

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTHONY MICHAEL
DRAHEIM, KIMBERLY MARIE DRAHEIM,
and TYLER WILLIAM DRAHEIM, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

DOUGLAS M. DRAHEIM,

Respondent-Appellant.

UNPUBLISHED
December 14, 2006

No. 271325
Kalamazoo Circuit Court
Family Division
LC No. 05-000241-NA

Before: Murphy, P.J., and Smolenski and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(k)(ii). We affirm.

There is no merit to respondent's argument that the trial court failed to sufficiently state its findings of fact and conclusions of law with regard to the children's best interests. Although the court did not state its findings of fact and conclusions of law on the record, it addressed this issue in a written opinion, which was sufficient to satisfy the requirement of "brief, definite, and pertinent findings and conclusions" on contested matters. MCR 3.977(H)(1).

Further, the trial court did not clearly err in its determination of the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 351; 612 NW2d 407 (2000). Although Dr. Michael Katz did not believe that it was in the children's best interests to terminate respondent's parental rights, the trial court was justified in discounting his opinion in light of his expressed personal view that termination was rarely appropriate, even in cases of sexual abuse. Furthermore, Dr. Katz never spoke to the children or heard their concerns, and based his opinion on his conversations with respondent and respondent's parents. The trial court, however, had the benefit of additional testimony and evidence, including the testimony of respondent's stepdaughter, who testified regarding the sexual abuse she experienced at the hands of respondent, and the court found her testimony to be very credible. There was also evidence that respondent frequently made degrading and inappropriate remarks in front of the children, that he touched them inappropriately, that he was physically abusive to the boys, and that the children's mother was afraid of him. The children's therapist testified that further contact with respondent

would be harmful to the children. A court-appointed expert also testified that continued contact between respondent and his children could be harmful to the children in circumstances similar to those that existed here. On this record, the trial court did not clearly err in finding that termination of respondent's parental rights was not contrary to the children's best interests.

Affirmed.

/s/ William B. Murphy
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly