

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CRYSTAL WACHTER and
RICHARD WACHTER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RICHARD WACHTER, SR. And DEBRA
WACHTER,

Respondents-Appellants.

UNPUBLISHED
October 19, 1999

No. 217070
Kent Circuit Court
Family Division
LC No. 97-000407 NA

Before: Hood, P.J., and Holbrook, Jr., and Fitzgerald, JJ.

MEMORANDUM.

Respondents appeal as of right from a family court order terminating their parental rights to the minor children under MCL 712A.19b(3)(b)(i), (b)(ii), (c)(i), (g) and (h); MSA 27.3178(598.19b)(3)(b)(i), (b)(ii), (c)(i), (g) and (h). We affirm.

Respondent Debra Wachter claims that the family court's findings of fact and conclusions of law are insufficient to permit appellate review. We disagree. The court was required to state "brief, definite and pertinent findings and conclusions on contested issues." MCR 5.974(G). The family court cited the various statutory grounds under which it was terminating respondent Debra Wachter's parental rights and, by incorporating petitioner's closing arguments and the caseworker's final report, sufficiently identified the basis for its decision. MCR 5.974(G) was satisfied. *In re Conley*, 216 Mich App 41, 44; 549 NW2d 353 (1996).

Next, the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence with respect to both respondents. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Termination of respondent-mother's parental rights was warranted in light of her history of failing to exercise proper judgment, which thereby

placed her children at risk, and her failure to make sufficient progress in therapy. Her questionable personal and sexual conduct was admitted, not as condemnation of her personal character, but because it was probative of her lack of proper judgment insofar that it affected her children's safety, development, and behavior. Respondent-father's parental rights were properly terminated in light of his incarceration, his history of failing to provide proper care and custody for his children, and the fact that his problems required long-term psychological treatment before the children could be expected to be safe in his custody.

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*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Although respondent-mother regularly attended therapy, she failed to recognize the impact of her conduct upon her children and failed to utilize the parenting skills learned in therapy. *Id.* Respondent-father failed to come forward with evidence of care by others to avoid termination of his parental rights. *Id.* The family court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ Harold Hood

/s/ Donald E. Holbrook, Jr.

/s/ E. Thomas Fitzgerald