

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRIAN KEITH CRENSHAW and
CANITERA JALESEAA SHITERIA RHODES,
Minors.

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

UNPUBLISHED
March 1, 2007

Petitioner-Appellee,

v

CANTERA RHODES,

No. 270741
Wayne Circuit Court
Family Division
LC No. 06-449567-NA

Respondent-Appellant,

and

TOMOTHY RHODES,

Respondent.

Before: Hoekstra, P.J., and Markey and Wilder, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(i), (b)(ii), (g), (j), and (k)(iii). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Respondent-appellant argues on appeal that the trial court clearly erred in terminating her parental rights under the above subsections because there was no direct evidence that she caused the physical injuries to her three-month-old child or that she had the opportunity to prevent such injuries and failed to do so. The termination of parental rights is appropriate where petitioner proves by clear and convincing evidence at least one ground for termination. *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Once this has occurred, the trial court shall terminate parental rights unless it finds that the termination is clearly not in the best interests of the children. *Id.*, 353. This Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999).

We acknowledge that there was no direct evidence regarding how the baby was injured. Rather, the medical evidence established that, during the child's first three months, he suffered two skull fractures. The medical witnesses discounted respondent-appellant's theory that the child fell off a bed onto carpeted floor, with the pediatric neurosurgeon testifying that the injuries were intentionally inflicted. Respondent-appellant acknowledged that she and Rhodes, the child's stepfather, were the child's sole caretakers, and no evidence pointed to any other possible perpetrators of these injuries. It was clear that respondent-appellant either was responsible for the child's injuries or failed to protect him from Rhodes. Respondent-appellant lived with Rhodes when the injuries occurred and remained with him throughout the pendency of the case. Their denial of the source of the child's injuries indicates a reasonable likelihood that the children would suffer injury in the foreseeable future. Thus, the trial court did not clearly err in terminating respondent-appellant's parental rights under MCL 712A.19b(3)(b)(i) and (b)(ii). For the same reasons, we agree that termination was also appropriate under MCL 712A.19b(3)(k)(iii).

Respondent-appellant contends that the trial court clearly erred in finding that there was a reasonable likelihood that the children would be harmed if returned to her care, MCL 712A.19b(3)(j). However, the pediatric neurosurgeon opined that the baby was at risk for further injury if returned to respondent-appellant's care. When asked what she based her opinion on, the doctor stated, "Because this injury happened from intentional infliction by someone who was taking care of him at the time or from negligence on the part of someone who was to care for him at the time on more than occasion." Therefore, termination was also warranted under subsection (3)(b)(j).

Furthermore, the evidence did not show that the children's best interests precluded termination of respondent-appellant's parental rights. MCL 712A.19b(5). Therefore, the trial court did not clearly err in terminating her parental rights.

Affirmed.

/s/ Joel P. Hoekstra
/s/ Jane E. Markey
/s/ Kurtis T. Wilder