

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CHRISTOPHER JOHN-
BRADLEY HAMANN, Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

JASON POOLEY,

Respondent-Appellant.

UNPUBLISHED

July 10, 2008

No. 282394

Lenawee Circuit Court

Family Division

LC No. 05-000427-NA

In the Matter of MATTHEW TIMOTHY
THOMPSON, a/k/a MATTHEW TIMOTHY
HAMAAN, CHRISTOPHER JOHN-BRADLEY
HAMAAN, and JACOB MICHAEL GUZMAN,
Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RACHEL HAMAAN,

Respondent-Appellant.

No. 282395

Lenawee Circuit Court

Family Division

LC No. 05-000427-NA

Before: Owens, P.J., and O'Connell and Davis, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right orders terminating both respondents' parental rights to the minor child Christopher and terminating respondent mother's parental rights to Matthew and Jacob, pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ We affirm.

The trial court did not clearly err by finding that at least one statutory ground for termination was established by clear and convincing evidence with respect to each respondent. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The primary condition of adjudication was serious unexplained injuries to the children, including a head injury to Matthew in August 2005; penile bruising and abrasions to Matthew in October 2005; and a black eye, bite marks, and possible cigarette burns to Jacob in June 2005. All of these injuries occurred while respondent mother and respondent father resided with the three children. Although Matthew and Jacob were also exposed to their respective fathers, their injuries showed patterns distinctly associated with being in respondents' care. Respondent mother showed characteristics correlated with an increased risk of child abuse, and Christopher reported to his therapist that respondent mother "hits me" when she is sad. The trial court was justified in finding almost all of the injuries reasonably attributable to both respondents.

Respondent mother did make some progress during the pendency of the proceedings. She was considered engaged and cooperative by the conductor of the Nurturing Mothers program. However, the same program conductor remained concerned about the children. Respondent's findings on the Child Abuse Potential Inventory, showing stress and frustration tolerance to be continuing problems, did not change. She continued to struggle with many of the same personal and interpersonal issues that appeared in her initial evaluation, including a consistent failure to follow up on serious medical issues. Respondent father was diagnosed near the beginning of the proceedings with alcohol and marijuana dependence, and he failed to remain abstinent despite participation in a recovery program and the implications to his ability to be a safe parent under the influence of mind and mood altering drugs. In addition, respondent father displayed a complete lack of empathy for the children in a psychological evaluation, affecting his ability to parent effectively. Although neither was a condition of adjudication, they are relevant to his ability to be a safe parent for the children. The trial court did not err in finding that there remained a risk of further unexplained injuries to the children in respondents' care, with no reasonable likelihood of rectification within a reasonable time. MCL 712A.19b(3)(c)(i).

The same evidence that supports the trial court's termination of respondents' parental rights pursuant to MCL 712A.19b(3)(c)(i) equally supports the trial court's conclusion that respondents would not be able to provide proper care and custody for the children within a reasonable time considering the ages of the children. MCL 712A.19b(3)(g). Based on the history of injuries together with that same evidence, the trial court was also warranted in finding a reasonable likelihood that the children would be harmed if returned to respondents. MCL 712A.19b(3)(j).

¹ Matthew's father voluntarily relinquished his parental rights to the child. Termination of the parental rights of Jacob's father was not sought, and the child has been in his care throughout these proceedings. Neither of these fathers is party to this appeal.

Finally, the trial court did not clearly err in determining that termination of the parental rights of respondents was not clearly contrary to the best interests of the children. MCR 3.977(J); MCL 712A.19b(5). Rather, it is clearly in the best interests of the children to be protected from future serious injury. Matthew has already suffered two skull fractures and a serious brain injury, and he may have lingering complications from the brain injury. The children have been in care for two years, which in the case of Matthew is the greater part of his life. This record does not supply evidence suggesting that the termination of respondents' parental rights was clearly contrary to the best interests of the children. MCL 712A.19b(5).

Affirmed.

/s/ Donald S. Owens
/s/ Peter D. O'Connell
/s/ Alton T. Davis