

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of P.M.W., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOSEPH BILLY READY, JR.,

Respondent-Appellant.

UNPUBLISHED

August 2, 2002

No. 238895

Cass Circuit Court

Family Division

LC No. 01-000093-NA

In the Matter of J.B.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOSEPH BILLY READY, JR.,

Respondent-Appellant.

No. 238896

Cass Circuit Court

Family Division

LC No. 01-000092-NA

In the Matter of J.B.R., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMANDA CLAIRE READY, f/k/a AMANDA
CLAIRE GRAUAUG,

Respondent-Appellant.

No. 238897

Cass Circuit Court

Family Division

LC No. 01-000092-NA

In the Matter of P.M.W., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AMANDA CLAIRE READY, f/k/a AMANDA
CLAIRE GRAUAUG,

Respondent-Appellant.

No. 238898
Cass Circuit Court
Family Division
LC No. 01-000093-NA

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

PER CURIAM.

In these consolidated cases respondents appeal as of right the trial court's order terminating their parental rights to their children pursuant to their voluntary relinquishment of those rights. We affirm in each case.

Respondents appeared in court for the purpose of voluntarily relinquishing their parental rights to their children. The court questioned respondents and ascertained that they understood the nature of the proceedings, that they had not been threatened or pressured into relinquishing their parental rights and had not been promised anything for doing so, and that they considered their decisions to relinquish their parental rights to be in the best interests of the children. Respondents executed the releases, and acknowledged that they did so voluntarily. The court accepted the releases. The court advised respondents that they had the right to seek rehearing of the order terminating their parental rights within twenty-one days of its entry, and that they had the right to take an appeal to this Court within twenty-one days. Respondents did not seek rehearing of the trial court's order.

A party may seek rehearing of an order terminating his or her parental rights. MCL 710.64(1). The decision to grant a petition for rehearing is within the discretion of the trial court. *In re Myers*, 131 Mich App 160, 164; 345 NW2d 663 (1983). A mere change of heart does not constitute a sufficient reason to grant rehearing. *In re Curran*, 196 Mich App 380, 384-385; 493 NW2d 454 (1992). Upon a voluntary and knowing release of parental rights, a parent can obtain rehearing and have the release set aside only if it is in the best interests of the child to do so. *In re Burns*, 236 Mich App 291, 292-293; 599 NW2d 783 (1999).

Respondents argue that this entire matter should be remanded to the trial court to allow them to move for rehearing of the trial court's order terminating their parental rights. We disagree and affirm the trial court's order terminating respondents' parental rights. The trial court informed respondents that they could seek rehearing of the order terminating their parental rights. Respondents did not indicate that they did not understand the procedure as explained by

the trial court. They chose to appeal directly to this Court, as they were entitled to do. MCL 710.65(1); MCR 5.993(A)(2). Respondents make only vague and unsubstantiated allegations regarding changed circumstances and coercion. They have not indicated what if any proof of these allegations could be offered to the trial court, and have not established that it is likely that the trial court would even take the initial step of granting petitions for rehearing. Respondents have not established that a decision by the trial court to deny petitions for rehearing would constitute an abuse of discretion. *Myers, supra*. Under the circumstances, we decline to expend further judicial resources on a remand.

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra