STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of CHAVEZ Minors.	UNPUBLISHED January 2, 2014 No. 316163 Clinton Circuit Court Family Division LC No. 12-024196-NA
In the Matter of CHAVEZ Minors.	No. 316166 Clinton Circuit Court Family Division LC No. 12-024196-NA

Before: WHITBECK, P.J., and WILDER and RONAYNE KRAUSE, JJ.

PER CURIAM.

In Docket No. 316163, respondent-father, J. Chavez, appeals as of right the trial court's order terminating his rights to his three minor children. In Docket No. 316166, respondent-mother, K. Prater, appeals as of right the trial court's order terminating her rights to her two minor children. The two younger children are Chavez and Prater's mutual children. The trial court terminated Chavez's rights to the oldest child under MCL 712A.19b(3)(g) and (j), terminated Chavez and Prater's parental rights to the middle child under MCL 712A.19b(3)(b)(*ii*), (g), and (j), and terminated Chavez and Prater's parental rights to the infant under MCL 712A.19b(3)(b)(*ii*), (g), (j), and (k)(*iii*). We will address Chavez and Prater's arguments on appeal collectively as they are nearly identical. Because we conclude that clear and convincing evidence supported the trial court's findings under these statutory grounds and the trial court made no evidentiary errors warranting relief, we affirm.

I. FACTS

A. BACKGROUND FACTS

Chavez obtained custody of the oldest child in 2008. In 2009, Joel Brown investigated a Child Protective Services referral concerning Prater. Brown determined that Prater had physically abused the oldest child by spanking him with a belt and leaving bruises on his face,

neck, and buttocks. Prater and Chavez agreed not to physically discipline the child, and Child Protective Services closed the investigation.

Charmaine Riggs testified that in October 2010, she was driving when she saw Prater grab the oldest child by back of his coat, shake him, throw him to the ground, and then push him as he tried to get up. Riggs testified that Prater then kicked the child in the back with her foot and he "went flying onto his stomach." Prater testified that she just "tapped [the child] on the butt with her foot." Riggs called the police. Andrew Wiswasser, a Bath Township police officer, testified that he investigated the incident.

Officer Wiswasser testified that Prater denied Riggs's allegations, and he telephoned Chavez about the incident. Officer Wiswasser testified that Chavez became upset, angry, frustrated, and began yelling at him. Brown instructed Chavez not to leave the oldest child alone with Prater. Prater was initially charged with fourth degree child abuse but, pleaded to domestic violence in March of 2011, and was sentenced to 53 days in jail.

Prater testified that she left the home on Child Protective Service's instructions and, when she came home the next day, she found the family dog covered in blood. Prater testified that Chavez told her that he did not know what happened to the dog. Prater believed that a neighbor hurt the dog because Chavez had confronted the neighbor about the neighbor's cats. Chavez testified that he also believed that the neighbor had harmed the dog.

Dr. Amy Koenigshof, an assistant professor of emergency and critical care veterinary medicine at the Michigan State College of Veterinary Medicine, testified that Prater brought the dog to her clinic in October 2010. Dr. Koenigshof testified that the left side of the dog's head was swollen, it was bleeding into its eyes, and it was severely burned on the back limbs, back, and abdomen. Dr. Koenigshof testified that the dog's injuries were most likely abusive. Dr. Koenigshof testified that Prater claimed that she did not know what had happened to the dog.

B. INJURIES TO THE INFANT

Dr. Rachel Christensen, D.O., testified that she examined the infant for his newborn visit on September 7, 2012, and her examination findings were normal, but that the infant had minor problems such as thrush. Dr. Christensen testified that when Prater brought the infant in on September 14 and September 25, 2013, the infant presented normal problems and his head circumference was normal.

Prater testified that on October 8, 2012, Chavez woke before she did and dressed the infant. Prater testified that when she woke, Chavez told her that he had heard a strange noise from the infant. Prater listened to the infants' back, and heard a "popping or clicking" noise when he exhaled. Prater testified that she took the infant in and told the examining physician, Dr. Stringer, about the noise. Prater testified that Dr. Stringer told her that the noise was cartilage in his ribs moving back and forth. Dr. Christensen testified her review of the infant's charts showed that Prater brought the infant in on October 9, 2012, concerning his thrush. Dr. Christensen testified that the physician took a chest x-ray, which showed that the infant had a single fractured rib.

Dr. Christensen testified that she examined the infant again on November 9, 2012. According to Dr. Christensen, the infant's head circumference had increased from the 25th percentile to above the 95th percentile. After an ultrasound did not show evidence of bleeding or extra fluid in his brain, she requested that Prater and Chavez bring the infant in again in one month for another examination.

Dr. Christensen testified that Prater brought the infant in again on November 28, 2012, because he had a swollen knuckle. According to Dr. Christensen, a baby's knuckles are unlikely to become swollen, and she performed a complete exam. The exam revealed that the infant's head circumference had grown since November 9 and his right clavicle was fractured. The infant's gross and fine motor skills were delayed and he was unable to roll over or lift his head when he was lying on his stomach. Dr. Christensen admitted the infant to the hospital. A CT scan revealed that he had two large areas of subdural bleeding. Dr. Christensen testified that the bilateral nature of the swelling in his brain indicated that he was injured by shaking. The CT scan also revealed at least one impact area to the back of his head. The infant required surgeries and suffered cell death in his brain.

C. ADJUDICATION

At the adjudication, the Department called Emily Darling Funk, an advance impact therapist for Lutheran Child and Family Services. In response to voir dire questions, Funk testified that she received a Bachelor's degree in psychology and sociology in 2005 and received her Master's degree in counseling in 2009. Funk testified that, in order to obtain her counseling license, she had to complete coursework in diagnostics, substance abuse, child and family counseling, and individual and group therapies. Funk testified that she was board certified by the National Board of Certified Counselors and was authorized to consult with Diagnostic and Statistical Manual-IV (DSM-IV) to diagnose clients. The trial court qualified Funk as an expert in the area of counseling.

Funk testified that physical abuse was the primary concern of her counseling, but she also addressed Prater's and Chavez's anger management issues. She testified that both Prater and Chavez admitted that they had anger management problems. According to Funk, Prater told her that Chavez was prone to angry episodes during which he broke things or "bang[ed] around in the garage," but he did not abuse the children. Funk testified that Prater also told her that Chavez beat the dog when he was angry. Prater testified that she had not told Funk that she was concerned about Chavez's behavior toward the dogs.

Funk testified that she tried to assist Chavez in managing his anger, but recommended additional counseling and an anger management program for him. Chavez testified that he previously had "a little bit of a problem with anger," but it was no longer an issue because of his counseling with Funk.

Funk testified that she tried to speak with Chavez about his violence toward the dog, but he did not want to discuss it. Funk testified that the violence toward the dog modeled poor behavior for the oldest child. Prater challenged Funk's testimony on the grounds that it was

> outside the scope of her expertise in regards to witnessing an animal and what sorts of behaviors that may create in the future. . . . [T]hat seems to be extremely specific and outside the scope of counseling, which I agree is a broad term, but . . . this idea that people hurt animals I think is where it's going, is people hurt animals and then somebody's gonna see that and—and so on.

The trial court overruled the objection, noting that Funk's testimony was "specifically indicating how those actions could be modeling behavior for a child."

Funk testified that Chavez told her that he would discipline his dog the way that he thought fit. Funk further testified that the DSM-IV provided that (1) animal abuse was often an early indicator of psychopathic and conduct disorders, and (2) individuals who harm animals might disregard life and translate that behavior into harming other people. Neither Prater nor Chavez challenged this testimony.

Dr. Stephen Guertin, M.D., an expert in pediatrics and child abuse, testified that he reviewed the infant's x-rays, CT scan, bone survey, and other charts. According to Dr. Guertin, the infant's x-rays showed at least 30 fractures that were in various stages of healing, including fractures to his fingers, arms, clavicle, legs, and ribs. Dr. Guertin testified that the child's fractures were consistent with someone grabbing the infant's limbs and jerking them, and with someone "shaking or squeezing the baby really hard[.]"

Dr. Guertin testified that the baby was not bruised and the only external evidence of injury was his swollen finger. Sandra Holley, the children's caseworker, testified that when she visited the infant on November 29, 2012, he did not appear to be bruised. When asked hypothetically whether a pediatrician or person handling the infant in October would have noticed that the infant was injured, Dr. Guertin testified that the injuries in October would have been easy to miss. When asked about the November injuries, Dr. Guertin testified that "it would have been easy through much of November to miss unless in late November you had a focused examination; in other words, the complaint was he cries every time I pick him up[.]"

Dr. Guertin testified that the infant's injuries could have resulted in swelling or redness, a desire not to use the affected limb, lumps, a sucking motion of the chest from the cracked ribs, and exhibitions of pain or tenderness when moving the child to pick him up or change his diaper. Dr. Guertin testified that the infant's parent should have realized that his arm was swollen and that his head was growing too fast.

The trial court found that the Department had established jurisdiction over the child. The Department subsequently requested termination of Prater and Chavez's parental rights at the initial dispositional hearing.

D. TERMINATION HEARING

Prater and Chavez denied knowing that the child was seriously injured. Prater testified that the infant was fussy because of thrush and gas problems. Prater testified that she took the infant in to Dr. Christensen late in October and reported that the infant appeared to be in pain and that he was not moving his right arm as well as his left. Chavez testified that he had never seen bruising on the infant. Chavez testified that at some point, Prater told him that the infant was not

moving or using his left arm. Chavez testified that when he dressed the infant, he cried or fussed when Chavez moved his right arm. The maternal grandfather of the two youngest children testified that he babysat for the children one time in October or November 2012, and one time on November 4, 2012. The grandfather testified that the infant cried and "put[] up a big fuss" when he babysat.

Prater testified that she "constantly" brought her concerns to the infant's pediatricians, but they dismissed her concerns as normal. Dr. Sandra Brown, D.O., a child abuse pediatrician, testified that she had reviewed the infant's medical records, which indicated that Prater did not report any suspicious signs during the infant's first four appointments. Dr. Brown testified that Prater "made statements that suggested that she had discussed this problem with MSU pediatricians, when, in fact, there was no concern noted in any of the records that I reviewed from the MSU pediatricians."

Dr. Brown testified that babies' fractures often are not accompanied by external bruising. However, Dr. Brown testified that if a baby consistently showed pain in a particular location, a reasonable caregiver would seek treatment. Dr. Brown testified that a caregiver should have noticed that the infant's right arm was in pain from the fractures.

Dr. Brown also testified that the child tested positive for marijuana when he was born, and when the child was three weeks old, Prater took him to the pediatrician to be examined for thrush and diaper rash. While there, Prater complained that the child was fussy, was sneezing, and had diarrhea. Dr. Brown stated that this was concerning, because those can be symptoms of drug withdrawal and marijuana does not usually cause bad withdrawal symptoms in infants. Dr. Brown testified that the symptoms that the child exhibited raised the possibility that the child was experiencing some sort of narcotic withdrawal from medications like Vicodin, Oxycodone, or Percocet. Additionally, Dr. Brown testified that she believed that it was possible that the child had been abused since the age of one or two weeks.

E. THE TRIAL COURT'S FINDINGS AND CONCLUSIONS

The trial court found that Prater failed to appreciate the severity of her abuse of the oldest child and found that Chavez had an anger problem. It rejected Prater's and Chavez's assertions that they could not have known that the child was injured:

> Throughout this trial and in closing arguments, there were insinuations that the parties were attentive to [the infant's] condition, and because there was no bruising, they had no indication he was hurt, and, in a matter of seconds, someone else could've brought these injuries on without—and the parents would have no idea that he was injured. You know, as if he had one injury or a couple small injuries and that's all there was, but this picture's far different than that.

The trial court found that Prater's testimony was not credible, and that the medical reports did not corroborate Prater's testimony that she had tried to report her concerns to pediatricians. The trial court also found that Chavez's statements were inconsistent with Prater's.

The trial court found that the infant suffered from numerous, nonaccidental injuries that were inflicted over a prolonged period of time. It found that only Prater and Chavez had the

opportunity to either abuse the infant or protect him from the injuries. It found that it could not determine whether Prater or Chavez perpetrated the abuse, but found that both parents had failed to provide the infant with proper care. The trial court determined that clear and convincing evidence supported terminating Prater and Chavez's parental rights.

II. EVIDENTIARY CONCERNS

A. STANDARD OF REVIEW AND ISSUE PRESERVATION

This Court reviews for an abuse of discretion preserved challenges to the trial court's evidentiary rulings.[1] The trial court abuses its discretion when its outcome falls outside the range of principled outcomes.[2] We review de novo the application of court rules and preliminary questions of law surrounding the admission of evidence.[3]

To preserve an issue for appellate review, the parent must raise it before the trial court.[4] Typically, an appellant must challenge the issue before the trial court on the same grounds as he or she challenges it on appeal.[5]

Here, neither Prater nor Chavez asserted that certain evidence was admissible because the Michigan Rules of Evidence did not apply. Further, Prater challenged admission of Funk's testimony concerning Chavez's abuse of the dog on the narrow ground that Funk's opinion, which concerned the effect that witnessing the abuse might have on the oldest child, was outside the scope of her expertise. Chavez did not challenge the admission of evidence concerning the dog at all. On appeal, Chavez and Prater contend that the trial court should have prohibited Funk's subsequent testimony concerning the alleged link between animal abuse and violence. Because Chavez and Prater did not challenge these issues below, or challenged the testimony below on different grounds than they now seek to challenge it, we conclude that these issues are unpreserved.

We review unpreserved issues for plain error affecting a party's substantial rights.[6] An error is plain if it is clear or obvious, and the error affected the defendant's substantial rights if it affected the outcome of the lower court proceedings.[7]

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[1] *In re Mason*, 486 Mich 142, 152; 782 NW2d 747 (2010); *In re Utrera*, 281 Mich App 1, 15; 761 NW2d 253 (2008).

[2] *In re Utrera*, 281 Mich App at 15.

[3] *People v Layher*, 464 Mich 756, 761; 631 NW2d 281 (2001).

[4] *In re Utrera*, 281 Mich App at 8.

[5] *People v Kimble*, 470 Mich 305, 309; 684 NW2d 669 (2004).

[6] *People v Carines*, 460 Mich 750, 763; 597 NW2d 130 (1999); *In re Utrera*, 281 Mich App at 8.

[7] *Carines*, 460 Mich at 763; *In re Utrera*, 281 Mich App at 9.

B. EXCLUSION OF TESTIMONY

Chavez and Prater each assert that MCR 3.973(E) provides that the Michigan Rules of Evidence do not apply at termination hearings and, therefore, the trial court erred by excluding as hearsay evidence of (1) the oldest child's medical records from 2009, (2) Chavez's testimony about statements that the maternal grandfather allegedly made to him, and (3) Prater's statements about information that her nurse gave her regarding marijuana use during pregnancy. We disagree.

MCR 3.973(E) provides that "[t]he Michigan Rules of Evidence do not apply at the initial dispositional hearing, other than those with respect to privileges." However, MCR 3.977(E) provides that the trial court must base its termination decision on legally admissible evidence when terminating a parent's rights at the initial dispositional hearing:

> (E) The court shall order termination of the parental rights of a respondent at the initial dispositional hearing held pursuant to MCR 3.973 . . . . if
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> (1) the original, or amended, petition contains a request for termination;
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> * * *
>
> (3) at the initial dispositional hearing, the court finds on the basis of clear and convincing *legally admissible evidence* that had been introduced at the trial or plea proceeding, or that is introduced at the dispositional hearing, that one or more facts alleged in the petition:
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> (a) are true, and
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> (b) establish grounds for termination of parental rights under MCL 712A.19b(3) . . . (b), . . . (g), . . . (j), [or] (k) . . . [.][8]

Here, the Department filed an amended petition asking the trial court to terminate Chavez and Prater's parental rights at the initial dispositional hearing. Thus, we conclude that the trial court did not plainly err by concluding that the more specific MCR 3.977(E) applied in this case and required it to exclude inadmissible evidence from the hearing.

C. EVIDENCE OF ANIMAL ABUSE

Chavez and Prater contend that the trial court erred by allowing Funk to testify about a link between animal abuse and violence. We disagree.

MRE 702 allows a witness qualified as an expert to testify about specialized knowledge if "(1) the testimony is based on sufficient facts or data; (2) the testimony is the product of reliable

[8] Emphasis supplied.

principles and methods; and (3) the witness has applied the principles and methods reliably to the facts of the case."

In response to Prater's questions during voir dire, Funk testified that diagnostics was one of the areas in which she was required to complete coursework in order to obtain her license. Further, Funk testified that her license authorized her to diagnose clients by consulting the DSM-IV. Funk testified that the DSM-IV indicated that animal abuse was linked to conduct disorder and could constitute a predictor of violence against humans. There was no indication that this testimony was outside of Funk's areas of knowledge and expertise. Thus, the trial court did not clearly err when it allowed Funk to testify about the link between violence against animals and violence against humans.

Chavez and Prater also assert that all other testimony about animal abuse was irrelevant because it was not logically connected to any statutory ground for termination. We disagree.

Relevant evidence is evidence that has "any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence."[9] A fact is material if it is within the range of litigated matters in controversy.[10]

The nature and extent of Chavez's anger management problems and his methods of coping with his anger were facts at issue in this case. Chavez testified that he only had a minor anger management problem. Funk testified that Prater told her that Chavez would abuse the dog when he became angry. Funk's testimony concerning Chavez's propensity to be violent against the dog, and Dr. Koenigshof's testimony concerning the severity of the injuries that the dog suffered, tended to make the existence of a fact of consequence—the extent of Chavez's anger management problems—more likely to be true. Thus, we conclude that the trial court did not plainly err by admitting this evidence.

III. STATUTORY GROUNDS FOR TERMINATION

A. STANDARD OF REVIEW

This Court reviews for clear error the trial court's factual findings and ultimate determinations on the statutory grounds for termination.[11] The trial court's factual findings are clearly erroneous if the evidence supports them, but we are definitely and firmly convinced that it made a mistake.[12]

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[9] MRE 401.

[10] *People v Eliason*, 300 Mich App 293, 301; 833 NW2d 357 (2013).

[11] MCR 3.977(K); *In re Mason*, 486 Mich at 152.

[12] *In re Mason*, 486 Mich at 152.

B. LEGAL STANDARDS

The Department must prove by clear and convincing evidence that at least one statutory ground for termination supports terminating a parent's parental rights.[13]

MCL 712A.19b(3)(b) provides that the trial court may terminate a parent's rights if the child or a sibling of the child has suffered a physical injury and

> (*ii*) The parent who had the opportunity to prevent the physical injury or physical or sexual abuse failed to do so and the court finds that there is a reasonable likelihood that the child will suffer injury or abuse in the foreseeable future if placed in the parent's home.

MCL 712A.19b(3)(g) provides that the trial court may terminate a parent's rights if

> [t]he parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

MCL 712A.19b(3)(j) provides that the trial court may terminate parental rights if

> [t]here is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

And MCL 712A.19b(3)(k) provides that the trial court may terminate parental rights if

> [t]he parent abused the child or a sibling of the child and the abuse included . . .
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> * * *
>
> (*iii*) Battering, torture, or other severe physical abuse.

C. APPLYING THE STANDARDS

Chavez and Prater contend that this case is distinguishable from cases in which the trial court has terminated parental rights on the basis of serious abuse of an infant by one or both parents because there was no direct evidence that either of them injured the infant and, even if one of them did, the infant's injuries were not obvious to the non-abusive parent. We reject this contention.

In *In re Ellis*, this Court concluded that termination under MCL 712A.19b(3)(b)(*i*) and (*ii*) is appropriate when "at least one of [the parents] had perpetrated the abuse and at least one of

[13] MCL 712A.19b(3); *In re Trejo Minors*, 462 Mich 341, 355; 612 NW2d 407 (2000).

them had failed to prevent it[.]"[14] In *Ellis*, x-rays of a two-month-old infant revealed that he had swelling, multiple skull fractures, internal bleeding in the skull, and several broken bones.[15] Neither parent was able to explain the child's injuries and they were the child's only caretakers.[16]

The parents contended that termination was inappropriate because it was impossible to determine which of the parents abused the child.[17] This Court rejected that contention.[18] We concluded that it did not matter which parent had perpetrated the abuse because one of the parents had perpetrated it and the other parent had failed to prevent it.[19] We held that termination was permissible "even in the absence of definitive evidence regarding the identity of the perpetrator when the evidence does show that the respondent or respondents must have either caused or failed to prevent the child's injuries."[20]

Similarly, in *In re VanDalen*, this Court concluded that evidence that a child suffered serious, unexplained, nonaccidental injuries consistent with abuse while in a sole parent's care supported terminating the parent's rights under MCL 712A.19b(3)(g) and (j).[21] In *VanDalen*, the oldest child suffered oral lesions in his mouth and a fractured leg.[22] After months of service, the trial court returned the child to his mother's care.[23]

The mother subsequently gave birth to another child.[24] The mother's sister testified that the younger child "wasn't right," would cry and scream when her diaper was changed, and once lay on the floor whimpering, whining, and refusing to wake up.[25] The child was fussy, irritable, and neither eating nor sleeping normally.[26] The child was eventually taken to the doctor, where

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[14] *In re Ellis*, 294 Mich App 30, 35; 817 NW2d 111 (2011).

[15] *Id*. at 31-32.

[16] *Id*. at 32.

[17] *Id*. at 33.

[18] *Id*. at 36.

[19] *Id*. at 35-36.

[20] *Id*.

[21] *In re VanDalen*, 293 Mich App 120, 140-141; 809 NW2d 412 (2011).

[22] *Id*. at 123.

[23] *Id*. at 125.

[24] *Id*. at 126.

[25] *Id*. at 126-127.

[26] *Id*. at 127.

it was revealed that she had brain injuries and several fractures in various stages of healing.[27] The trial court terminated the parents' rights under MCL 712A.19b(3)(g) and (j).[28]

On appeal, the parents asserted that they did not know how the children's injuries were caused.[29] A panel of this Court was "dumbfounded by this bold claim."[30] The Court noted that "[b]oth children, as infants, suffered unexplained, serious, nonaccidental injuries consistent with intentional abuse while in respondents' sole care and custody."[31] The Court reasoned that both parents noted that the children showed signs of distress associated with their injuries, and neither parent could plausibly explain the source of the injuries.[32] Under these facts, we concluded that "the extent and seriousness of the injuries to both children were consistent with prolonged abuse and clearly demonstrated a pattern of abuse in respondents' home indicating a substantial risk of future harm."[33]

We conclude that neither of these cases is distinguishable. To the contrary, we are similarly dumbfounded by Chavez and Prater's claims that they were unaware that their infant son was seriously, purposefully, and repeatedly injured. At the termination hearing, both parents testified that they noticed that the infant was not using one of his arms. While Prater testified that she raised her concerns to pediatricians, Dr. Brown testified that the child's medical reports did not support Prater's statement that she had raised the problems or reported anything suspicious. The trial court specifically found that Prater's testimony was not credible. This Court gives special regard to the trial court's determination of the credibility of the witnesses.[34]

Further, Dr. Guertin's testimony in response to a hypothetical concerning whether a pediatrician would have noticed the infant's injuries in October or November does not support Chavez and Prater's positions that they—the infant's caretakers—could not have discovered his injuries. Read in context, Dr. Guertin's testimony is that a *pediatrician* would not have discovered the injuries without some indication from the parents that the child was in pain. It does not support Prater and Chavez's assertions that they, as the child's primary caretakers, could not have noticed the serious, nonaccidental injuries to their child.

To the contrary, Dr. Guertin testified that the infant's parent should have realized that the infant's arm was swollen and that his head was growing too fast. Dr. Brown testified that if a baby consistently showed pain in a particular location, a reasonable caregiver would seek

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[27] *Id*. at 129.

[28] *Id*. at 131.

[29] *Id*. at 140.

[30] *Id*.

[31] *Id*. at 139.

[32] *Id*. at 140.

[33] *Id*. at 139.

[34] See *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

medical advice. Dr. Brown testified that a caregiver should have noticed that the infant's arm was in pain from the fractures. We are not definitely and firmly convinced that the trial court made a mistake when it found that Chavez and Prater should have noticed the numerous serious injuries that the infant sustained.

As in *Ellis* and *VanDalen*, here, Chavez and Prater's infant suffered a pattern of numerous, serious, nonaccidental injuries. These injuries occurred over a prolonged period of time. Neither parent was able to offer a satisfactory explanation for the injuries, and neither parent prevented the child from being injured. The infant's parents did not raise any concerns to the child's pediatricians. As a result of the injuries, the child stopped using one of his arms, his head swelled severely, and he suffered brain damage. Under these circumstances, we conclude that the trial court did not err by determining that clear and convincing evidence supported terminating Chavez and Prater's respective parental rights to each child under MCL 712A.19b(3)(b)(*ii*), (g), and (j).

We need not consider whether termination was appropriate under MCL 712A.19b(3)(k)(*iii*) because the Department need only prove one statutory ground to support terminating a parent's parental rights.[35]

We affirm.

/s/ William C. Whitbeck
/s/ Kurtis T. Wilder
/s/ Amy Ronayne Krause

[35] See MCL 712A.19b(3); *In re Trejo Minors*, 462 Mich at 355.