

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

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In the Matter of ERIC S. JOHNSON and COREY  
SMITH, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LASHONDA SMITH,

Respondent-Appellant,

and

ERIC JOHNSON,

Respondent.

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In the Matter of KIARA NICOLE SMITH, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LASHONDA SMITH,

Respondent-Appellant,

UNPUBLISHED  
December 26, 2000

No. 224633  
Berrien Circuit Court  
Family Division  
LC Nos. 98-000069-NA

No. 224634  
Berrien Circuit Court  
Family Division  
LC No. 99-000004-NA

and

TOMMY SWIFT,

Respondent.

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Before: Bandstra, C.J., and Fitzgerald and D. B. Leiber\*, JJ.

PER CURIAM.

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

The record reveals that before the children entered care, respondent-appellant had left them with a relative for months at a time and was unable to be located. She also had no housing, employment, or financial assistance. After they were in foster care, she failed to visit them for months at a time and she has discontinued participation in any services since July of 1999.

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974; *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not establish that termination of respondent-appellant's parental rights was clearly not in the children'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).

We reject respondent-appellant's claim that she was denied the effective assistance of counsel. Although respondent-appellant contends that counsel was ineffective because funds were not provided in order to obtain the necessary experts to refute petitioner's experts, she does not indicate who could have called as a witness, what their proposed testimony would have established, or how any expert testimony could have reasonably affected the outcome of the case. Thus, respondent-appellant has not established that she is entitled to relief due to ineffective assistance of counsel. *People v Ullah*, 216 Mich App 669, 684-685; 550 NW2d 568 (1996); *In re Simon*, 171 Mich App 443, 447; 431 NW2d 71 (1988).

Respondent-appellant also claims that the statutes governing child protective proceedings create a conflict of interest for the FIA because the FIA has the responsibility, at various times, of both facilitating the return of a child to the child's parents and initiating proceedings to terminate that parent's parental rights.<sup>1</sup> We find no merit to this claim. The FIA's responsibilities are

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<sup>1</sup> See e.g., MCL 712A.18; MSA 27.3178(598.18), MCL 712A.19a; MSA 27.3178(598.19a), and MCL 712A.19b; MSA 27.3178(598.19b).

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

dependent on the circumstances of each case. While those responsibilities may differ from time to time, depending on the circumstances, they do not create a conflict of interest.

We affirm.

/s/ Richard A. Bandstra  
/s/ E. Thomas Fitzgerald  
/s/ Dennis B. Leiber