

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TESSA LORRAINE CAIGER,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RICHARD D. CAIGER,

Respondent-Appellant.

UNPUBLISHED

March 22, 2007

No. 273260

St. Clair Circuit Court

Family Division

LC No. 06-000072-NA

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

MEMORANDUM.

Respondent appeals as of right from an order terminating his parental rights to the minor child under MCL 712A.19b(3)(g), (i), and (l). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent's parental rights to the child's sibling were previously terminated on February 12, 2002, and this Court affirmed that decision in *In re HC*, unpublished memorandum opinion of the Court of Appeals, issued November 22, 2002 (Docket Nos. 239956 and 240082). That termination was based in part on respondent's physical abuse of the child's sibling and his failure to sufficiently comply with and benefit from services. Evidence of the prior proceeding involving the sibling provided clear and convincing evidence to terminate respondent's parental rights in the present case under §§ 19b(3)(i) and (l).

Additionally, the evidence showed that respondent inflicted several bruises on the child that prompted her removal in January 2006. The trial court had presided over the sibling's 13-month child protective proceeding and was aware of respondent's failure to comply sufficiently with past services. The court also heard testimony that the child in this case suffered three significant injuries by the week of her fourth birthday. Deference is given to the trial court's ability to judge the credibility of the witnesses with respect to whether respondent caused any of those injuries. *In re Miller, supra*. The trial court could not reasonably return the child to respondent's care and given the history of the sibling's case and respondent's failure to benefit from past services, implementation of additional services was not likely to improve respondent's

ability to refrain from physical abuse. The trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing evidence.

Further, the evidence did not clearly show that termination of respondent's parental rights was contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Therefore, the trial court did not err in terminating respondent's parental rights to the child.

We affirm.

/s/ Brian K. Zahra
/s/ Richard A. Bandstra
/s/ Donald S. Owens