STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of DEEANNA MILLER, DANICA MILLER, DANA MILLER, and DUANE BUFORD, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GLORIA BUFORD,

Respondent-Appellant,

and

DARREN CHARLES MILLER,

Respondent.

UNPUBLISHED
July 14, 2000

No. 219386
Genesee Circuit Court
Family Division
LC No. 86-072762-NA

Before: Jansen, P.J., and Hood and Saad, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(b)(*i*); MSA 27.3178(598.19b)(3)(b)(*i*). We affirm.

The trial court did not consider any improperly admitted evidence in reaching its decision. Because counsel for respondent-appellant expressly consented to the psychologist testifying as an expert, respondent-appellant may not now be heard to complain that the testimony should not have been admitted or considered. Error requiring reversal cannot be error to which the aggrieved party contributed, by plan or negligence. *Phinney v Perlmutter*, 222 Mich App 513, 537; 564 NW2d 532 (1997). Further, respondent-appellant cites no authority, and we are aware of none, for the proposition

that an expert's testimony ceases to be competent if it refers to observations made three or more years earlier.

Nor did the trial court err in allowing the foster care worker to remain in court throughout the proceedings, along with the Protective Services worker, even though the foster care worker was to testify later. Respondent-appellant cites no authority for the proposition that only one potential witness, as opposed to two, may remain in court, while other witnesses are sequestered, in order to assist counsel. Further, respondent-appellant points to no testimony from this witness that may have been tainted from hearing the witnesses who appeared before her. A party may not merely state a position and then leave it to this Court to discover and rationalize the basis for the claim. *In re Hamlet (After Remand)*, 225 Mich App 505, 521; 571 NW2d 750 (1997).

Having concluded that the trial court heard no evidence in error, we further hold that the court did not clearly err in finding that the statutory ground for termination, MCL 712A.19b(3)(b)(*i*); MSA 27.3178(598.19b)(3)(b)(*i*), was established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). There was abundant testimony that respondent-appellant physically abused her children, ordered the children to perform violent acts against each other, or stood by while such violence took place. The record further suggests that respondent-appellant neglected to tend to the youngest daughter's serious injuries in a timely fashion. Because this evidence focused on recent events that occurred after the children had been returned to respondent-appellant after spending time in foster placement, this evidence supports not only the finding that respondent-appellant was responsible for serious injuries to the children, but also that the children would likely face that danger again if returned to her.

We are unpersuaded by respondent-appellant's arguments that the trial court should have weighed the various witnesses' testimony more favorably to herself. A reviewing court must defer to the special ability of the trail court to judge the credibility of witnesses. *In re Miller, supra* at 337. It is not this Court's purpose to entertain plausible alternative interpretations of the evidence presented; the test is whether the trial court's findings are clearly erroneous. In this case, the trial court neither clearly erred in finding the two child witnesses to be credible, nor in apparently discounting some of respondent-appellant's innocent explanations of troubling events.

Further, respondent-appellant does not argue, and the evidence does not suggest, that termination of her parental rights was "clearly not" in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith, supra* at 472-473. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the children.

Affirmed.

/s/ Kathleen Jansen
/s/ Harold Hood
/s/ Henry William Saad