

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of L. M. K., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL JOHN GARCIA,

Respondent-Appellant.

UNPUBLISHED

March 16, 2001

No. 228651

Ingham Circuit Court

Family Division

LC No. 00-004741

Before: Griffin, P.J., and Neff and White, JJ.

PER CURIAM.

Respondent-appellant Michael Garcia appeals as of right from a family court order terminating his parental rights to the minor child. We reverse and remand.

The record does not indicate that reasonable efforts were made to locate respondent in order to provide him with proper notice of the termination proceeding. Moreover, the court was notified at the termination hearing that respondent was within the prison system, but there was no attempt to locate and serve him there with the proper notice. Respondent did not waive his right to notice of the hearing, nor was he present at the hearing. Under these circumstances, upon being notified that respondent was within the prison system, the court should have adjourned the proceedings until respondent was properly served with notice of the hearing. MCL 710.36(7); MSA 27.3178(555.36)(7). The failure to provide proper notice requires reversal. Cf. *In re Atkins*, 237 Mich App 249, 250-251; 602 NW2d 594 (1999); *In re Adair*, 191 Mich App 710, 714; 478 NW2d 667 (1991).

Reversed and remanded for further proceedings. We do not retain jurisdiction.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Helene N. White