

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

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In the Matter of ASHLEY MARIE SANDERSON,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

ERROL SANDERSON,

Respondent-Appellant,

and

DENISE HESS,

Respondent.

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UNPUBLISHED

April 18, 2000

No. 219659

Ogemaw Circuit Court

Family Division

LC No. 98-010822-NA

Before: Gribbs, P.J., and Doctoroff and T.L. Ludington\*, JJ.

MEMORANDUM.

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

We reject respondent-appellant's claim that the trial court abused its discretion in denying his request for an adjournment so that he could obtain different counsel. A trial court's ruling on a request for an adjournment is discretionary and is reviewed for an abuse of discretion. *In re Jackson*, 199 Mich App 22, 28; 501 NW2d 182 (1993). The burden of proof is on the party asserting an abuse of discretion. *Id.* Respondent-appellant has failed to demonstrate good cause for an adjournment, or that

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

the trial court abused its discretion in denying his request. *Soumis v Soumis*, 218 Mich App 27, 31; 553 NW2d 619 (1996).

We also reject respondent-appellant's claim that he was denied the effective assistance of counsel. Effective assistance of counsel is presumed, and the respondent bears a heavy burden of proving otherwise. *People v Pickens*, 446 Mich 298, 302-303; 521 NW2d 797 (1994); *People v Effinger*, 212 Mich App 67, 69; 536 NW2d 809 (1995). To establish ineffective assistance of counsel, respondent-appellant must show that counsel's performance was below an objective standard of reasonableness under prevailing norms and that there is a reasonable probability that, but for counsel's error, the result of the proceedings would have been different. *Id.* Here, respondent-appellant has not identified any injurious action or inaction by his attorney and, therefore, has failed to establish that he was denied the effective assistance of counsel.

The family court did not clearly err in finding that respondent-appellant failed to comply with the parent/agency agreement, or in concluding that the 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). Further, respondent-appellant failed to show that termination of his parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997). Thus, the family court did not err in terminating respondent-appellant's parental rights to the child.

Affirmed.

/s/ Roman S. Gribbs  
/s/ Martin M. Doctoroff  
/s/ Thomas L. Ludington