

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KRYA LACHELLE THOMAS and
KHADIJAH LASTARR THOMAS, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DIANNA DECHELLE BLAIR,

Respondent-Appellant.

UNPUBLISHED
November 6, 1998

No. 207630
Wayne Juvenile Court
LC No. 95-333926

Before: Young Jr., P.J., and Wahls and Jansen, JJ.

MEMORANDUM.

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

Respondent argues that she was denied the effective assistance of counsel. Although this issue was not raised before the juvenile court, review may be granted to the extent any alleged deficiency is apparent from the record. *People v Wilson*, 196 Mich App 604, 612; 493 NW2d 471 (1992); *In re Schmeltzer*, 175 Mich App 666, 673; 438 NW2d 866 (1989). In order to succeed on a claim of ineffective assistance of counsel, respondent must show that counsel's performance fell below an objective standard of reasonableness and that the representation so prejudiced her that she was deprived of the right to a fair trial. *People v Pickens*, 446 Mich 298, 338; 521 NW2d 797 (1994); *In re Rogers*, 160 Mich App 500, 502; 409 NW2d 486 (1987).

The record does not support respondent's claim that counsel was ineffective for failing to request an adjournment of the September 1997, hearing. There is no indication that respondent ever provided counsel with a reason explaining her absence and there was little likelihood that a request for an adjournment would have been granted in any event considering that the termination petition had been

pending for several months. See *In re King*, 186 Mich App 458, 466; 465 NW2d 1 (1990). Respondent also argues that counsel was ineffective for failing to present witnesses on her behalf. However, respondent does not assert, nor does the record indicate, that there were witnesses available who could have provided favorable testimony. Thus, respondent has not established that she was denied the effective assistance of counsel.

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Myron H. Wahls

/s/ Kathleen Jansen