

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CRUZE ANTHONY CORDER,
TIFFANY SUE CORDER, and CASEY AARON
SNYDER, Minors

DEPARTMENT OF SOCIAL SERVICES,

Plaintiff-Appellee,

v

SHERRY SNYDER,

Respondent-Appellant,

and

DALE RICHARD CORDER, JR. and PAUL
VOLLAND,

Respondents.

DEPARTMENT OF SOCIAL SERVICES,

Plaintiff-Appellee,

v

DALE RICHARD CORDER, JR.,

Respondent-Appellant,

and

SHERRY SNYDER and PAUL VOLLAND,

Respondents.

UNPUBLISHED

December 2, 1997

No. 194594

Berrien Juvenile Court

LC No. 95-000077-NA

No. 194621

Berrien Juvenile Court

LC No. 95-000077-NA

Before: McDonald, P.J., and Wahls and J. R. Weber*, JJ.

MEMORANDUM.

Respondent Snyder appeals as of right from the juvenile court order terminating her parental rights to the minor children under MCL 712A.19b(3)(i), (g) and (j); MSA 27.3178(598.19b)(3)(i), (g), and (j). Respondent Corder appeals as of right from the same order terminating his parental rights to the minor children under MCL 712A.19b(3)(a)(ii) and(g); MSA 27.3178(598.19b)(3)(a)(ii) and (g). We affirm.

The juvenile court's findings of fact are not clearly erroneous. MCR 5.974(I). Further, the court did not clearly err in terminating the respondents' parental rights because the statutory grounds for termination were established by clear and convincing evidence, *In re Hall-Smith*, 222 Mich App 470, 472; 564 NW2d 156 (1997); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

In particular, the court did not err in finding that the children would likely be harmed if returned to respondent Snyder in light of her physical and emotion abuse of all three children. The court also did not err in finding that, after failing to improve after more than two years of services in Ohio, there was no likelihood that respondent Snyder would be able to provide proper care for the children within a reasonable time. With regard to respondent Corder, the court did not err in finding that he had abandoned the children given his complete lack of contact with the children since 1992. The court also did not err in finding that respondent Corder would not be able to provide proper care for the children within a reasonable time. Respondent Corder had taken no steps to acknowledge paternity of his two children in spite of the fact that his attorney sent him the papers to fill out and he had further taken no steps to arrange for alternate care. Although respondent Corder claims that his parents should have been considered for possible placement of the children, there is no evidence in the record that he or his parents ever sought to have his parents qualified through petitioner.

Finally, respondent Corder argues that he was denied effective assistance of counsel. We review this issue by analogy to criminal law. *In re Simon*, 171 Mich App 443, 447; 431 NW2d 71 (1988). Respondent Corder has failed to preserve this issue for review except for what is apparent on the record. *People v Armendarez*, 188 Mich App 61, 74; 468 NW2d 893 (1991). Although trial counsel was not active in this case, the record demonstrates that respondent Corder did not contact his attorney in any manner after counsel sent him two affidavits of parentage and an explanatory letter. Further, respondent Corder has not met his burden of showing that, "but for counsel's error, the result of the proceeding would have been different." *People v Stanaway*, 446 Mich 643, 687-688; 521 NW2d 557 (1994).

Affirmed.

/s/ Gary R. McDonald
/s/ Myron H. Wahls
/s/ John R. Weber

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