COA Opinion: Court may terminate parental rights even if identity of abuser is uncertain, when evidence shows parents either caused abuse or failed to prevent it

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A two-month old child suffered severe injuries from physical abuse. The parents were the only caretakers, but they denied having knowledge of how the child suffered the abuse. The trial court terminated both parents' rights on the grounds that the parents abused the child, failed to prevent abuse, battered the child, and the child would be harmed if returned to the parents. The parents claimed that, because the court did not determine which of them committed the abuse, the court erred in terminating their rights. In *In re A. Ellis Minor*, Nos. 301884, 301887, the Court of Appeals held that termination of parental rights is permissible even if definitive evidence regarding the identity of the abuser is absent, when the evidence shows that the parent(s) whose rights are being terminated either caused the abuse or failed to prevent the injuries. Because the parents were the only caregivers, at least one parent abused the child, and the other parent, at a minimum, failed to prevent it. Accordingly, the Court of Appeals affirmed the trial court's termination of parental rights.