

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ELIZABETH DIANA DAVIS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JESSICA COLE,

Respondent-Appellant.

UNPUBLISHED

June 21, 2005

No. 260136

Isabella Circuit Court

Family Division

LC No. 00-001241-NA

In the Matter of MIRANDA LYNN DESJARDINS,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JESSICA COLE,

Respondent-Appellant.

No. 260137

Isabella Circuit Court

Family Division

LC No. 00-003200-NA

In the Matter of ANGELA GAIL COLE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JESSICA COLE,

Respondent-Appellant.

No. 260144

Isabella Circuit Court

Family Division

LC No. 00-004025-NA

Before: Owens, P.J., and Cavanagh and Neff, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's orders terminating her parental rights to the minor children under MCL 712A.19b(3)(g). We affirm.

The trial court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Unlike in *In re Boursaw*, 239 Mich App 161; 607 NW2d 408 (1999), the trial court's determination that § 19b(3)(g) was established was not predicated principally on the testimony of a sole service provider. Rather, apart from Thomas Olson's testimony regarding his psychological evaluation of respondent, the trial court's decision was also based on the testimony of protective services workers, the caseworker, a substance abuse counselor, and respondent herself. Further, unlike *In re Boursaw*, there was ample evidence in this case for the trial court to find that respondent failed to make significant progress toward achieving the goals of her treatment plan. The trial court's decision reflects that the court relied on evidence regarding respondent's past experience to find the statutory ground proven.

The trial court reasonably looked to respondent's past experience to find that there was no reasonable expectation that respondent would provide proper care and custody for her children within a reasonable time considering the children's ages. Respondent's lack of compliance with the requirements of her treatment plan, including missed drug screens, her minimal benefit from services, and her unstable home situation showed that she would have difficulty meeting her own needs, much less the needs of her three young children. Giving deference to the trial court's superior opportunity to evaluate the credibility of witnesses who appeared before it, we find no clear error in the trial court's determination that § 19b(3)(g) was proven by clear and convincing evidence. *In re Miller, supra* at 337.

Affirmed.

/s/ Donald S. Owens
/s/ Mark J. Cavanagh
/s/ Janet T. Neff