

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of SHAWN JANKOVIAK,
KIMBERLY FRENCH, JAMIE FRENCH,
MELISSA FRENCH, JEFFREY FRENCH and
ROBERT FRENCH, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PATRICIA MARIA CERVI, a/k/a PATRICIA
MARIA JANKOVIAK,

Respondent-Appellant,

and

ROBERT LEE JANKOVIAK and ROBERT
LEROY FRENCH,

Respondents.

In the Matter of SHAWN JANKOVIAK,
KIMBERLY FRENCH, JAMIE FRENCH,
MELISSA FRENCH, JEFFREY FRENCH and
ROBERT FRENCH, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

UNPUBLISHED
February 18, 2000

No. 217246
Wayne Circuit Court
Family Division
LC No. 79-213380

No. 217463

Wayne Circuit Court

PATRICIA MARIA CERVI, a/k/a PATRICIA
MARIA JANKOVIK, a/k/a PATRICIA MARIE
FRENCH, and ROBERT LEE JANKOVIK,

Family Division
LC No. 79-213380

Respondents,

and

ROBERT LEROY FRENCH,

Respondent-Appellant.

Before: O'Connell, P.J., and Meter and T. G. Hicks*, JJ.

PER CURIAM.

In these consolidated appeals, respondents Patricia Maria Cervi and Robert Leroy French appeal as of right from an order terminating their parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (i), and (j); MSA 27.3178(598.19b)(3)(g), (i), and (j). We affirm.

The record indicates that the two child witnesses each had the capacity and sense of obligation to testify truthfully and understandably. The trial court did not abuse its discretion in determining that both witnesses were competent to testify. *People v Norfleet*, 142 Mich App 745, 748; 371 NW2d 438 (1985).

The trial court's decision to exercise jurisdiction over the minor children pursuant to MCL 712A.2(b)(1); MSA 27.3178(598.2)(b)(1), was supported by a preponderance of the evidence. *In re Jacobs*, 433 Mich 24, 39; 444 NW2d 789 (1989).

The trial court did not abuse its discretion in admitting evidence of respondents' finances and prior contacts with protective services. *People v Coleman*, 210 Mich App 1, 4; 532 NW2d 885 (1995). The challenged testimony regarding finances was relevant to respondents' claim that they did not have the financial resources to complete the extermination of their roach-infested house. Similarly, the evidence of past contacts with protective services was offered to show that respondents had been provided with services in the past and failed to benefit from those services, which was relevant to whether they were reasonably likely to benefit from continued services.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Hall-Smith*, 222 Mich App 470, 473; 564 NW2d 156 (1997). We reject respondent-father's claim that termination was inappropriate

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

at the initial dispositional hearing, see MCR 5.974(D), where, as here, the record reflects that various agencies have been attempting to assist respondents for over a decade. Further, both respondents failed to show that termination of their parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith, supra* at 472-473.

Finally, respondent-mother has not demonstrated entitlement to relief due to ineffective assistance of counsel. *People v Ginther*, 390 Mich 436, 443; 212 NW2d 922 (1973); *People v Barclay*, 208 Mich App 670, 672; 528 NW2d 842 (1995).

Affirmed.

/s/ Peter D. O'Connell

/s/ Patrick M. Meter

/s/ Timothy G. Hicks