

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of T. KING, Minor.

UNPUBLISHED  
October 17, 2013

No. 315668  
Muskegon Circuit Court  
Family Division  
LC No. 11-040805-NA

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Before: MURRAY, P.J., and DONOFRIO and BORRELLO, JJ.

PER CURIAM.

Respondent appeals as of right the trial court order terminating her parental rights to the minor child based on her voluntary release of those rights.<sup>1</sup> For the reasons set forth in this opinion, we affirm.

The trial court took jurisdiction over this matter based on respondent's plea that she was homeless and without any income. She additionally asserted that she needed petitioner's assistance to find housing and psychological counseling. Following a brief period of time where respondent was seemingly making some progress to properly parent the minor child, she became involved in a domestic violence dispute in front of the minor child. That dispute led to the minor once again being removed from the custody of respondent. Approximately nine months later, following the filing of a petition to terminate respondent's parental rights, she indicated to the trial court that she would voluntarily release her parental rights to the minor child. The trial court then listed the rights respondent was waiving because of her plea, then explicitly asked respondent whether anything had been promised to her as a part of the plea. Of central concern to this appeal is respondent's statement that she "would be able to have contact with [the minor child], an open adoption if that's possible." Respondent said that no one threatened her into voluntarily releasing her rights, admitted that she was currently unable to take care of the minor child because of her lack of employment and housing. However, respondent stated that there was a reasonable likelihood that she would be able to provide for the minor child in the near future, but was unable to specify how long it would take her to obtain housing and employment.

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<sup>1</sup> The mother of the minor child has raised this appeal. The father's parental rights were also terminated, but he did not appeal that decision and is not a party to this decision. Hence, for purposes of this appeal, we refer to the mother as respondent.

Respondent also acknowledged that the termination of her parental rights was in the minor child's best interests.

Based on respondent's plea, the trial court found that there was a statutory ground for termination under MCL 712A.19b(3)(g). Also, the trial court found that termination of respondent's parental rights was in the minor child's best interests because the child had not primarily lived with her parents and she needed the permanence that an adoption would provide her.

On March 4, 2013, the trial court entered an order terminating respondent's parental rights to the minor child. As a part of that order, the trial court expressly ordered that the "parties agree that mother consents to an open adoption and shall be allowed contact with the child after the adoption is final. Contact shall be based on the best interests of the child."

On appeal, respondent first argues that the trial court erred in finding a statutory ground for termination under MCL 712A.19b(3)(g). Generally, "[i]n a termination of parental rights proceeding, a trial court must find by clear and convincing evidence that one or more grounds for termination exist and that termination is in the child's best interests." *In re HRC*, 286 Mich App 444, 459; 781 NW2d 105 (2009). However, in this case respondent voluntarily released her parental rights, and "a respondent can consent to termination of his parental rights under the juvenile code, in which case the judge need not announce a statutory basis for it." *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992). Thus, regardless of whether the trial court correctly found a statutory ground under MCL 712A.19b(3)(g), this argument is moot. *In re Wayne Co Election Comm*, 150 Mich App 427, 432; 388 NW2d 707 (1986).

Respondent also suggests within her statement of the question presented that the trial court's best-interest finding was erroneous. Because respondent does not provide a legal or factual basis for this claim, this issue is abandoned. *McIntosh v McIntosh*, 282 Mich App 471, 484; 768 NW2d 325 (2009). Moreover, this issue is waived because respondent admitted that termination of her parental rights was in the minor child's best interests. See *Holmes v Holmes*, 281 Mich App 575, 587-588; 760 NW2d 300 (2008).

Finally, respondent correctly notes that she was promised at the time of her plea that she would be allowed to have contact with the minor child after she released her parental rights through the use of an open adoption. On appeal, respondent argues that this promise was illusory and unenforceable and claims that promise has not been kept. The whole of respondent's argument on this issue is comprised of the following three brief paragraphs.

The Appellant testified that, at the time of her plea, she was promised that she would have contact with her child, that is, an open adoption. She further indicated that the prosecutor told the court that they agreed with that promise by telling the Court that the Appellant was correct (TR 5).

Furthermore, in accepting the Appellant's plea, the Court indicated on the record that there was an agreement that the Appellant would still be allowed to have contact with her child (TR 10).

This promise is illusory and not enforceable and was made to induce the Appellant into giving a voluntary plea. In fact, this promise has not been kept since the Appellant's plea. For those reasons, the acceptance of this plea by the Court was improper and should be set aside.

Based on this argument, this Court must find that respondent offers no legal support whatsoever for the claim that the promise made to her was illusory. "An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give issues cursory treatment with little or no citation of supporting authority." *Houghton v Keller*, 256 Mich App 336, 339; 662 NW2d 854 (2003) (citations omitted). "An appellant's failure to properly address the merits of his assertion of error constitutes abandonment of the issue." *Id.* at 339-340. Further, respondent bears the burden of providing a record to verify her allegation that the promise to her was not kept after the acceptance of the plea. See *Petraszewsky v Keeth*, 201 Mich App 535, 540; 506 NW2d 890 (1993) (holding that "generally, the appellant bears the burden of furnishing the reviewing court with a record that verifies the basis of any argument on which reversal or other claim for appellate relief is predicated"). Respondent provides no such record. Accordingly, respondent fails to show plain error in the trial court's acceptance of her release of her parental rights. *In re Utrera*, 281 Mich App 1, 8; 761 NW2d 253 (2008).

Affirmed.

/s/ Christopher M. Murray  
/s/ Pat M. Donofrio  
/s/ Stephen L. Borrello