

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TIMOTHY PRIBYL, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TRACY LYNN PRIBYL,

Respondent-Appellant,

and

JOHN KINAS,

Respondent.

UNPUBLISHED

August 3, 1999

No. 214770

Berrien Circuit Court

Family Division

LC No. 96-000079 NA

Before: White, P.J., and Markey and Wilder, JJ.

MEMORANDUM.

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

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 Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, respondent-appellant 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 family court did not err in terminating respondent-appellant's parental rights to the child.

Respondent has not shown that she was denied the effective assistance of counsel. *People v Stanaway*, 446 Mich 643, 687-688; 521 NW2d 557 (1994); *People v Poole*, 218 Mich App 702, 717-718; 555 NW2d 485 (1996). Further, her conflict of interest argument as it relates to the statutory scheme governing child protective proceedings is not properly before this Court because the issue was not raised below and is not identified in her statement of questions presented. *Hilliard v Schmidt*, 231 Mich App 316, 318; 586 NW2d 263 (1998); *In re Hildebrant*, 216 Mich App 384, 389; 548 NW2d 715 (1996); *Meagher v McNeely & Lincoln, Inc*, 212 Mich App 154, 156; 536 NW2d 851 (1995).

Affirmed.

/s/ Helene N. White

/s/ Jane E. Markey

/s/ Kurtis T. Wilder