

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

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In the Matter of TAKILIA TYONIA JOHNSON,  
Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

PAMELA LAMARIE JOHNSON,

Respondent-Appellant,

and

DERELL STINSON,

Respondent.

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UNPUBLISHED

March 17, 2000

No. 218283

Wayne Circuit Court

Family Division

LC No. 88-272652

Before: Murphy, P.J., and Hood and Fitzgerald, JJ.

PER CURIAM.

Respondent-appellant appeals as of right the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(a)(ii), (c)(i), (g), (i) and (l); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (g), (i) and (l). We reverse and remand.

Respondent-appellant argues that she did not receive adequate and proper notice of the permanent custody proceedings. We agree. A failure to provide notice of a hearing as required by statute, MCL 712A.12; MSA 27.3178(598.12), is a jurisdictional defect that renders all proceedings void. *In re Atkins*, 237 Mich App 249, 250-251; 602 NW2d 594 (1999); *In re Adair*, 191 Mich App 710, 713-714; 478 NW2d 667 (1991); *In re Brown*, 149 Mich App 529, 534-542; 386 NW2d 577 (1986).

Respondent-appellant did not attend the June 29, 1998, pretrial hearing on permanent custody, but was personally served that same day with a summons notifying her of another hearing held later that day. That summons, apart from being untimely, failed to identify the nature of the hearing in accordance with MCR 5.920(B)(3), and failed to provide respondent-appellant with notice of the permanent custody hearing to be held on August 25, 1998.

There is no indication in the record that service was attempted by certified mail as ordered by the referee at the pretrial hearing. Although substituted service by publication pursuant to MCR 5.920(B)(4)(c) was made, we conclude that substituted service by publication was improper because there was no determination that personal service could not be made. Indeed, not only was respondent-appellant personally served with the summons described above, but the foster care worker informed the referee at the pretrial hearing that, to her knowledge, respondent-appellant's address had not changed and that she had contact with respondent-appellant during the week before the hearing.

Statutes requiring notice to parents must be strictly construed. *In re Kozak*, 92 Mich App 579, 582; 285 NW2d 378 (1979). Because respondent-appellant was not properly served with a summons and notice of the permanent custody petition under the relevant statutes and court rules, reversal is required.

Reversed and remanded for further proceedings not inconsistent with this opinion. We do not retain jurisdiction.

/s/ William B. Murphy

/s/ Harold Hood

/s/ E. Thomas Fitzgerald