STATE OF MICHIGAN

COURT OF APPEALS

UNPUBLISHED
April 3, 2012

In the Matter of I. R. GONZALES, Minor.

No. 306565
Monroe Circuit Court
Family Division
LC No. 10-021836-NA

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

MEMORANDUM.

Respondent D. Gonzales 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*), (g), and (j). For the reasons set forth herein, we affirm.

The child became a temporary court ward after the mother entered a plea of admission to certain allegations against her. Both parents were directed to comply with a case service plan. Based on respondent's failure to benefit from services, petitioner filed a supplemental petition for termination of his parental rights, which the trial court granted after a hearing.

Respondent argues on appeal that the trial court erred in denying him a jury trial on the issue of jurisdiction. We conclude that this issue is not properly before this Court. It is well-settled that 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). Where, as here, termination is not ordered at the initial dispositional hearing, the trial court's decision to exercise jurisdiction can only be challenged by direct appeal from the order of disposition. MCR 3.993(A); *In re SLH, AJH, & VAH,* 277 Mich App 662, 668-670; 747 NW2d 547 (2008); *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). Respondent did not file an appeal challenging the trial court's exercise of jurisdiction pursuant to the mother's plea until termination of his parental rights was ordered. Consequently, the present appeal is an improper collateral attack on the trial court's exercise of jurisdiction and, accordingly, is not properly before this Court.

Affirmed.

/s/ Stephen L. Borrello
/s/ Jane M. Beckering
/s/ Elizabeth L. Gleicher