

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of RAYNARD TURNER and RYAN
TURNER, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

TIFFANY M. BERRIEN,

Respondent-Appellant,

and

RAYNARD TURNER,

Respondent.

In the Matter of RAYNARD TURNER and RYAN
TURNER, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

RAYNARD TURNER,

Respondent-Appellant,

and

TIFFANY M. BERRIEN,

Respondent.

UNPUBLISHED
January 20, 2009

No. 286133
Wayne Circuit Court
Family Division
LC No. 07-471228-NA

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Before: Cavanagh, P.J., and Jansen and Meter, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from an order that terminated their parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), (g), (j), and (k)(iii) and (v). We affirm. These appeals have been 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). Not quite two-month-old Ryan came to the attention of medical personnel when his mother brought him to the hospital with skull fractures so severe that he needed emergency surgery to drain the swelling on his brain. Ryan also had bruises at various stages of healing and scratches on his body. Physicians suspected abuse and respondents were confronted with the allegations at a “team-decision-making” meeting held the following day. Respondents initially could offer no explanation for Ryan’s injuries, but they stated at the meeting that the injuries may have resulted from one-year-old Raynard hitting three-day-old Ryan in the head with a basketball or with a bottle of fluid. The parties agreed to allow Dr. Leena Dev to provide a written opinion based on her review of Ryan’s medical history. Ryan’s history revealed that he had been taken to the hospital on three occasions in his short life. The extent of his latest injuries caused Dr. Dev to conclude that the injuries were likely “non-accidental.” Instead of providing competing medical testimony, respondents relied on a defense that they were good parents and that Ryan’s older brother, Raynard, showed no signs of abuse. However, the fact of the matter remained that Ryan suffered serious physical injuries. Respondents did not contradict testimony that they were Ryan’s sole caregivers. That left the trial court with little choice but to conclude that one or both parents abused Ryan and that the other parent failed to protect him. Because of the severity of Ryan’s injuries, the agency was under no obligation to provide respondents with a parent-agency treatment plan. Ryan’s severe non-accidental injuries obtained while in respondents’ care formed a proper basis for termination pursuant to subsections 19b(3)(b)(i), (b)(ii), (g), (j), (k)(iii), and (k)(v).

Having found the foregoing statutory grounds for termination by clear and convincing evidence, the trial court was obligated to terminate respondents’ parental rights unless it appeared, on the whole record, that termination was clearly contrary to the children’s best interests. Former MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356; 612 NW2d 407 (2000). The fact of the matter was that Ryan suffered injuries that were life threatening and non-accidental while in his parents’ care. These two young children were entitled to a safe environment free from danger and abuse. Therefore, the trial court did not err in its best-interests determination and in terminating respondents’ parental rights.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Kathleen Jansen
/s/ Patrick M. Meter