

STATE OF MICHIGAN
COURT OF APPEALS

UNPUBLISHED
January 19, 2012

In the Matter of PRATT, Minors.

No. 304024
Macomb Circuit Court
Family Division
LC Nos. 2010-000201-NA;
2010-000202-NA

Before: JANSEN, P.J., and WILDER and K. F. KELLY, JJ.

MEMORANDUM.

Respondent T. Pratt appeals by right the circuit court's order terminating his parental rights to the two minor children pursuant to MCL 712A.19b(3)(b)(i), (b)(ii), (g), (j), and (k)(iii). We affirm.

Respondent argues that the circuit court erred by finding that the statutory grounds for termination were established by clear and convincing evidence. We disagree. To terminate parental rights, the petitioner must prove at least one statutory ground for termination by clear and convincing evidence. MCR 3.977(A)(3) and (H)(3); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). The circuit court's decision is reviewed for clear error. MCR 3.977(K). A finding is clearly erroneous when the reviewing court is left with the firm and definite conviction that a mistake was made. *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003).

The evidence established that the minor children, who were four-month-old twins, both had multiple bone fractures and other injuries that were consistent with child abuse and inconsistent with any accidental causes. The children's mother sought medical treatment for the male twin on two occasions, each time after the child had spent time alone with respondent. Respondent did not offer any plausible explanation for the children's injuries. Although the children's mother suggested that the injuries might have been attributable to osteopenia, which is a condition of low bone density common in premature babies, medical doctors found no indication of this condition in either of the children. Respondent was criminally charged with child abuse and pleaded no contest to one count of third-degree child abuse. Considering that both children had multiple bone fractures, and in light of the severity and nature of the injuries, the fact that one child had several injuries in various stages of healing, the absence of any other reasonable explanation for the injuries, and respondent's conviction of child abuse, the circuit court did not clearly err by finding that each of the cited statutory grounds for termination had been established by clear and convincing evidence. MCR 3.977(K).

Once a statutory ground for termination is established, the circuit court must order the termination of parental rights if it determines that termination is in the child's best interests. MCL 712A.19b(5). Given the severe abuse that the children experienced while in respondent's custody, the circuit court did not clearly err by finding that termination of respondent's parental rights was in the children's best interests. MCR 3.977(K).

Affirmed.

/s/ Kathleen Jansen

/s/ Kurtis T. Wilder

/s/ Kirsten Frank Kelly