

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRANDON MICHAEL ROBINSON,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JASON MICHAEL ROBINSON,

Respondent-Appellant.

UNPUBLISHED
November 4, 2004

No. 254451
Calhoun Circuit Court
Family Division
LC No. 03-030134-RL

Before: Murray, P.J., and Sawyer and Smolenski, JJ.

PER CURIAM.

Respondent appeals by delayed leave granted the trial court's order terminating his parental rights following his execution of a voluntary release of his parental rights. We affirm.

Respondent argues that the trial court did not have sufficient grounds to assume jurisdiction of the child in this case. Because this Court's review is limited to the original record, we cannot determine whether the trial court had sufficient grounds to assume jurisdiction or whether the trial court ever assumed jurisdiction. *Wiand v Wiand*, 178 Mich App 137, 143; 443 NW2d 464 (1989); MCR 7.210(A). However, if the trial court assumed jurisdiction, respondent no longer has the ability to challenge the trial court's exercise of jurisdiction because he did not directly appeal the trial court's exercise of jurisdiction or request a rehearing of this issue pursuant to MCR 3.922. *In re Powers*, 208 Mich App 582, 587-588; 528 NW2d 799 (1995). If the trial court did not assume jurisdiction, reversal is still not warranted. The trial court was not required to conduct adjudication prior to its acceptance of respondent's voluntary release of parental rights. *In re Tyler*, unpublished opinion per curiam of the Court of Appeals, issued February 29, 2000 (Docket No. 246085); MCL 712A.19b(3)(m).

Respondent also argues that he was not given an opportunity to provide proper care and custody by participation in or compliance with a case service plan. However, termination of parental rights at the initial dispositional hearing is authorized by MCL 712A.19b(4) and MCR 3.973. Moreover, respondent's parental rights were terminated pursuant to his own voluntary release of parental rights, not because the trial court found that respondent failed to provide proper care and custody of the child. Under these circumstances, respondent is not entitled to appellate relief because petitioner did not prepare a case service plan for him.

The record does not support respondent's argument that the trial court may not terminate his parental rights based only on the best interests of the child because the trial court entered an order terminating respondent's parental rights only after he voluntarily released his rights to the child. In addition, the trial court need not specify a statutory basis for termination, if respondent voluntarily releases his parental rights. *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992).

Finally, a review of the record reveals that the trial court carefully and extensively investigated respondent's understanding of his parental rights and properly determined his willingness to release those rights. Accordingly, the trial court did not abuse its discretion in accepting respondent's voluntary release of parental rights. *In re Blankenship*, 165 Mich App 706, 714; 418 NW2d 919 (1988).

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Michael R. Smolenski