

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JERRY C. PARKER, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JERRY C. PARKER,

Respondent-Appellant,

and

AYANNA R. PARKER,

Respondent.

In the Matter of JERRY C. PARKER, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

AYANNA R. PARKER,

Respondent-Appellant,

and

JERRY C. PARKER,

Respondent.

UNPUBLISHED
April 6, 2006

No. 265099
Wayne Circuit Court
Family Division
LC No. 05-438118-NA

No. 265100
Wayne Circuit Court
Family Division
LC No. 05-438118-NA

Before: Smolenski, P.J., and Owens and Donofrio, JJ.

MEMORANDUM.

In these consolidated appeals, respondents challenge an order terminating their parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i),(j), and (k)(v). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not 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). The child in this case had suffered two serious head injuries by the time he was five months old. The neurosurgeon who treated the child for a skull fracture testified that the child had an acute injury as well as a subacute/chronic hematoma found on the MRI. The child also suffered from bi-lateral retinal hemorrhaging. Respondents offered explanations regarding the cause of the injuries, but these explanations were wholly inconsistent with the medical findings. The neurosurgeon was convinced that the injuries were not accidental. In fact, he testified that the retinal hemorrhages and subdural hematoma at different stages were classic signs of child abuse. Therefore, there was sufficient evidence to support termination pursuant to MCL 712A.19b(3)(b)(i),(j), and (k)(v).

Having found that there was a statutory basis for termination, the trial court was required to terminate respondents' parental rights unless there was clear and convincing evidence on the whole record that termination was not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). While there was testimony that the child was a happy child and otherwise in good health, he had nevertheless suffered two serious head injuries by five month of age. The neurosurgeon could not speculate regarding what the child's long-term prognosis would be. The child was entitled to a safe living environment.

Affirmed.

/s/ Michael R. Smolenski

/s/ Donald S. Owens

/s/ Pat M. Donofrio