

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TATIANA GREER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TONY GREER,

Respondent-Appellant,

and

CHERRIES MACDONALD,

Respondent.

UNPUBLISHED

May 19, 2000

No. 219966

Kent Circuit Court

Family Division

LC No. 97-000383-NA

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

MEMORANDUM.

Respondent-appellant (hereinafter “respondent”) appeals as of right from the family court’s order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (g) and (h); MSA 27.3178(598.19b)(3)(a)(ii), (g) and (h). We affirm.

Respondent first contends that the family court denied him his right to counsel by failing to appoint an attorney to represent him at the adjudicative and review hearings. We disagree. An indigent parent involved in a hearing which may terminate their parental rights enjoys the right to appointed, competent counsel. *In re Nash*, 165 Mich App 450, 458; 419 NW2d 1 (1987). However, this right arises when a petition seeking permanent custody of a child is filed, or when there is an indication by the family court that termination of parental rights has become a possibility. *Id.* In this case, there is no indication that respondent-appellant’s parental rights were in jeopardy until after the supplemental

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

petition seeking termination of respondent-appellant's parental rights was filed. Thus, the family court did not violate respondent-appellant's right to counsel by failing to appoint an attorney to represent him at the adjudicative and review proceedings.

Next, we conclude that the family court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCL 5.974(I); *In re Miller*, 433 Mich 311, 337; 445 NW2d 161 (1989). Further, respondent 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's parental rights to the child. *Id.*

Affirmed.

/s/ Roman S. Gribbs

/s/ Martin M. Doctoroff

/s/ Thomas L. Ludington