STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of PAIGE VELTKAMP and COURTNEY SMITH, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TREASA VELTKAMP,

Respondent-Appellant,

and

RODNEY BALL and WILLIAM SMITH,

Respondents.

UNPUBLISHED
May 30, 2000

No. 221543
Kent Circuit Court
Family Division
LC No. 97-039000-NA

Before: Doctoroff, P.J., and Sawyer and Cavanagh, JJ.

PER CURIAM.

Respondent Treasa Veltkamp appeals as of right from an order of the Kent Circuit Court, Family Division, terminating her parental rights to her two children, Paige Veltkamp (born 7/9/95), and Courtney Smith (born 10/13/97) pursuant to MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) and MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g).[1] We affirm.

Respondent first argues that the trial court failed to address and resolve the crucial issues in the case. Specifically, respondent contends that the trial court failed to make findings of fact with respect to whether respondent sexually abused Paige, whether respondent's father was a danger to respondent's children in light of evidence of his criminal sexual conduct conviction and evidence that he physically abused respondent in the past, and whether respondent acted improperly by leaving the state the day after the children were taken from her care to visit William Smith for approximately two months. We

disagree. Whether the trial court's findings of fact were sufficient is a question of law, which we review de novo. *In re Lang*, 236 Mich App 129, 136; 600 NW2d 646 (1999).

After a termination hearing, the trial court must make findings of fact and conclusions of law on the record with respect to whether parental rights should be terminated. MCL 712A.19b(1); MSA 27.3178(598.19b)(1); MCR 5.974(G)(1). "Brief, definite, and pertinent findings and conclusions on contested matters are sufficient." MCR 5.974(G)(1). Here, the trial court satisfied these requirements where, after reviewing on the record the evidence presented by petitioner, it found that the grounds alleged in the petition had been proven by clear and convincing evidence. The trial court was not required to make findings of fact with respect to every issue raised by the witnesses.

Next, respondent argues that there was no evidence to support a conclusion that respondent sexually abused one of her daughters, and questions the reliability of that daughter's statements indicating that abuse occurred. Evidence presented at the hearing indicated that an investigation into the alleged sexual abuse was closed and no criminal charges were filed due to a lack of physical evidence to substantiate the allegation. Despite that evidence, Elizabeth Brail testified that she believed that respondent had, in fact, touched her daughter inappropriately. The credibility of, and the weight given to, Brail's testimony was for the trier of fact to determine. *Nabozny v Pioneer State Mutual Ins Co*, 233 Mich App 206, 209; 591 NW2d 685 (1998). Moreover, sexual abuse was not mentioned in the petition requesting termination of parental rights and the issue was raised only to explain the reason for the termination of respondent's visitation with her daughter. Therefore, because petitioner was not attempting to prove that respondent sexually abused her daughter to establish the allegations in the petition, and because there is no indication that the trial court concluded that respondent sexually abused her daughter, respondent's argument that there was insufficient proof of the allegation is without merit.

Finally, respondent argues that the trial court erred in terminating her parental rights where she was not given a fair opportunity to complete an appropriate treatment plan. We disagree. In an appeal from an order terminating parental rights, this Court reviews the trial court's findings under the clearly erroneous standard. MCR 5.974(I); *In re Sours Minors*, 459 Mich 624, 633; 593 NW2d 520 (1999). A finding is clearly erroneous if, although there is evidence to support it, this 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). Regard must be given to the special opportunity of the trial court to judge the credibility of the witnesses that appeared before it. MCR 2.613(C); *Miller, supra*.

First, respondent claims that, given her intellectual limitations, the parent/agency agreement was not written in terms she was capable of understanding. However, Elizabeth Brail testified that she was aware of respondent's limitations and took them into consideration when she reviewed the parent/agency agreement with respondent in the presence of respondent's attorney. Brail further testified that respondent indicated that she understood the requirements of the agreement. In addition, Dr. Ron Vanderbeck testified that respondent appeared to have a clear understanding of the steps she was required to follow to get her children back. Respondent presented no evidence to the contrary. Therefore, we find no error.

Second, respondent argues that petitioner failed to recognize any progress she made in complying with the parent/agency agreement. However, petitioner presented substantial evidence that respondent failed to make any significant progress in solving the problems that affected her ability to parent. The evidence indicated that respondent refused to accept responsibility for the circumstances that resulted in her children being placed in foster care and made "very minimal progress" in therapy. Although respondent argues that she made progress by ending her relationship with William Smith, she presented no evidence at the hearing indicating that she ended her relationship with Smith. More importantly, evidence that she ended the relationship, alone, would have been an insufficient basis for denying the petition to terminate her parental rights.

Respondent has not shown that the trial court clearly erred in finding that the grounds for termination alleged in the petition were proven by clear and convincing evidence. MCR 5.974(I); *In re Sours Minors, supra.* We therefore affirm the trial court's order terminating respondent's parental rights pursuant to MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i) and MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g).

/s/ Martin M. Doctoroff
/s/ David H. Sawyer
/s/ Mark J. Cavanagh

[1] The parental rights of respondents Rodney Ball and William Smith were terminated pursuant to MCL 712A.19b(3)(a)(ii); MSA 27.3178(598.19b)(3)(a)(ii).