

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of DAVON DESHAWN LYTTLE,  
Minor.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

v

BARBARA MITCHELL,  
  
Respondent-Appellant,

and

DARNELL LYTTLE,  
  
Respondent.

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In the Matter of DAVON DESHAWN LYTTLE,  
Minor.

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FAMILY INDEPENDENCE AGENCY,  
  
Petitioner-Appellee,

v

DARNELL LYTTLE,  
  
Respondent-Appellant,

and

BARBARA MITCHELL,

UNPUBLISHED  
April 17, 2001

No. 225504  
Wayne Circuit Court  
Family Division  
LC No. 81-227250

No. 225594  
Wayne Circuit Court  
Family Division  
LC No. 81-227250

Respondent.

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Before: Talbot, P.J., and Sawyer and F.L. Borchard\*, JJ.

PER CURIAM.

Respondents appeal as of right from the family court order terminating their parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), (i), and (j); MSA 27.3178(598.19b)(c)(i), (g), (i), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

The family court erred in terminating respondents' parental rights under § 19b(3)(c)(i), because 182 days had not lapsed since the issuance of the initial dispositional order. However, the family court did not clearly err in finding that the remaining 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). The respondents' parental rights were previously terminated to another child, and neither respondent demonstrated an ability to care for the minor child, who was born with syphilis and fetal alcohol syndrome. Additionally, neither respondent had a legal source of income or suitable housing. Further, the evidence did not show that termination of respondents' parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Thus, the family court did not err in terminating respondents' parental rights to the child.

Respondent Mitchell contends that counsel was ineffective for failing to move to re-open the proofs so that the court could consider evidence that she successfully completed a drug-treatment program. However, the record indicates that counsel asked the court to consider the information in question, but the court declined to do so. Thus, it is not apparent from the record that counsel was deficient in his performance. In any event, respondent has failed to demonstrate that any alleged deficiency prejudiced her case or that the result of the proceeding would have been different had the information been considered. *People v Poole*, 218 Mich App 702, 718; 555 NW2d 485 (1996).

Affirmed.

/s/ Michael J. Talbot  
/s/ David H. Sawyer  
/s/ Fred L. Borchard

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