

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of STEVIE HUTCHINS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

BRUCE HUTCHINS, JR.,

Respondent-Appellant,

and

CYNTHIA PORTER,

Respondent.

UNPUBLISHED

December 19, 1997

No. 200829

Wayne Juvenile Court

LC No. 95-325083

Before: MacKenzie, P.J., and Hood and Hoekstra, JJ.

MEMORANDUM.

Respondent-appellant appeals by leave granted from the juvenile court order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i), (g), and (j). This appeal is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

The juvenile court did not clearly err in finding that statutory grounds for termination were established by clear and convincing evidence. MCL 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, in the absence of evidence from which the court could conclude that the termination was not in the child's best interest, the decision to terminate the respondent-appellant's parental rights was not clearly erroneous. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-474; 564 NW2d 156 (1997).

Respondent-appellant has not shown that he was denied the effective assistance of counsel. The record before this Court does not establish that counsel's performance was deficient

or that respondent-appellant was prejudiced. *People v Mitchell*, 454 Mich 145; 560 NW2d 600 (1997); *People v Pickens*, 446 Mich 298, 302-303; 521 NW2d (1994); *In re Schmeltzer*, 175 Mich App 666, 673; 438 NW2d 866 (1989).

Affirmed.

/s/ Barbara B. MacKenzie
/s/ Harold Hood
/s/ Joel P. Hoekstra