STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of ALEXIS MARIE NEELEY,
Minor.

RICHARD GREEN and SUSAN GREEN,
GUARDIANS,

Petitioners-Appellees,

v

RASHEED YERO WOODS,

Respondent-Appellant,

and

REBECCA NEELEY,

Respondent.

UNPUBLISHED
December 28, 2004

No. 256950
Kent Circuit Court
Family Division
LC No. 03-020401-NA

Before: Meter, P.J., and Wilder and Schuette, JJ.

MEMORANDUM.

Respondent-appellant appeals by right from the trial court order terminating his parental rights to his minor child after he consented to termination. We affirm.

I. FACTS

At a hearing on May 27, 2004, respondents both acknowledged that they could not provide a safe and stable home for their daughter, Alexis and consented to termination of their parental rights. The Court informed respondents that they would have no legal connection with the child in the future and no visitation rights or say as to where she lived. The court repeated that all legal connection would end with the child. Respondent-appellant's attorney said she met with him and he understood what termination of his rights meant. Meanwhile, the Greens adopted the child, promising respondent-appellant could write letters to the child, send photographs, and allow some visits when he left prison. None of these promises, as acknowledged by attorneys, are legally enforceable. Termination was granted and respondent Woods appeals.

II. STANDARD OF REVIEW

This Court reviews for clear error both the trial court's determination that the petitioner established at least one statutory ground for termination and the trial court's ultimate order to terminate. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 355-357; 612 NW2d 407 (2000). However, defining the specific legal requirements for accepting the plea is an issue of law, which is reviewed de novo. See *In re TC*, 251 Mich App 368, 370; 650 NW2d 698 (2002).

III. ANALYSIS

Respondent-appellant argues on appeal that the trial court erred when it accepted his consent because (1) it informed him that all legal connection with the child would end, and (2) it did not ascertain whether he understood the open adoption plan was unenforceable. Respondent-appellant failed to preserve these issues for appeal. *In re Zelzack*, 180 Mich App 117, 126; 446 NW2d 588 (1989).

Further, the arguments fail substantively. Respondent-appellant's interpretation of *Evink v Evink*, 214 Mich App 172; 542 NW2d 328 (1995), is incorrect. The holding was limited to parents who sought termination of their parental rights merely to avoid paying child support to the other parent, who retained custody. In the present case, both parents' rights were terminated. *Evink*, *supra* at 175-176. The trial court was, therefore, correct when it informed respondent-appellant that all legal connection to the child ended.

Regarding respondent-appellant's second argument, the trial court was required only to satisfy itself that respondent-appellant's consent was "knowingly, understandingly, and voluntarily made." MCR 3.971(C)(1); *In re King*, 186 Mich App 458, 467; 465 NW2d 1 (1990). There is no evidence that respondent-appellant believed the agreement was enforceable, and he testified that he understood all legal connection to the child ended.

The trial court, therefore, did not err when it accepted respondent-appellant's consent and terminated his parental rights to the child.

Affirmed.

/s/ Patrick M. Meter
/s/ Kurtis T. Wilder
/s/ Bill Schuette