

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

JANUARY TERM 2008

S.E.G. AND K.M.C., PARENTS OF
S.E.G., ETC.,

Appellants,

v.

Case No. 5D07-567

DEPARTMENT OF CHILDREN
AND FAMILIES,

Appellee.

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Opinion filed March 24, 2008

Appeal from the Circuit Court
for Orange County,
Maura T. Smith, Judge.

Ryan Thomas Truskoski of Ryan Thomas
Truskoski, P.A., Orlando, for Appellant
Mother, K.M.C.

Timothy A. Straus of Moyer, Straus &
Patel, P.A., Altamonte Springs, for
Appellant Father, S.E.G.

Kelly A. Swartz , Orlando, for Appellee.

Christi R. Adams and John R. Hamilton of
Foley & Lardner LLP, Orlando, Guardian
Ad Litem.

PER CURIAM.

In this parental termination case, Appellants, the child's mother and father, assert numerous points on appeal, only one of which merits discussion: whether Appellee's

failure to prove which parent injured the child precludes the termination of either parent's parental rights. We answer the question in the negative and affirm.

At the time the four-month-old child was removed from Appellants' care, almost all of the child's ribs were fractured, he had a fractured leg, a fractured arm, and a hematoma on his head. Medical evidence proved that the injuries resulted from multiple episodes of abuse. Appellants, who were the child's sole caretakers at all relevant times, had no credible explanation for the child's injuries. For example, they suggested that the wrist fracture had been inflicted during a hospital visit when nurses inserted an I.V. into the child's arm. As to the hematoma, according to the mother, the child simply awoke one morning with a bump on his head that had not been there the night before. Neither parent could explain how the child incurred the rib fractures. Evidence was adduced that the child exhibited frequent bruising and manifestations of pain, such as irritability, fussiness and difficulty sleeping.

Under these facts, we agree that the trial court could terminate the parental rights of both parents, even though Appellee failed to prove which parent had actually caused the injuries. *In re K.A.*, 880 So. 2d 705, 708 (Fla. 2d DCA 2004).

AFFIRMED.

ORFINGER, TORPY and LAWSON, JJ., concur.