

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TORIANN PEARSON, TORY  
PEARSON, DEVONTAE PEARSON,  
DEMETRIUS FEAGIN, WILLIAM MAYERS III,  
and MARCUS ANTHONY PEARSON, Minors.

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DEPARTMENT OF HUMAN SERVICES, f/k/a  
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED  
October 26, 2006

Petitioner-Appellee,

v

YOLANDA L. FEAGIN,

Respondent-Appellant,

No. 268814  
Wayne Circuit Court  
Family Division  
LC No. 01-398598-NA

and

TROY PEARSON and ANTHONY JENKINS,  
a/k/a ANTHONY MAURICE JENKINS,

Respondents.

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

PER CURIAM.

Respondent-appellant appeals as of right from the order terminating her parental rights under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent-appellant contends that the trial court abused its discretion when it terminated her parental rights because she had substantially complied with the treatment plan. However, this Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding of fact is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake has been made. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

We note that, in 2001, a petition was filed alleging that one of respondent's children was taken to the hospital because of severe burns to the child's upper torso. Jurisdiction was eventually terminated, and the children were returned to respondent's care. Approximately two

years later, another petition was filed, alleging that respondent had a fight with her live-in boyfriend, that she left the children with this individual, and that the individual told the children to go out and find their mother. The children were found wandering the street at 3:00 a.m.

It appears that respondent is arguing that, because she substantially complied with her treatment plan, the trial court erred in terminating her parental rights. We acknowledge that respondent attended parenting classes. However, respondent was also ordered to attend individual counseling. Initially, respondent did not regularly attend such counseling sessions. However, respondent started attending counseling more regularly in September 2004, with the exception of July and August 2005. Marie Petricca, respondent's therapist, testified that they were working on respondent's choices, her behavior, and her support system. However, Petricca opined that respondent's progress was slow, and she could not state how much time respondent needed to adequately address these issues.

The trial court found that not only was respondent not consistent in her attendance at the therapy sessions, but that she failed to obtain a much needed support system. Petricca testified that respondent's support system was being addressed in therapy, specifically, finding adults who could "step in and be responsible and appropriate with these children." However, according to Petricca, respondent did not have such a support system in place.

All but one of respondent's six children who are at issue have special needs. Without the benefit of learning how to make better choices in her life and without a much-needed support system to help care for these children, there was a reasonable likelihood that respondent would again rely on inappropriate individuals for help. Because respondent had not fully addressed such issues in her therapy sessions, the trial court did not clearly err in finding that the conditions that led to adjudication continued to exist, that respondent failed to provide proper care for her children, and that there was a reasonable likelihood that the children would be harmed if returned to her care. Given the amount of time that respondent had to address these issues, and that fact that respondent's progress was still slow, the trial court did not clearly err in finding that the conditions would not be rectified within a reasonable time or that respondent would not be able to provide proper care within a reasonable time. Therefore, termination was warranted under MCL 712A.19b(c)(i), (g), and (j).

Affirmed.

/s/ Mark J. Cavanagh  
/s/ Richard A. Bandstra  
/s/ Donald S. Owens