

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of CRAIG S. HECHT, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIANE HECHT,

Respondent-Appellant.

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UNPUBLISHED

May 14, 1999

No. 214608

Tuscola Circuit Court

Family Division

LC No. 96-006407 NA

Before: Markey, P.J., and Holbrook, Jr. and Neff, JJ.

MEMORANDUM.

Respondent appeals as of right the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i) and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

Respondent's arguments that the court erred by denying her motion for a directed verdict at the adjudicative trial and by failing to conduct a proper inquiry with regard to her request for substitute counsel at the adjudicative trial are not properly before this Court. Both issues involve challenges to the court's exercise of jurisdiction, which can be challenged only directly. Respondent is precluded from collaterally attacking the court's exercise of jurisdiction in this appeal from the order terminating parental rights. *In re Hatcher*, 443 Mich 426, 436-439; 505 NW2d 834 (1993); *In re Powers*, 208 Mich App 582, 587-588; 528 NW2d 799 (1995).

The trial court did not abuse its discretion by denying counsel's request to adjourn the termination hearing and by then conducting the hearing in respondent's absence. *In re King*, 186 Mich App 458, 466; 465 NW2d 1 (1990). The record indicates that respondent voluntarily chose not to attend the hearing, despite proper notice. MCR 5.973(A)(3)(c). Furthermore, respondent has not established that she was denied the effective assistance of counsel because of her attorney's advice concerning attendance at the hearing. *In re Simon*, 171 Mich App 443, 447; 431 NW2d 71 (1988); see also *People v Pickens*, 446 Mich 298, 302-303; 521 NW2d 797 (1994).

Finally, the trial 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 Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent failed to show that termination of her parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Jane E. Markey

/s/ Donald E. Holbrook, Jr.

/s/ Janet T. Neff