

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of R'KHAL LIZE' BROWN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LESLIE JERMAINE MAYS,

Respondent-Appellant,

and

SHIMIKA NICOLE BROWN,

Respondent.

UNPUBLISHED

April 15, 2010

No. 294163

Wayne Circuit Court

Family Division

LC No. 07-468626-NA

Before: WHITBECK, P.J., and METER and FORT HOOD, JJ.

PER CURIAM.

Respondent Leslie Jermaine Mays (hereinafter “respondent”) appeals as of right from the trial court’s order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), (h), and (j). We affirm.

To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been met by clear and convincing evidence and that termination is in the best interests of the child. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). The trial court’s decision to terminate parental rights is reviewed for clear error. MCR 3.977(J); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

Respondent argues that the trial court lacked jurisdiction because it did not provide him with personal service of the adjudicative hearing. He asserts that petitioner did not put forth enough effort to locate him and that notice by publication was in error. A court’s exercise of jurisdiction can only be challenged by direct appeal of the jurisdictional decision, not by collateral attack in a subsequent appeal of an order terminating parental rights.. *In re Hatcher*, 443 Mich 426, 439-440; 505 NW2d 834 (1993); *In re Gazella*, 264 Mich App 668, 679-680; 692

NW2d 708 (2005), superseded in part on other grounds as stated in *In re Hansen*, 285 Mich App 158, 163; 774 NW2d 698 (2009). Thus, issues relating to the adjudication trial are not properly before this Court, and we decline to address them.

Respondent next argues that the trial court erred in its best-interests determination. We disagree. R’Khal had not seen respondent in over one year and her last visit with him was unmemorable. There was no evidence of a bond between respondent and R’Khal. Also, respondent had never provided support for R’Khal. It is in R’Khal’s best interest to be cared for by someone who can provide for her basic needs. Respondent has never provided any care or custody for R’Khal and was unable to care for her at the time of the permanent custody hearing, due to his incarceration. If a parent “cannot or will not meet his irreducible minimum parental responsibilities, the needs of the child must prevail over the needs of the parent.” *In re Terry*, 240 Mich App 14, 28; 610 NW2d 563 (2000) (citation and quotation marks omitted). R’Khal needed stability, and there was simply insufficient evidence that respondent would provide such stability within a reasonable time.

Affirmed.

/s/ William C. Whitbeck

/s/ Patrick M. Meter

/s/ Karen M. Fort Hood