

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

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In the Matter of OLIVIA CELIA MALDONADO and  
RUBEN MALDONADO II, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

RUBEN MALDONADO,

Respondent-Appellant,

and

RACHEL MARIE NEITZELT,

Respondent.

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UNPUBLISHED

November 17, 1998

No. 206696

Saginaw Juvenile Court

LC No. 97-024508 NA

Before: O’Connell, P.J., and Gribbs and Talbot, JJ.

MEMORANDUM.

Respondent-appellant Ruben Maldonado (“respondent”) appeals as of right from the juvenile court order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g); MSA 27.3178(598.19b)(3)(g). We affirm.

Respondent first argues that his due process rights were violated when the juvenile court denied his request for appointed counsel at the initial hearing. We disagree.

The right to appointed counsel attaches to only a “respondent” in a child protective proceeding. MCR 5.915(B). MCR 5.974(B)(2) defines “respondent” as “the father of the child as defined by MCR 5.903(A)(4).” At the time of the initial hearing, respondent did not meet any of the criteria in MCR 5.903(A)(4). Consequently, he was not a respondent in a child protective proceeding and was

not entitled to appointed counsel. See *In re Gillespie*, 197 Mich App 440, 445-446; 496 NW2d 309 (1992); *In re Montgomery*, 185 Mich App 341, 343; 460 NW2d 610 (1990).

Further, the right to appointed counsel concerns only proceedings where the respondent's parental rights may be terminated. *In re Nash*, 165 Mich App 450, 458; 419 NW2d 1 (1987); *In re Perry*, 148 Mich App 601, 613-615; 385 NW2d 287 (1986). At the time of the initial hearing, termination was not an issue.

Next, the juvenile court did not clearly err in finding that the statutory ground for termination was established by clear and convincing evidence. MCR 5.975(I); *In re Hall-Smith*, 222 Mich App 470, 472-473; 564 NW2d 156 (1997).

Moreover, once the court found a statutory ground for termination, the court was compelled to terminate respondent's parental rights unless respondent could show that termination was clearly not in the children's best interests. *In re Hall-Smith, supra*. Respondent did not present any evidence that termination was clearly not in the children's best interests. Thus, the juvenile court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Peter D. O'Connell

/s/ Roman S. Gibbs

/s/ Michael J. Talbot