

STATE OF MICHIGAN
COURT OF APPEALS

In re KRYSTAL KOBE and JEFFREY SCOTT
KOBE, Minors.

DEPARTMENT OF SOCIAL SERVICES,

Petitioner–Appellee,

v

TAMMY KOBE,

Respondent–Appellant.

UNPUBLISHED

July 30, 1996

No. 184463

LC No. 93-056706-NA

Before: Hood, P.J., and Griffin, and J. F. Foley,* JJ.

PER CURIAM.

Respondent appeals as of right from the probate court order terminating her parental rights to her minor children pursuant to MCL 712A.19b(3)(b)(i), (3)(b)(ii), (3)(c)(i), and (3)(g); MSA 27.3178(598.19b)(3)(b)(i), (3)(b)(ii), (3)(c)(i), and (3)(g). We affirm.

Respondent claims that because she complied with the case service plan the probate court erred by terminating her parental rights. We disagree. The termination order was premised on respondent's inability to achieve the level of insight necessary to protect her children from risk now or in the future, not on a lack of effort to comply with the case service plan. The probate court's findings with regard to this inability are supported by the record. Accordingly, the probate court did not clearly err in finding that there was clear and convincing evidence to support the statutory grounds for termination. MCR 5.974(I); *In re Cornet*, 422 Mich 274, 277; 373 NW2d 536 (1985); *In re King*, 186 Mich App 458, 463; 465 NW2d 1 (1990). Furthermore, the decision that termination was in the best interests of the children was not an abuse of discretion. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 287 (1991).

Respondent's claim that the Department of Social Services failed to give her an opportunity to demonstrate her parenting skills is without merit. Cf. *In re Newman*, 189 Mich App 61; 472 NW2d 38 (1991). Visitation was stopped due to the adverse effect it had on the children. The children's unique needs were a direct result of the sexual abuse; the court's decision to stop visitation was not improper.

Respondent next argues that the probate court placed too much emphasis on the opinions of Dr. Dudley and Margaret Porkka when deciding to terminate her parental rights. We disagree. The use of experts in family care and psychology is well established in termination of parental rights cases. See, e.g., *In re Zelzack*, 180 Mich App 117, 127; 446 NW2d 588 (1989); *In re Atkins*, 112 Mich App 528; 316 NW2d 477 (1982); *In re Adrianson*, 105 Mich App 300; 306 NW2d 487 (1981). Psychological evaluations are relevant and probative of the person's future ability to parent. See *In re Johnson*, 142 Mich App 764, 766; 371 NW2d 446 (1985). The probate court's findings are not clearly erroneous. *Cornet, supra*; *King, supra*. Further, we will defer to the probate court's assessment of the credibility of the witnesses before it. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

Lastly, respondent challenges, on numerous grounds, the probate court's jurisdiction to terminate her rights. These claims have been waived. Jurisdictional issues may be challenged on direct appeal only, not by collateral attack. *In re Hatcher*, 443 Mich 426, 439; 505 NW2d 834 (1993); *In re Powers*, 208 Mich App 582, 587; 528 NW2d 799 (1995). Respondent has also waived any claim that her no contest plea was not voluntary, understanding, and accurate. See *In re Campbell*, 170 Mich App 243, 250; 428 NW2d 347 (1988).

Affirmed.

/s/ Harold Hood
/s/ Richard Allen Griffin
/s/ John F. Foley