

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of GI'ANA TRICE, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

GILBERT TRICE,

Respondent-Appellant,

and

TUWANA DANYIELL WILLIAMS,

Respondent.

UNPUBLISHED

December 17, 1999

No. 218884

Saginaw Circuit Court

Family Division

LC No. 97-024766 NA

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

MEMORANDUM.

Respondent-appellant Gilbert Trice (hereinafter "respondent") appeals as of right from an order terminating his parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii) and (g); MSA 27.3178(598.19b)(3)(a)(ii) and (g). We affirm.

We reject respondent's contention that the trial court lacked jurisdiction to proceed because he was not provided with sufficient notice of the adjudicative hearing. The record indicates that personal service of the petition and notice of hearing could not be effectuated on respondent because his last known residence had burned down and his whereabouts were unknown. However, substituted service by publication was accomplished in accordance with MCL 712A.13; MSA 27.3178(598.13). *In re Mayfield*, 198 Mich App 226, 230; 497 NW2d 578 (1993). Therefore, the order assuming jurisdiction over the minor child and making her a temporary ward of the court was binding upon respondent. *Id.* at 233.

We also find that 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 his 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 (1997). Also, the trial court had no duty to place the minor child with respondent's daughter, Cynthia Trice. Where, as here, statutory grounds for termination exist and the court finds that termination is in the best interests of the minor child, the trial court is not required to place the child with a relative. See *In re IEM*, 233 Mich App 438, 453-454; 592 NW2d 751 (1999); *In re McIntyre*, 192 Mich App 47, 52; 480 NW2d 293 (1991); *In re Sterling*, 162 Mich App 328, 342; 412 NW2d 284 (1987). Accordingly, the trial court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Henry William Saad

/s/ Gary R. McDonald

/s/ Hilda R. Gage