

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DYLLAN AGUIRRE, Minor.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
January 18, 2007

Petitioner-Appellee,

v

SHEREE D. PATTERSON, a/k/a SHEREE D.
HARGROVES,

No. 269240
Genesee Circuit Court
Family Division
LC No. 2001-114724-NA

Respondent-Appellant.

Before: Saad, P.J., and Cavanagh and Schuette, JJ.

PER CURIAM.

Respondent appeals the trial court's order that terminated her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (ii), (g), and (j). We affirm.

Respondent claims that she is entitled to reversal on the ground that the trial court ordered her to submit to a polygraph examination and that this order evidenced the court's bias against her. As a preliminary matter, this issue is not properly before this Court because it is not set forth in respondent's statement of questions presented. MCR 7.212(C)(5); *City of Lansing v Hartsuff*, 213 Mich App 338, 351; 539 NW2d 781 (1995). Nonetheless, respondent has not demonstrated that reversal is warranted. Respondent previously challenged the trial court's December 2002 order that she undergo a polygraph examination in and this Court denied her application "for lack of merit in the grounds presented." *In re Dyllan Aquire, Minor*, unpublished order of the Court of Appeals, entered February 6, 2003 (Docket No. 245631). The law of the case doctrine precludes a second review of that decision. *Int'l Union v Michigan*, 211 Mich App 20, 27; 535 NW2d 210 (1995). Further, the record reflects that the chief judge of the Genesee Circuit Court specifically directed the trial court not to consider the polygraph results at the termination proceedings. Respondent has not shown that the trial court failed to comply with the chief judge's order, or that disqualification was otherwise required because of bias. *Cain v Dept of Corrections*, 451 Mich 470, 495; 548 NW2d 210 (1996).

Respondent further claims that the evidence did not establish a statutory ground for termination. We hold that the trial court did not clearly err when it ruled that petitioner established, by clear and convincing evidence, a ground for termination under § 19b(3)(j). *In re*

Trejo, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The evidence showed that the child sustained numerous physical injuries at 2-1/2 months of age. Despite information that the child's father likely caused the injuries, respondent continued to associate with him. Though, during the pendency of this case, respondent attended counseling and anger management classes, parenting classes, and domestic violence classes, evidence showed that she did not benefit from these services. According to Dr. Walter Drwal, who performed a psychological evaluation of respondent, respondent was not likely to change her poor behavior, and her patterns of maladaptive behavior would likely be repeated. Dr. Drwal believed that respondent's repressed anger was likely to manifest in explosive ways, i.e., she would "snap" and have emotional outbursts, and that respondent would probably fail to protect the child in the future.

Though respondent's treating psychologist disagreed with Dr. Drwal's opinions, the trial court discounted the treating psychologist's testimony after the court observed that she was unaware of several significant events that respondent failed to disclose during therapy. This Court defers to the special opportunity of the trial court to judge the credibility of the witnesses. *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Fried*, 266 Mich App 535, 541; 702 NW2d 192 (2005).

The trial court did not clearly err when it concluded that, based on the conduct or capacity of respondent, there was a reasonable likelihood that the child would be harmed if returned to respondent's home. Thus, termination was warranted under § 19b(3)(j). Because the evidence established a ground for termination by clear and convincing evidence, and because a petitioner need only establish a single statutory ground for termination, we need not address respondent's challenges to the remaining grounds for termination. *In re Trejo, supra* at 360.

Respondent further maintains that termination of her parental rights was not in the child's best interests. Though some evidence showed a bond between the child and respondent, the child was removed from respondent's custody at approximately 2-1/2 months of age and remained in foster care for more than four years while this case was pending. The evidence did not clearly show that termination of respondent's parental rights was contrary to the child's best interests. MCL 712A.19b(5); *In re Trejo, supra*.

For these reasons, the trial court did not err when it terminated respondent's parental rights to the child.

Affirmed.

/s/ Henry William Saad
/s/ Mark J. Cavanagh
/s/ Bill Schuette