STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of NOLE MIKOLAICZIK and CURTIS MIKOLAICZIK, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SUSAN MIKOLAICZIK,

Respondent-Appellant,

and

DAVID MIKOLAICZIK,

Respondent.

UNPUBLISHED
February 11, 2000

No. 218505
Antrim Circuit Court
Family Division
LC No. 98-000413-NA

Before: O'Connell, P.J., and Meter and T. G. Hicks*, JJ.

MEMORANDUM.

Respondent-appellant ("respondent") appeals as of right from an order terminating her parental rights to two minor children under MCL 712A.19b(3)(a)(ii), (c)(i), and (g); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), and (g). We affirm.

The family court did not clearly err in finding that 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). Moreover, respondent failed to show that termination of her parental rights was clearly not in the children'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's parental rights to the children. *Id.*

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

Further, limiting our review of the record, respondent has not established any basis for relief due to alleged ineffective assistance of counsel. *People v Pickens*, 446 Mich 298, 338; 521 NW2d 797 (1994); *In re Simon*, 171 Mich App 443, 447; 431 NW2d 71 (1998). The decision of respondent's attorney to forego presenting a closing argument was a matter of trial strategy that we will not second guess. *In re Ayres*, ___ Mich App ___; ___ NW2d ___ (Docket No. 216523, issued 12/7/99), slip op p 8; *In re Simon, supra* at 448. Moreover, respondent has failed to demonstrate that the existence of a closing argument would have changed the outcome of the case. See *Pickens, supra* at 314, and *In re Simon, supra* at 447.

Affirmed.

/s/ Peter D. O'Connell
/s/ Patrick M. Meter
/s/ Timothy G. Hicks