

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BILLI RAE MOORE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KERI MOORE,

Respondent-Appellant.

UNPUBLISHED

November 28, 2006

No. 267580

Berrien Circuit Court

Family Division

LC No. 2004-000114-NA

Before: White, P.J., and Zahra and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating her parental rights to the minor child upon execution of a voluntary release of her parental rights. We affirm.

Respondent challenges the trial court's acceptance of her voluntary release. MCL 710.29(6) provides that a release by a parent shall not be executed until after the investigation the court considers proper and until after the judge has fully explained to the parent the legal rights of the parent and the fact that the parent by virtue of the release voluntarily relinquishes permanently her rights to the child. This Court reviews the trial court's investigation of whether a respondent's voluntary release of parental rights is made knowingly and voluntarily for an abuse of discretion. *In re Blankenship*, 165 Mich App 706, 714; 418 NW2d 919 (1988).

A review of the record reveals that the trial court investigated respondent's understanding of her parental rights and properly determined her willingness to release those rights. While respondent appeared to question the difference between voluntarily releasing her parental rights and the court terminating her parental rights following a termination hearing, the court allowed respondent the opportunity to discuss this issue with her attorney. The trial court elicited several denials by respondent to questions regarding whether she had received any promises or felt coerced into the voluntary release.

Respondent now argues that the court should have made further inquiry to determine her motive in signing the release and her relationship with her appointed counsel. It appears that

respondent is trying to argue that she was pressured or coerced into releasing her parental rights, and did not understand that the termination would be permanent.¹ The record before this Court is devoid of any evidence that respondent's ability to make an informed, voluntary decision was unduly influenced. Thus, the trial court 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; 493 NW2d 454 (1992). Consequently, the trial court did not abuse its discretion.

Affirmed.

/s/ Helene N. White

/s/ Brian K. Zahra

/s/ Kirsten Frank Kelly

¹ Respondent's appellate attorney refers to a letter authored by respondent. However, that letter is not part of the lower court record, and respondent's claims are inconsistent with respondent's answers to the court's questions.