

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of TIFFANY DEATON, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTINA DEATON,

Respondent-Appellant.

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UNPUBLISHED  
December 9, 2004

No. 255917  
Arenac Circuit Court  
Family Division  
LC No. 03-008417-NA

Before: Markey, P.J., and Fitzgerald and Owens, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(l).<sup>1</sup> We affirm. This case is being decided without oral argument under MCR 7.214(E).

The trial court did not clearly err in finding the statutory ground for termination was established by clear and convincing evidence. MCR 3.977(J); *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1993). Respondent admitted to the allegations in the petition indicating that her parental rights to three other children were terminated and that a sibling of the minor child died as a result of an overdose of prescription medicine while in respondent's care. The petition was properly sought pursuant to MCL 722.638, and the admission to grounds pursuant to MCL 712A.19b(3)(l) was knowingly, understandingly, and voluntarily made.

Respondent's claim that she lacked effective assistance of counsel was not properly preserved, *In re Toler*, 193 Mich App 474; 484 NW2d 672 (1992), nor was it supported by the evidence on the record.

Accordingly, the trial court did not err in terminating respondent's parental rights to her child.

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<sup>1</sup> The statutory basis for termination of respondent's parental rights was not specifically identified in the opinion and order. However, the opinion indicates that respondent had admitted to this statutory basis, which was contained in the supplemental petition for termination.

Affirmed.

/s/ Jane E. Markey  
/s/ E. Thomas Fitzgerald  
/s/ Donald S. Owens