STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of ADAM SYTEK, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

and

DELORES SYTEK, GERALD SYTEK, JANE MARIE SYTEK, RICHARD DAVIES, BOB LEMKE, and ANNE LEMKE,

Intervening Petitioners-Appellees,

v

HOLLY GREEN,

Respondent-Appellant.

UNPUBLISHED
February 15, 2002

No. 228247
Manistee Circuit Court
Family Division
LC No. 95-000217-NA

Before: Griffin, P.J., and Holbrook, Jr., and Hoekstra, JJ.

PER CURIAM.

Respondent appeals by delayed leave granted from a trial court order terminating her parental rights to the minor child in accordance with the amended petition filed by the Family Independence Agency (FIA), which requested termination under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.[1]

I

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[1] While this appeal was pending, intervening appellees filed a motion to dismiss on the basis that respondent's appeal was untimely, which this Court denied. In their brief on appeal, intervening-appellees raise the same jurisdictional issue that encompassed the prior motion. Because the issue was previously decided, the law of the case doctrine precludes further consideration of this legal question. *CAF Investment Co v Saginaw Twp*, 410 Mich 428, 454; 302 NW2d 164 (1981).

We find it unnecessary to consider respondent's first claim concerning whether the family of a deceased parent has the authority to file a petition requesting termination of the parental rights of the surviving parent. An issue is moot when an event occurs that renders it impossible for a court to grant relief or presents an abstract question of law that does not rest on existing facts or rights. See, generally, *B P 7 v Bureau of State Lottery*, 231 Mich App 356, 359; 586 NW2d 117 (1998). Here, respondent's first claim is moot in light of the trial court's decision to act on the amended petition filed by the FIA, whose authority to file the petition is not questioned.

We note, however, that the other petitions that sought to terminate respondent's parental rights were filed by two family members of the deceased parent, Bob and Anne Lemke, who were also the minor child's foster parents. To the extent respondent suggests on appeal that the trial court's refusal to dismiss their petitions created an evidentiary problem, we find that this issue was not preserved with an appropriate objection in the trial court. As a general rule, an objection on one ground does not preserve an appellate attack on a different ground. See *People v Maleski*, 220 Mich App 518, 523; 560 NW2d 71 (1996). Further, while this Court has reviewed unpreserved evidentiary claims for plain error, *In re Snyder*, 223 Mich App 85, 92; 566 NW2d 18 (1997), respondent's failure to adequately brief any plain evidentiary issue arising from the failure to dismiss the petitions precludes appellate review. See *Meagher v McNeely & Lincoln, Inc*, 212 Mich App 154, 156; 536 NW2d 851 (1995) (an argument not raised in the statement of questions presented is not preserved for appeal); *Community Nat'l Bank v Michigan Basic Property Ins Ass'n*, 159 Mich App 510, 520-521; 407 NW2d 31 (1987) (this Court may decline to consider an issue given only cursory treatment, with little or no citation to authority).

II

Respondent next claims that the trial court erred by denying her motion for summary disposition. To the extent respondent's claim is based on the same judicial ruling to deny dismissal that underlies respondent's first claim, we again hold that it is moot because the trial court terminated respondent's parental rights based on the FIA's petition. *B P 7, supra.* Regardless, we note that while respondent relies on the summary disposition procedure applicable in civil proceedings, see MCR 2.116, that procedure does not apply to child protection proceedings. *In re PAP*, 247 Mich App 148, 154; ___ NW2d ___ (2001).

III

Respondent next claims that a ground for termination was not established by clear and convincing evidence. Because respondent does not address any of the three applicable statutory grounds for termination, MCL 712A.19b(3)(c)(i), (g), and (j), we find that this issue is not properly before us. *Community Nat'l Bank, supra* at 520-521. We are also not persuaded that respondent has identified any contested factual issue that would warrant a remand for further articulation by the trial court. MCR 5.974(G)(1); see also *People v Johnson (On Rehearing)*, 208 Mich App 137, 141; 526 NW2d 617 (1994) (a general purpose of fact findings is to aid appellate review).

To the extent that respondent's claim is directed at the best-interests inquiry prescribed in MCL 712A.19b(5), we find that respondent's reliance on the best interest factors in the Child Custody Act, MCL 722.23, is misplaced. As our Supreme Court observed in *In re Trejo*, 462

Mich 341, 354; 612 NW2d 407 (2000), "[o]nce a ground for termination is established, the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests."

In the case at bar, the trial court went beyond the best interests inquiry in MCL 712A.19b(5) by finding, in an affirmative sense, that termination was in the minor child's best interests. *In re Trejo, supra* at 364. Although the trial court issued its decision in this case without the benefit of our Supreme Court's decision in *In re Trejo, supra*, having considered respondent's specific argument presented in connection with this issue, we conclude that respondent has not demonstrated any basis for disturbing the trial court's decision to terminate her parental rights. MCR 5.974(I); *In re Trejo, supra* at 356-357.

IV

Finally, respondent claims that the trial court erred in allowing certain evidence at the permanency planning hearing. Given respondent's failure to brief the merits of this evidentiary claim, we deem it abandoned. *In re JS & SM*, 231 Mich App 92, 98; 585 NW2d 326 (1998), overruled on other grounds, *In re Trejo, supra* at 353.

Affirmed.

/s/ Richard Allen Griffin
/s/ Donald E. Holbrook, Jr.
/s/ Joel P. Hoekstra