STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of MELANIE STRATTON, MINDEE ADELIA STRATTON, and MICHAEL THOMAS STENGEL, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHELLE A. JUNEK,

Respondent-Appellant.

UNPUBLISHED
April 18, 2000

No. 220133
Clare Circuit Court
Family Division
LC No. 98-000131-NA

Before: Gribbs, P.J., and Doctoroff and T.L. Ludington*, JJ.

MEMORANDUM.

Respondent appeals as of right from a family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g) and (j); MSA 27.3178(598.19b)(3)(g) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

We disagree with respondent's argument that the family court could not properly terminate her parental rights absent a new or different circumstance from that which led the court to take jurisdiction over the children. The time period specified in MCR 5.974(F)(1)(a) for filing a supplemental petition for termination is not a jurisdictional requirement. *In re Kirkwood*, 187 Mich App 542, 545-546; 468 NW2d 280 (1991). The factor that distinguishes MCR 5.974(E) from (F) is the requirement of legally admissible evidence. *In re Snyder*, 223 Mich App 85; 566 NW2d 18 (1997). If the basis for the family court's jurisdiction is unrelated to the basis under which termination of parental rights is sought, then pursuant to MCR 5.974(E) the basis for termination must be proven by legally admissible evidence. *Id.* at 89-90.

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* Circuit judge, sitting on the Court of Appeals by assignment.

Having considered respondent's arguments regarding the statutory grounds for termination, we are not persuaded that respondent has demonstrated an evidentiary error. Further, we are satisfied that the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). See also *In re Hamlet (After Remand)*, 225 Mich App 505, 518-519; 571 NW2d 750 (1997); *In the Matter of LaFlure*, 48 Mich App 377, 391; 210 NW2d 482 (1973).

Respondent has abandoned any claim regarding the best interests prong of the termination decision by failing to brief this issue. Cf. *In re JS & SM*, 231 Mich App 92, 98; 585 NW2d 326 (1998). In any event, no clear error is apparent from the record. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

Affirmed.

/s/ Roman S. Gribbs
/s/ Martin M. Doctoroff
/s/ Thomas L. Ludington