

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JADE ALLEN GABLE, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

FRANCIE GABLE,

Respondent-Appellant.

UNPUBLISHED

January 8, 2009

No. 286171

Macomb Circuit Court

Family Division

LC No. 2007-000395-NA

Before: Zahra, P.J., and O'Connell and Fort Hood, 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)(c)(i), (g), and (j). We affirm.

Respondent raises two issues on appeal, both relating to the trial court's decision to exercise jurisdiction. She contends that she was entitled to a separate adjudicatory hearing despite the father's entry of a no-contest plea, and that she was entitled to a trial by jury at the adjudicatory hearing. These issues are not properly before the Court. Where, as here, termination was not ordered at the initial dispositional hearing, the trial court's exercise of jurisdiction cannot be challenged in a collateral attack on appeal from the termination decision; it can only be challenged by direct appeal from the initial order of disposition. MCL 3.993(A)(1); *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993); *In re SLH, AJH, & VAH*, 277 Mich App 662, 668-669; 747 NW2d 547 (2008); *In re Gazella*, 264 Mich App 668, 679-680; 692 NW2d 708 (2005). Accordingly, because respondent may not collaterally attack the trial court's exercise of jurisdiction, and because respondent does not raise any claim of error with respect to the trial court's decision to terminate her parental rights, we affirm.

Affirmed.

/s/ Brian K. Zahra

/s/ Peter D. O'Connell

/s/ Karen M. Fort Hood