

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JESSICA MARIE HENDRIE,
STEPHANIE RACHAEL HENDRIE, JOSEPH
LUCIANO HENDRIE, and GABRIEL RYAN
GONZALEZ, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GABRIEL GONZALEZ,,

Respondent-Appellant,

and

TERESA HENDRIE,

Respondent.

UNPUBLISHED
November 9, 2001

No. 232546
Muskegon Circuit Court
Family Division
LC No. 92-018669-NA

Before: Doctoroff, P.J., and Wilder and Schmucker*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court opinion and order terminating his parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (b)(ii), (g), (j) and (k). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Furthermore, considered in its entirety, the evidence did not show that termination was clearly not in the children's best interests. *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

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

Respondent-appellant also contends that he was denied the effective assistance of counsel. This issue was not preserved below by way of a motion for a new trial or *Ginther*¹ hearing, therefore, this Court's review is limited to errors apparent on the record. *People v Snider*, 239 Mich App 393, 423; 608 NW2d 502 (2000). Because respondent-father failed to demonstrate that his parental rights would not have been terminated but for alleged errors by trial counsel, his claim of ineffective assistance of counsel is without merit. *People v Stanaway*, 446 Mich 643, 687-688; 521 NW2d 557 (1994).

Finally, respondent-father contends that, in terminating his parental rights, the family court violated MCR 2.603 and 2.612(B). The interpretation and application of court rules presents a question of law that this Court reviews de novo. *Symanski v Brown*, 221 Mich App 423, 433; 562 NW2d 212 (1997). After reviewing the record, we are unable to conclude that MCR 2.603 and 2.612(B) apply to facts of the present case. Therefore, reversal is not required.

Affirmed.

/s/ Martin M. Doctoroff

/s/ Kurtis T. Wilder

/s/ Chad C. Schmucker

¹ *People v Ginther*, 390 Mich 436, 443; 212 NW2d 922 (1973).