

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AJG and DCG, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

MICHELLE KIRKEY,

Respondent-Appellant.

UNPUBLISHED

December 14, 2001

No. 233074

Tuscola Circuit Court

Family Division

LC No. 98-007053-NA

Before: White, P.J., and Talbot and E.R. Post*, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712.19b(3)(c)(i), (c)(ii), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not err in considering updated service plans and court reports at the termination hearing that had not been formally admitted into evidence at prior hearings. MCR 5.974(F)(2); *In re King*, 186 Mich App 458, 465; 465 NW2d 1 (1990).

Moreover, the final termination proceeding was not barred by res judicata. *In re Pardee*, 190 Mich App 243, 248-249; 475 NW2d 870 (1991). The trial court did not err, therefore, in concluding that the May 11, 1999 petition continued to the January 2001 termination, and in considering all evidence provided in prior hearings as though all proceedings constituted a single proceeding. MCR 5.974(F)(2); *In re LaFlure*, 48 Mich App 377, 391; 210 NW2d 482 (1973).

Lastly, the trial court did not clearly err in finding that clear and convincing evidence established statutory grounds for termination. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337;

* Circuit judge, sitting on the Court of Appeals by assignment.

445 NW2d 161 (1989). Thus, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Helene N. White
/s/ Michael J. Talbot
/s/ Edward R. Post