

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TERRY HOLMES, JR., CONARD
WILLIAMS, and KEVINISHA DINWIDDIE,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LUVERNE WILSON,

Respondent-Appellant,

and

TERRY HOLMES, LEWIS WILLIAMS, and
KEVIN DINWIDDIE,

Respondents.

UNPUBLISHED
April 12, 2002

No. 236453
Genesee Circuit Court
Family Division
LC No. 97-109292-NA

Before: K.F. Kelly, P.J., and Doctoroff and Cavanagh, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j).¹ This case is being decided without oral argument pursuant to MCR 7.214(E). We affirm.

A trial court's decision to terminate parental rights is reviewed for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the trial court must terminate parental rights unless it finds

¹ The trial court's order also terminated the parental rights of respondents Terry Holmes, Lewis Williams, and Kevin Dinwiddie, the fathers of the children. These respondents have not appealed the trial court's order.

from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000).

Respondent first argues that the trial court clearly erred in terminating her parental rights. We disagree. Termination of respondent's parental rights was warranted on the ground that the conditions which led to the adjudication continued to exist and were not reasonably likely to be rectified within a reasonable time considering the children's ages, MCL 712A.19b(3)(c)(i). The evidence established that respondent failed to provide proper care or custody, and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g). It was reasonably likely that the children would be harmed if returned to respondent's care, MCL 712A.19b(3)(j). *In re Harmon*, 140 Mich App 479, 483; 364 NW2d 354 (1985); MCR 5.973(C)(4)(b). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCR 5.974(I); *Trejo, supra*.

Respondent further argues that she received ineffective assistance of counsel. We disagree. An indigent parent has the right to court-appointed counsel in termination proceedings. MCR 5.915(B)(1)(a)(i). The right to counsel includes the right to competent counsel. The principles of ineffective assistance of counsel which have developed in the context of criminal law are applied by analogy. See *In re Trowbridge*, 155 Mich App 785, 786; 401 NW2d 65 (1986).

Here, respondent has not met her burden of demonstrating she was deprived of the effective assistance of counsel at the termination hearing. Further, respondent has failed to establish prejudice in that she has not shown that but for counsel's alleged errors, the result of the proceedings would have been different. *People v Toma*, 462 Mich 281, 302-303; 613 NW2d 694 (2000).

Affirmed.

/s/ Kirsten Frank Kelly
/s/ Martin M. Doctoroff
/s/ Mark M. Doctoroff