

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

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In the Matter of AUTUMN ROSE RENSHAW,  
MICHAEL PAUL RENSHAW II and ADAM  
MICHAEL RENSHAW, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL RENSHAW,

Respondent-Appellant,

and

STEFANIE RENSHAW,

Respondent.

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UNPUBLISHED

October 23, 2003

No. 247115

Branch Circuit Court

Family Division

LC No. 01-002171-NA

Before: Bandstra, P.J., and Hoekstra and Borrello, JJ.

MEMORANDUM.

Respondent Michael Renshaw appeals as of right from a circuit court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(a)(ii). We affirm.

Respondent's sole issue on appeal is that trial counsel was ineffective. Respondent failed to raise this claim below in a motion for a new trial or an evidentiary hearing, and review is limited to the existing record. See *People v Snider*, 239 Mich App 393, 423; 608 NW2d 502 (2000).

A respondent has a right to effective assistance of counsel in child protective proceedings. *In re CR*, 250 Mich App 185, 197-198; 646 NW2d 506 (2002). "[T]he principles of effective assistance of counsel developed in the context of criminal law apply by analogy in child protective proceedings." *In re EP*, 234 Mich App 582, 598; 595 NW2d 167 (1999), overruled in part on other grounds by *In re Trejo Minors*, 462 Mich 341, 353, n 10; 612 NW2d 407 (2000). The general rule in the criminal context is as follows:

To prevail on a claim of ineffective assistance of counsel, defendant must show that his counsel's performance was objectively unreasonable and the representation was so prejudicial that he was deprived of a fair trial. To demonstrate prejudice, the defendant must show that, but for counsel's error, there was a reasonable probability that the result of the proceedings would have been different. This Court presumes that counsel's conduct fell within a wide range of reasonable professional assistance, and the defendant bears a heavy burden to overcome this presumption. [*People v Watkins*, 247 Mich App 14, 30; 634 NW2d 370 (2001) (Citations omitted).]

Respondent points out a number of actions counsel should have taken at various points throughout the proceedings, from the pretrial hearing to the termination hearing, but has not explained how such actions would likely have altered the outcome of the case.

Respondent had no contact with counsel until the termination hearing was scheduled. That was the only hearing respondent attended. The crux of his claim is that had counsel taken responsibility to locate respondent and secure his attendance at court, there would have been no evidence of desertion, and the court would not have found that termination was warranted under § 19b(3)(a)(ii). Apart from the fact that respondent admitted that he had not seen his children or made any effort to contact them for more than a year before they came into care, he admitted that he had knowledge of the neglect proceedings two months after the neglect petition was filed and did virtually nothing to participate in the proceedings, until about the time the termination petition was filed. Under the circumstances, we find no basis for concluding that, but for counsel's alleged errors, the results of the proceedings would likely have been different.

We affirm.

/s/ Richard A. Bandstra

/s/ Joel P. Hoekstra

/s/ Stephen L. Borrello