

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ASHATAIE FUMBELIA
GATES, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TYRA GATES,

Respondent-Appellant.

UNPUBLISHED

April 1, 2008

No. 281791

Saginaw Circuit Court

Family Division

LC No. 06-030563-NA

Before: Kelly, P.J., and Owens and Schuette, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm.

Respondent first argues that the trial court erred in taking jurisdiction over the child. Respondent cannot collaterally attack the trial court's exercise of jurisdiction in this appeal from the termination order. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). The right to appeal the jurisdictional decision arose upon entry of the initial dispositional order. MCR 3.993(A)(1). Because respondent did not directly appeal that order, she cannot challenge the court's exercise of jurisdiction here. *In re Gazella*, 264 Mich App 668, 679-680; 692 NW2d 708 (2005).

Respondent next argues that the trial court erred in terminating her parental rights because termination was contrary to the child's best interests. We disagree.

Once a statutory ground for termination has been proven, "the court shall order termination of parental rights . . . unless the court finds that termination of parental rights to the child is clearly not in the child's best interests." MCL 712A.19b(5). Apart from the fact that respondent made little effort to participate in reunification services, the evidence showed that she was a convicted child sex offender who had subjected the child to such trauma that, at the age of five, she was in therapy because she was acting out sexually and suffering from post-traumatic stress disorder. The evidence did not clearly show that termination of respondent's parental rights was not in the child's best interests. *In re Trejo*, 462 Mich 341, 354; 612 NW2d 407

(2000). Therefore, the trial court did not err in terminating respondent's parental rights to the child. *Id.* 356-357.

Affirmed.

/s/ Kirsten Frank Kelly

/s/ Donald S. Owens

/s/ Bill Schuette