

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
September 21, 2010

In the Matter of O. T. HOFFER, Minor.

No. 296572
Kent Circuit Court
Family Division
LC No. 09-050267-NA

Before: O'CONNELL, P.J., and SERVITTO and SHAPIRO, JJ.

MEMORANDUM.

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

Pursuant to a petition filed in February 2009, the circuit court exercised jurisdiction over the child in April 2009, made him a temporary court ward, and directed respondent to participate in services for reunification. No appeal was filed from the court's jurisdictional decision. A supplemental petition for termination of respondent's parental rights was filed in October 2009, and the court terminated his parental rights in January 2010. Respondent's sole issue on appeal concerns whether the trial court erred when it initially assumed jurisdiction over the child.

The trial court's exercise of jurisdiction cannot be challenged in a collateral attack on appeal from the termination decision. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993). The court's exercise of jurisdiction can only be challenged by direct appeal from the initial order of disposition. MCR 3.993(A)(1); *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's exercise of jurisdiction can be challenged following termination when parental rights are terminated at the initial dispositional hearing pursuant to an original petition for permanent custody, but not when parental rights are terminated pursuant to a supplemental petition filed after entry of the initial dispositional order. *In re SLH, AJH, & VAH*, 277 Mich App 662, 668-669; 747 NW2d 547 (2008). Because the trial court exercised jurisdiction over the child in April 2009, and did not terminate respondent's parental rights at the initial dispositional hearing, respondent's right to appeal the adjudication arose upon entry of the initial dispositional order. MCR 3.993(A)(1). Having failed to directly appeal that order, respondent cannot now challenge the trial court's exercise of jurisdiction in this appeal from the order terminating his parental rights. *In re Gazella*, 264 Mich App 668, 679-680; 692 NW2d 708 (2005).

Affirmed.

/s/ Peter D. O'Connell
/s/ Deborah A. Servitto
/s/ Douglas B. Shapiro