

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CIARA DANIELS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHARLES EDWARD DANIELS,

Respondent-Appellant,

and

CLARA THREATS,

Respondent.

In the Matter of CIARA DANIELS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CLARA THREATS,

Respondent-Appellant,

and

CHARLES DANIELS,

Respondent.

UNPUBLISHED

February 2, 2001

No. 222252

Calhoun Circuit Court

Family Division

LC No. 98-000763-NA

No. 222268

Calhoun Circuit Court

Family Division

LC No. 98-000763-NA

Before: Neff, P.J., and Holbrook, Jr., and Jansen, JJ.

PER CURIAM.

In these consolidated appeals, respondents appeal as of right from a family court order terminating their parental rights to the minor child under 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. MCL 712A.19b(3); MSA 27.3178(598.19b)(3); MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence on the whole record did not establish that termination of respondents' parental rights was clearly not in the child's best interest. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo Minors*, 462 Mich 341, 354; 612 NW2d 407 (2000). Here, contrary to respondent-father's argument, he did not substantially comply with the services because he did not have appropriate housing, he had not addressed his substance abuse, his employment was unstable, and he had little relationship with the child. With regard to respondent-mother, she had not bonded with the child, she had not demonstrated the ability to safely care for the child, she had little interaction with the child, and she did not have suitable housing. Thus, the family court did not clearly err in terminating respondents' parental rights to the child. *Id.* at 356.

We further reject respondent-father's claim that he was denied the effective assistance of counsel. The mere fact that substitute counsel appeared at three of the hearings does not in itself establish ineffective assistance of counsel. Rather, the record shows that counsel adequately protected respondent-father's rights. Consequently, respondent-father has failed to show either that counsel's performance fell below an objective standard of reasonableness or that the representation was prejudicial. *People v Pickens*, 446 Mich 298, 302-303; 521 NW2d 797 (1994); *In re Simon*, 171 Mich App 443, 447; 431 NW2d 71 (1988).

Affirmed.

/s/ Janet T. Neff

/s/ Donald E. Holbrook, Jr.

/s/ Kathleen Jansen