

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of R.D.A., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JOYCE ABBOTT,

Respondent-Appellant,

and

RANDY EDWARD JAMES,

Respondent.

UNPUBLISHED

October 22, 2002

No. 239269

Ingham Circuit Court

Family Division

LC No. 00-351712-NA

Before: Hoekstra, P.J. and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent Abbott appeals by delayed leave granted from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(g) and (j). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent's sole issue on appeal is that the trial court erred in denying her request for a jury trial at the jurisdictional hearing. The court's exercise of jurisdiction cannot be challenged in a collateral attack on appeal from the termination decision. *In re Hatcher*, 443 Mich 426; 505 NW2d 834 (1993). The court's exercise of jurisdiction can only be challenged by direct appeal of the order taking jurisdiction. *In re Bechard*, 211 Mich App 155, 159; 535 NW2d 220 (1995); *In re Powers*, 208 Mich App 582, 587-588; 528 NW2d 799 (1995). The court did not enter an order expressly finding that it had jurisdiction following the adjudicative hearing, but its findings were at least implicitly, if not expressly, encompassed by the June 29, 1999 order of disposition. The right to appeal the adjudicatory stage of the proceedings arose upon entry of that order. *Bechard, supra* at 159-160. Because respondent did not directly appeal that order, she cannot challenge the court's exercise of jurisdiction.

Affirmed.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra