STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
April 19, 2012

In the Matter of K. V. REMSING, Minor.

No. 306699
Tuscola Circuit Court
Family Division
LC No. 09-009814-NA

Before: BORRELLO, P.J., and JANSEN and GLEICHER, JJ.

PER CURIAM.

Respondent appeals by right the trial court's order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(*i*), (c)(*ii*), (g), and (j). We affirm.

On appeal, respondent argues that this Court should vacate the termination order because the trial court improperly exercised jurisdiction over the child on the basis of her plea admissions, which she argues were not sufficient to establish a statutory basis for jurisdiction under MCL 712A.2(b). However, "'[m]atters affecting the court's exercise of its jurisdiction may be challenged only on direct appeal of the jurisdictional decision, not by collateral attack in a subsequent appeal of an order terminating parental rights.'" *In re SLH*, 277 Mich App 662, 668 n 11; 747 NW2d 547 (2008), quoting *In re Gazella*, 264 Mich App 668, 679-680; 692 NW2d 708 (2005). If there is no written order taking jurisdiction over the child, the court's exercise of jurisdiction must be challenged on appeal from the initial order of disposition. *In re Bechard*, 211 Mich App 155, 159-160; 535 NW2d 220 (1995). Respondent had the opportunity to challenge the trial court's jurisdictional decision in a direct appeal from the initial dispositional order entered on May 4, 2010, following the court's exercise of jurisdiction over the child, but failed to do so. In fact, there is no indication in the record that respondent, during the 18-month period that the court exercised jurisdiction over the child, ever claimed that the trial court erroneously exercised jurisdiction, sought to withdraw her plea that formed the basis for jurisdiction, or requested a rehearing under MCL 712A.21(1). Respondent cannot now collaterally attack the court's exercise of jurisdiction on appeal from the subsequent dispositional order terminating her parental rights, which was entered on October 7, 2011, approximately 18 months after the court first exercised jurisdiction over the child. *Gazella*, 264 Mich App at 679-

680; see also *In re Hatcher*, 443 Mich 426, 438-440, 444; 505 NW2d 834 (1993).[1] Therefore, respondent "no longer has the ability to challenge the . . . court's exercise of jurisdiction" over the child. *In re Powers*, 208 Mich App 582, 588; 528 NW2d 799 (1995).

At any rate, we conclude that respondent's admissions during the plea hearing showed that the home environment was unsuitable for the infant child and sufficiently formed a statutory basis for the court's exercise of jurisdiction over the child under MCL 712A.2(b). Respondent also admitted that she left the infant child in someone else's care without proper care and custody. Although respondent did not admit to some of the more serious allegations contained in the petition, her plea and admissions, albeit limited, adequately supported the trial court's determination that the child's home environment was unfit by reason of neglect and were sufficient to confer jurisdiction over the child under MCL 712A.2(b)(2). *In re SLH*, 277 Mich App at 669. We perceive no clear error in trial court's decision to exercise jurisdiction in this case. See *In re BZ*, 264 Mich App 286, 295; 690 NW2d 505 (2004).

We also reject respondent's contention that the trial court erred by failing to make specific findings concerning a statutory basis for jurisdiction. We acknowledge that, during the plea hearing, the court did not specifically state the statutory grounds under which it exercised jurisdiction over the child. But in its subsequent written order, the court specifically indicated that respondent's plea admissions established a statutory ground for jurisdiction under MCL 712A.2(b)—namely a "substantial risk of harm to mental well-being" and "an unfit home environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent[.]" "[A] court speaks through its written orders and judgments, not through its oral pronouncements." *In re Contempt of Henry*, 282 Mich App 656, 678; 765 NW2d 44 (2009). Contrary to respondent's argument on appeal, it is clear from the trial court's written order that the court found that respondent's plea of admission supported its exercise of jurisdiction over the child. See *In re BZ*, 264 Mich App at 295-296; see also MCR 3.971(C)(2).

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Elizabeth L. Gleicher

[1] Unlike respondent in this case, a respondent whose parental rights are terminated at the initial dispositional hearing can challenge the trial court's exercise of jurisdiction on appeal from the order terminating his or her parental rights. *In re SLH*, 277 Mich App at 668-669.