

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED  
October 18, 2011

In the Matter of B. S. N. WOOD, JR., Minor.

No. 303260  
Wayne Circuit Court  
Family Division  
LC No. 10-497232

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Before: OWENS, P.J., and JANSEN and O'CONNELL, JJ.

PER CURIAM.

Respondent appeals by right the circuit court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), (g), (j), and (k)(iii). The parental rights of the child's father, Brian Wood, were also terminated, but he is not a party to this appeal. We affirm.

To terminate parental rights, the circuit court must find that at least one of the statutory grounds for termination set forth in MCL 712A.19b(3) has been established by clear and convincing evidence and that termination is in the best interests of the child. MCL 712A.19b(5); *In re Sours*, 459 Mich 624, 632; 593 NW2d 520 (1999). The circuit court's decision terminating parental rights is reviewed for clear error. MCR 3.977(K).

In this case, there was sufficient evidence to establish the statutory grounds for termination set forth in MCL 712A.19b(3)(b)(ii), (g), and (j). The child was observed with facial bruising and subsequently sustained multiple rib fractures. Neither parent provided a plausible explanation for the child's injuries. The evaluating physician stated that the rib fractures were highly indicative of child abuse, noting that the four-month-old child was not ambulatory and could not have injured himself.

Respondent had the opportunity to prevent her child's abuse because she knew that Wood had a serious anger problem and had engaged in domestic violence. Respondent allowed Wood to care for the child unsupervised, despite his anger issues. Respondent was reluctant to answer questions about domestic violence or to address her issues and protect her infant son. There was no evidence that respondent was a fit parent or that she would put her child's needs and physical well-being above her own. Respondent permitted an environment to continue in which the child would likely be abused. *In re Parshall*, 159 Mich App 683, 690; 406 NW2d 913 (1987). Her failure to protect the child resulted in the child's suffering of significant injuries on at least two occasions.

Respondent argues that there was no evidence that she was aware that the child was being injured. But her argument in this regard is unsupported by the record. The paternal grandmother observed bruises on the infant's face after the child had spent a few days with respondent and Wood. Assuming respondent was not the one who caused these bruises, she should have intervened to protect the child from Wood, the only other person responsible for his care. Moreover, respondent should have sought timely medical attention for the child's broken ribs, which had been broken for at least two weeks before respondent took him to the hospital for constipation. We perceive no error in the circuit court's determination that §§ 19b(3)(b)(ii), (g), and (j) were established by clear and convincing evidence in this case.<sup>1</sup>

We do agree with respondent's argument that petitioner failed to prove that she had personally perpetrated severe physical abuse on the child. Indeed, petitioner concedes that the circuit court erred by finding that §§ 19b(3)(b)(i) and (k)(iii) were sufficiently established. But given the circuit court's proper determination that §§ 19b(3)(b)(ii), (g), and (j) were established by clear and convincing evidence, we conclude that the court's error in this regard was harmless. Only one statutory ground need be established in order for the circuit court to terminate a respondent's parental rights. *In re Powers*, 244 Mich App 111, 118; 624 NW2d 472 (2000).

Affirmed.

/s/ Donald S. Owens  
/s/ Kathleen Jansen  
/s/ Peter D. O'Connell

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<sup>1</sup> Respondent does not argue on appeal that termination of her parental rights was not in the child's best interests.