STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of FRANCESCA MINOUS and COREY MINOUS, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

COREY L. MINOUS, SR.,

Respondent-Appellant.

UNPUBLISHED
May 20, 2010

No. 293026
Macomb Circuit Court
Family Division
LC Nos. 2008-000030-NA
2008-000031-NA

Before: MURPHY, C.J., and K.F. KELLY and STEPHENS, JJ.

PER CURIAM.

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

Respondent admitted being the person who was bathing the four-month-old child when the child sustained burns that caused severe pain and required six days of treatment in the hospital. Respondent maintained that the burns were inflicted accidentally when hot water flowed from a spigot located near the child as he lay in the bathtub. There was evidence, however, reflecting that the child's burns were the result of being immersed in hot water. Respondent's explanation about the circumstances of the burns did not comport with the testimony of a recognized expert in the field of child abuse, which rendered suspect respondent's claim that the burns were the result of an accident. Indeed, petitioner's child abuse expert opined, on the basis of an examination of the child and review of burn photographs, that it was impossible for the burns to have occurred in the manner described by respondent. Two days after the child's release from the hospital, the child reportedly stopped breathing due to a possible choking and/or seizure incident and was taken to the hospital, where other tests conducted on the child revealed healing rib and femur fractures as well as evidence of an old hemorrhage in the brain. Expert testimony indicated abuse and again cast suspicion on respondent.[1]

[1] Although portions of the lower court record were not provided to us, respondent acknowledges in his brief that "*several* doctors testified that it was their 'opinion' that the alleged injuries suffered by [the minor child] were deliberate acts." (Emphasis added.)

On the basis of these facts and the record presented to us, we hold that the trial court did not clearly err in finding that there existed clear and convincing evidence supporting termination of respondent's parental rights under MCL 712A.19b(3)(b)(*i*), (g), (j), (k)(*iii*), and (k)(*v*). MCR 3.977(J); *In re JK*, 468 Mich 202, 209; 661 NW2d 216 (2003); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). While respondent argues that the trial court should have given more weight to the testimony of his expert witness, regard must be given to the special opportunity of the trial court to judge the credibility of the witnesses who appeared before it. MCR 2.613(C); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). There is no basis not to give deference to the trial court's decision to attribute greater weight to the testimony of petitioner's experts. In cursory fashion, respondent argues that the trial court failed to qualify his expert as being an expert in child abuse. However, respondent provides no analytical framework under the rules of evidence, statutory provisions, and caselaw governing the admission of expert testimony. The issue is insufficiently briefed and thus waived, *Mudge v Macomb Co*, 458 Mich 87, 105; 580 NW2d 845 (1998), and, regardless, we find that any assumed error was not prejudicial, MCR 2.613(A), considering that a bench trial was involved.

Finally, the trial court did not clearly err in its best interests determination.[2] *In re JK*, 468 Mich at 209. There was evidence that respondent inflicted severe physical abuse on the child, that he failed to appreciate the seriousness of the situation,[3] and that respondent failed to provide a truthful recounting of the incident in which the child was burned.[4] Although a psychologist opined that respondent was a good candidate for counseling, he also believed that respondent should address his problems before seeing the children and said that it was possible that it would take years of therapy before respondent was ready to parent. This protective proceeding had already lasted 18 months, and it was in the children's best interests not to prolong it further.

Affirmed.

/s/ William B. Murphy
/s/ Kirsten Frank Kelly
/s/ Cynthia Diane Stephens

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[2] MCL 712A.19b(5) provides, "If the court finds that there are grounds for termination of parental rights and that termination of parental rights is in the child's best interests, the court shall order termination of parental rights and order that additional efforts for reunification of the child with the parent not be made."

[3] Respondent's characterization of the protective proceeding as "madness" orchestrated by the Department of Human Services and the legal system demonstrated his ongoing failure to recognize the need to protect the children.

[4] Respondent disclosed at the best interests hearing that he had been under the influence of marijuana the night that the child was burned.