

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In re JEREMIE TESMER, LATASHAY TESMER,  
MATTHEW TESMER and ROBERT TESMER,  
Minors.

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DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

CHERIE COOPER,

Respondent-Appellant,

and

EDWARD TESMER,

Respondent.

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UNPUBLISHED

June 25, 1996

No. 187131

LC No. 91-010235-NA

DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

EDWARD TESMER,

Respondent-Appellant,

and

CHERIE COOPER,

Respondent.

No. 187862

LC No. 91-010235-NA

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Before: Marilyn Kelly, P.J., and Neff and J. Stempien,\* JJ.

PER CURIAM.

In Docket No. 187131, respondent Cooper appeals as of right from the probate court order that terminated her parental rights to the four minor children pursuant to MCL 712A.19b(3)(b)(ii), (c)(i) and (g); MSA 27.3178(598.19b)(3)(b)(ii), (c)(i) and (g). In Docket No. 187862, respondent Tesmer appeals as of right from the probate court order that terminated his parental rights to the children pursuant to MCL 712A.19b(3)(b)(i) and (c)(i); MSA 27.3178(598.19b)(3)(b)(i) and (c)(i). Respondents' appeals have been consolidated for our review. We affirm.

## I

Both appellants argue that the trial court erred in its findings of fact and its dispositional ruling. We disagree.

On our review of the record, we conclude that the probate court's findings of fact were not clearly erroneous, and that the court did not abuse its discretion in ordering termination. See *In re Jackson*, 199 Mich App 22, 25; 501 NW2d 182 (1993).

## II

Respondent Cooper next argues that the probate court erred by allowing Dr. Ajita Joglekar, a psychiatrist who evaluated Latashay, to testify because her name was not included on petitioner's witness list. A probate court's decision to admit the testimony of witnesses previously undisclosed is reviewed for an abuse of discretion. *In re Alton*, 203 Mich App 405, 408; 513 NW2d 162 (1994). Here, the probate court did not abuse its discretion. The record reflects that the parties had three weeks oral notice that Joglekar would testify, and the court afforded the parties extra time to rebut Joglekar's testimony by allowing them to recall Joglekar at a later time.

## III

Respondent Tesmer next argues that the probate court erred by allowing his twenty-four-year-old daughter from a previous marriage to testify that she was sexually abused by him when she was approximately four-years old.

We find no abuse of discretion in the probate court's ruling. *In re Vasquez*, 199 Mich App 44, 51; 501 NW2d 231 (1993). Respondent Tesmer's sexual abuse of his older child was probative of his treatment of Latashay. *Jackson, supra*, at 26. The similarity between both witnesses' accounts of abuse establishes that the evidence was relevant to these proceedings even if the first incident happened approximately twenty years before. Moreover, the testimony was

primarily offered to corroborate Latashay's statements that respondent Tesmer sexually abused her.

Affirmed.

/s/ Marilyn Kelly

/s/ Janet T. Neff

/s/ Jeanne Stempien