

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ARYANA DALE HANSEN,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

LAURA TRUDEAU,

Respondent-Appellant.

UNPUBLISHED

November 19, 2009

No. 292178

Iron Circuit Court

Family Division

LC No. 08-000065-NA

Before: Gleicher, P.J., and Fitzgerald and Wilder, 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)(i). We affirm.

Respondent had two other children removed from her care in September 2007. The younger child was placed with a guardian and the older child remained in foster care while respondent participated in reunification services. A supplemental petition for termination was filed and respondent consented to the termination of her parental rights to the older child in October 2008. Respondent's daughter was born two months later and became the subject of a petition for permanent custody. After respondent admitted to jurisdiction, the court held a dispositional hearing and eventually terminated respondent's parental rights.

Respondent's sole claim on appeal is that the proceedings in this case were somehow rendered void because the trial court gave incorrect advice during the prior proceeding regarding the effect termination of her parental rights to her son would have on her parental rights to her next child. Respondent did not raise this issue below and, therefore, it is not preserved for appeal. *Keenan v Dawson*, 275 Mich App 671, 681; 739 NW2d 681 (2007). Therefore, "review is limited to determining whether a plain error occurred that affected substantial rights." *In re Egbert R Smith Trust*, 274 Mich App 283, 285; 731 NW2d 810 (2007).

Respondent cannot show plain error for two reasons. First, respondent's argument constitutes an improper collateral attack on a prior judgment. Orders and judgments issued by a court having jurisdiction are "final when not appealed and cannot be collaterally attacked" in subsequent litigation, *SS Aircraft Co v Piper Aircraft Corp*, 159 Mich App 389, 393; 406 NW2d

304 (1987). Second, the advice given to respondent was not incorrect. The trial court was entirely correct when it advised respondent that if she had another child the DHS could, but was not required to, file a petition to terminate her parental rights to her new child based on the termination of her parental rights to her son.

Affirmed.

/s/ Elizabeth L. Gleicher

/s/ E. Thomas Fitzgerald

/s/ Kurtis T. Wilder