STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of K.J.A., Minor.

FAMILY INDEPENDENCE AGENCY,

        Petitioner-Appellee,

V

SHAWNIE L. SMITH,

        Respondent-Appellant,

and

LORENZO MOORE,

        Respondent.

UNPUBLISHED
October 30, 2001

No. 232708
Ingham Circuit Court
Family Division
LC No. 00-036872-NA

Before: Doctoroff, P.J., and Wilder and Chad C. Schmucker*, JJ.

MEMORANDUM.

By delayed application for leave to appeal, respondent-appellant challenges the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c) and (j). We affirm.

Respondent-appellant's sole argument on appeal is that she received ineffective assistance of counsel at the termination hearing. Because respondent failed to preserve this issue by motion or request for an evidentiary hearing, our review is limited to the existing record. *People v Snider,* 239 Mich App 393, 423; 608 NW2d 502 (2000). On this record, there is no indication that respondent was denied the effective assistance of counsel. Even assuming that counsel's conduct fell below an objective standard of reasonableness, respondent has not shown that there is a reasonable probability that, but for counsel's alleged deficiencies, the result of the proceedings would have been different. *People v Johnnie Johnson, Jr*, 451 Mich 115, 124; 545 NW2d 637 (1996); *People v Pickens*, 446 Mich 298, 309; 521 NW2d 797 (1994). The testimony and evidence established, among other things, that respondent failed to fully comply with a single court-ordered requirement or agency recommendation, that she was held in criminal

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

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contempt several times and served numerous days in jail due to her noncompliance, and that the professionals who treated her recommended that the child not be returned to her care or custody in the foreseeable future. Accordingly, reversal is not warranted on the basis of ineffective assistance of counsel.

Affirmed.

/s/ Martin M. Doctoroff
/s/ Kurtis T. Wilder
/s/ Chad C. Schmucker