STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of SHAMI AUSTIN, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LAWRENCE SIMMONS,

Respondent-Appellant,

and

VERNA AUSTIN,

Respondent.

UNPUBLISHED
January 4, 2002

No. 233503
Kalamazoo Circuit Court
Family Division
LC No. 96-000076-NA

Before: Meter, P.J., and Jansen and R. D. Gotham*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

In this appeal from the order terminating his parental rights, respondent-appellant attempts to collaterally attack the trial court's exercise of jurisdiction. It is well established that a respondent in a child protective proceeding cannot collaterally attack the trial court's exercise of jurisdiction in an appeal from the order terminating the respondent's parental rights. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). Accordingly, respondent-appellant is precluded from raising this claim. In any event, respondent-appellant's request that the minor child be removed from his home was sufficient to confer jurisdiction on the court under the circumstances of this case.

Respondent-appellant also argues that the trial court erred in denying his motion to adjourn the termination hearing. We review a trial court's decision to grant or to not grant an adjournment for an abuse of discretion. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182

* Circuit judge, sitting on the Court of Appeals by assignment.

(1993). Here, there was no abuse of discretion. The trial court had no obligation to postpone the termination hearing to consider respondent-appellant's "breach of contract" claim when the trial court had already ruled against respondent on this issue. Furthermore, there is absolutely no merit to respondent-appellant's argument that the April 21, 1999 agreement between himself and petitioner was a contract that precluded petitioner from seeking wardship for the child after respondent-appellant asked to have her removed from his home.

Finally, the trial court did not clearly err in finding that §§ 19b(3)(a)(ii), (c)(i), (g) and (j) were established by clear and convincing evidence. MCR 5.974(I), *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Petitioner's evidence established that respondent-appellant made no effort at reunification with his daughter after he demanded her removal from his home. Respondent-appellant refused to work on a treatment plan and abruptly ceased to have any contact with the child. Instead, he devoted his efforts to pursuing an utterly baseless "breach of contract" argument and to filing federal court actions to nullify the filiation order.

Because there was no evidence that termination of respondent-appellant's parental rights was clearly not in the children's best interests, the trial court did not err in terminating his parental rights. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Affirmed.

/s/ Patrick M. Meter
/s/ Kathleen Jansen
/s/ Roy D. Gotham