

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KIMBERLY ROOKER, HAROLD
WARD, II, AND CAMERON WARD, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HAROLD WARD, SR.,

Respondent-Appellant,

and

ANGELA WARD,

Respondent.

UNPUBLISHED

September 26, 1997

No. 200346

St. Clair Juvenile Court

LC No. 95-000271

Before: Markey, P.J., and Neff and Smolenski, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the juvenile court order terminating his parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (c)(ii), (g), and (j); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (c)(ii), (g), and (j). We affirm.

Respondent-appellant first argues that the juvenile court had no jurisdiction. We disagree. This case was undoubtedly within the court's subject matter jurisdiction. Further, respondent-appellant consented to the court's exercise of jurisdiction over the children and may not now collaterally attack it. *In re Hatcher*, 443 Mich 426, 437-439; 505 NW2d 834 (1993).

Next, the juvenile court did not abuse its discretion in admitting the four-year-old child's hearsay statements accusing respondent-appellant of sexually abusing her. The statements were admissible

under MCR 5.972(C)(2). Therefore, the probate court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Lastly, the juvenile court did not abuse its discretion in denying respondent-appellant's motion for rehearing. The statements of his mother and younger sister, even if true, would not cause the court to reconsider its decision in this case. See MCR 5.992(A); *In re Toler*, 193 Mich App 474, 478; 484 NW2d 672 (1992).

Affirmed.

/s/ Jane E. Markey

/s/ Janet T. Neff

/s/ Michael R. Smolenski