

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of NICHOLAS V. TEED, BRANDI N.  
TEED, and RACHAEL L. TEED, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

HAROLD G. TEED,

Respondent-Appellant,

and

TAMMY RUDDER,

Respondent.

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UNPUBLISHED

September 24, 1999

No. 213612

Macomb Circuit Court

Family Division

LC No. 95-040841

Before: Markman, P.J., and Saad and P.D. Houk,\* JJ.

MEMORANDUM.

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

The family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997); *In re Vasquez*, 199 Mich App 44, 51-52; 501 NW2d 231 (1993). In addition, respondent-appellant failed to show that termination of his parental rights was clearly not in the children's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5). Therefore, the family court did not err in terminating respondent father's parental rights to the children. *In re Hall-Smith, supra.*

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

Limiting our review to the record, respondent-appellant has not established entitlement to relief due to ineffective assistance of counsel. *People v Price*, 214 Mich App 538, 547; 543 NW2d 49 (1995). Contrary to his assertion, defense counsel did object to testimony linking him to the children's allegations of sexual abuse, but the objection was overruled. Because there is no indication that the court would have changed its ruling, counsel was not ineffective for failing to raise the same objection each time the issue came up. *People v Torres (On Remand)*, 222 Mich App 411, 425; 564 NW2d 149 (1997). Furthermore, there is no indication that the family court relied on the testimony of alleged sexual abuse in its decision and, therefore, the requisite prejudice has not been shown. *People v Stanaway*, 446 Mich 643, 687-688; 521 NW2d 557 (1994).

Affirmed.

/s/ Stephen J. Markman

/s/ Henry William Saad

/s/ Peter D. Houk