

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of K. M. HARRIS, Minor.

UNPUBLISHED  
June 24, 2014

No. 319734  
St. Clair Circuit Court  
Family Division  
LC No. 13-000219-NA

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Before: SAWYER, P.J., and METER and FORT HOOD, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(g), (j), and (k)(iii). We affirm.

To terminate parental rights, the trial court was required to find, by clear and convincing evidence, at least one statutory ground for termination listed in MCL 712A.19b(3). *In re Moss*, 301 Mich App 76, 80; 836 NW2d 182 (2013). We review the trial court's findings for clear error. MCR 3.977(K); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003). We give deference to the trial court's special opportunity to judge the weight of evidence and the credibility of witnesses who appear before it. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); see also *In re Moss*, 301 Mich App at 80.

The court acquired jurisdiction over the child after the child, then approximately 11 months of age, was treated at a hospital for a fracture in her left leg. The child was diagnosed with several additional fractures in various stages of healing. Respondent and the child's mother failed to adequately explain the injuries, which a doctor determined were consistent with nonaccidental child abuse.

Respondent argues that the trial court clearly erred in finding that he was responsible for physically abusing the child. Respondent argues that the evidence instead indicated that the abuse was committed by the child's mother, who voluntarily released her parental rights to the child. We find no clear error in the trial court's determination that respondent was the perpetrator of the physical abuse.

Respondent's own statements and testimony support the trial court's finding that respondent caused the leg injury. Respondent admitted pulling on the child's left leg. Although respondent attempted to minimize his actions, he admitted that he heard a "pop" sound. Another witness testified that respondent told him that "he had pulled [the child's] legs to flatten them and at that time she screamed and he heard two popping noises." According to a doctor, the type

of injury sustained by the child usually occurs when the ankle is torqued, and thus respondent's explanation of the manner in which he pulled the leg did not satisfactorily explain the injury. Other testimony indicated that respondent found the child a source of frustration and that respondent became upset at the child when respondent was tired and needed to sleep for work. Although respondent asserts that the child's mother was the primary care provider and that he could not have been responsible for the child's injuries because he worked while the mother stayed home, respondent told a Child Protective Services worker that "typically he would try to be the one to take care of [the child] when she was fussy or crying, that he would be the one to provide care for her." The trial court did not clearly err in finding that respondent-father physically abused the child, and the court's findings support its decision to terminate respondent's parental rights under §§ 19b(3)(g), (j), and (k)(iii).

Respondent also argues that it was not in the child's best interests to terminate his parental rights. MCL 712A.19b(5). Considering that the child was severely physically abused while in respondent's custody and that the trial court did not clearly err in finding that respondent committed the physical abuse, the trial court did not clearly err in finding that termination of respondent's parental rights was in the child's best interests. See, generally, *In re Moss*, 301 Mich App at 90.

Affirmed.

/s/ David H. Sawyer  
/s/ Patrick M. Meter  
/s/ Karen M. Fort Hood