STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of LATEISHA MARIA CLARK, a/k/a LATEISHA MARIA WASHINGTON, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

FLORENE JEANNIETTE CLARK,

Respondent-Appellant,

and

WILLIE WASHINGTON,

Respondent.

UNPUBLISHED
October 22, 1999

No. 216226
Wayne Circuit Court
Family Division
LC No. 93-312912

Before: Griffin, P.J., and Zahra and S.L. Pavlich*, JJ.

PER CURIAM.

Respondent-appellant Florene Jeanette Clark ("respondent") appeals as of right from a family court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), (i) and (j); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (g), (i) and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent argues that her due process rights were violated because she was not personally served with notice of the termination hearing. We disagree. Analysis of what process is due in a particular proceeding depends on the nature of the proceeding and the interest affected by it. *Klco v Dynamic Training Corp,* 192 Mich App 39, 42; 480 NW2d 596 (1992). The fundamental requirement of procedural due process is "the opportunity to be heard at a meaningful time and in a meaningful

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

manner." *In re KB*, 221 Mich App 414, 419; 562 NW2d 208 (1997), quoting *Mathews v Eldridge*, 424 US 319, 333; 96 S Ct 893; 47 L Ed 2d 18 (1976). Due process is satisfied when interested parties are given notice through a method that is reasonably calculated under the circumstances to apprise them of proceedings that may directly and adversely affect their legally protected interests and afford them an opportunity to respond. *Wortelboer v Benzie Co*, 212 Mich App 208, 218; 537 NW2d 603 (1995).

The record indicates that respondent was personally served with notice of the pre-trial hearing on the permanent custody petition and personally appeared at that hearing. Adjournment of the proceeding to a later date was not the equivalent of creating a new hearing. When the parties agreed to adjourn, the jurisdiction of the trial court had already been established and the court was not required to personally serve respondent again. *In re Andeson*, 155 Mich App 615, 618-619; 400 NW2d 330 (1986). Moreover, the record indicates that respondent had notice of the permanent custody trial because she was present at the adjourned hearing when the trial date was set.

Next, limiting our review to the record, respondent has not demonstrated entitlement to relief due to alleged ineffective assistance of counsel. *People v Mitchell*, 454 Mich 145, 157-158; 560 NW2d 600 (1997); *People v Murray*, 234 Mich App 46, 65; 593 NW2d 690 (1999); see also *People v Stewart (On Remand)*, 219 Mich App 38, 42; 555 NW2d 715 (1996); *People v Rodriguez*, 212 Mich App 351, 356; 538 NW2d 42 (1995).

Finally, 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). Further, respondent failed to show that termination of her 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 (1977). Thus, the trial court did not err in terminating respondent's parental rights to the child. *Id*.

Affirmed.

/s/ Richard Allen Griffin
/s/ Brian K. Zahra
/s/ Scott L. Pavlich