

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of EBONY YOUNG, LARNELL
YOUNG, ALEXIS YOUNG, DEONTAY O'DAY
YOUNG, and TIMOTHY WILLIAMS, Minors.

DEPARTMENT OF SOCIAL SERVICES,

Petitioner-Appellee,

v

ADELLA YOUNG,

Respondent-Appellant,

and

CHANCY ROBY, LARNELL O'DAY, and
TIMOTHY WILLIAMS,

Respondents.

Before: Saad, P.J., and Hood and McDonald, JJ.

MEMORANDUM.

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

The probate 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). Further, respondent-appellant failed to show that termination of her parental rights was clearly not in the children's best interest. *In re Hall-Smith*, ___ Mich App ___; ___ NW2d ___ (Docket No. 195833, issued 3/25/97), slip op p 3. Thus, the probate court did not err in terminating

respondent-appellant's parental rights to the children. MCL 712A.19b(5); MSA 27.3178(598.19b)(5).

Respondent also contends that she was denied her liberty interest in her children without due process. We disagree. Although parents have a significant interest in the companionship care, custody and management of their children which has been characterized as an element of "liberty" to be protected by due process, *In re Block*, 442 Mich 101, 109; 449 NW2d 752 (1993), based on our conclusion above, and the efforts made to reunite respondent with her children, we see no violation of respondent's due process rights.

Respondent also asserts that she was denied effective assistance of counsel, because her trial counsel refused to let her testify at the permanent custody trial despite her requests and that her counsel refused to call a witness who would have testified regarding respondent's efforts to enroll in classes and counseling. Even if respondent's claims are true, the absence of testimony from respondent and the other witness' testimony would not have changed the outcome of the proceedings. Respondent was not denied the effective assistance of counsel.

Affirmed.

/s/ Henry William Saad

/s/ Harold Hood

/s/ Gary R. McDonald