, the trial court did not violate MCR 3.971 in advising respondent of the consequences of the plea.[1]

Respondent next contends that his plea was not made knowingly and voluntarily because the trial court did not inquire into his belief about whether his sister would be allowed to adopt the child. MCR 3.971(C)(1) requires the court to "satisfy[] itself that the plea is knowingly, understandingly, and voluntarily made." When asked if his plea was the product of any promises or threats, respondent stated categorically that he had not been threatened or promised anything, including a more lenient sentence in his criminal case. Moreover, respondent's attorney represented to the court that, in his opinion, the plea was knowingly, understandingly, and voluntarily made. Because respondent admitted that he had not been threatened or promised anything, his plea was not involuntary, and thus the court did not plainly err in accepting the plea.

Affirmed.

/s/ Douglas B. Shapiro
/s/ Deborah A. Servitto

[1] It has been the law for almost 15 years that the voluntary termination of parental rights does not terminate the obligation to pay child support. *Evink v Evink*, 214 Mich App 172, 176; 542 NW2d 328 (1995). We have found no caselaw, court rule, or legislation in those intervening years that requires parents to be notified that child support obligations will continue after a voluntary termination of parental rights. Although we believe that such notice would be useful to parents considering such a decision, there being no legislative mandate, no caselaw, and no court rule that so requires, we find no error in this case. However, our Supreme Court may wish to consider whether an amendment to MCR 3.971 requiring such notice in the future would be advisable.