STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of MAGEN ECHTER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTOPHER ECHTER,

Respondent-Appellant,

and

REBECCA WABEGIJIK,

Respondent.

UNPUBLISHED
May 1, 2001

No. 225368
Montcalm Circuit Court
Family Division
LC No. 98-009972-NA

In the Matter of MATTHEW ECHTER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTOPHER ECHTER,

Respondent-Appellant,

and

REBECCA WABEGIJIK,

Respondent.

No. 225369
Montcalm Circuit Court
Family Division
LC No. 98-009973-NA

In the Matter of MITCHELL ECHTER, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CHRISTOPHER ECHTER,

Respondent-Appellant,

and

REBECCA WABEGIJIK,

Respondent.

No. 225370
Montcalm Circuit Court
Family Division
LC No. 98-009974-NA

Before: Talbot, P.J., and Sawyer and Markey, JJ.

PER CURIAM.

In these consolidated appeals, respondent Christopher Echter appeals as of right from the family court's order terminating his parental rights to the minor children pursuant to MCL 712A.19b(3)(g) and (n); MSA 27.3178(598.19b)(3)(g) and (n). We affirm.

Although respondent claims that §§ 19b(3)(g) and (n) are unconstitutionally vague and overbroad, he did not challenge the constitutionality of these statutory subsections in the trial court. Therefore, the issue is not preserved. *In re Gentry*, 142 Mich App 701, 705; 369 NW2d 889 (1985). Regardless, we find no merit to respondent's argument. This Court has previously determined that the language "proper care and custody," and "reasonable," as used in a previous version of the statute, is not unconstitutionally vague. *Id.* at 707. Respondent does not specify the language in § 3(n) that he claims is vague. Viewing the statute in its entirety, and giving the words their ordinary meanings, we agree that the statutory language is sufficiently clear and definite to withstand a vagueness challenge. *Id.* at 709-713. See *In re Gosnell*, 234 Mich App 326, 334; 594 NW2d 90 (1999). There is no question that respondent's conduct clearly fits within the statutes, thereby precluding a successful claim that the statutes are overbroad. *Gentry, supra* at 708-709.

Next, respondent argues that the family court failed to comply with the notice requirements of the Indian Child Welfare Act (ICWA), 25 USC 1912, which states:

> In any involuntary proceeding in a State court, where the court knows or has reason to know that an Indian child is involved, the party seeking the foster care placement of, or termination of parental right to, an Indian child shall notify the parent or Indian custodian and the Indian child's tribe, by registered mail with return receipt requested, of the pending proceedings and of their right of intervention. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, such notice shall be given to the Secretary in like manner, who shall have fifteen days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe.

"We recognize the general principle that failure to comply with the requirements of the ICWA may render invalid a proceeding terminating a parent's rights[.]" *In re NEGP*, ___ Mich App ___; ___ NW2d ___ (2001) (Docket No. 226663, rel'd 03/16/01, slip op p 3).

At a preliminary hearing, the children's mother stated that neither she, the children, nor the children's father, were members of any Indian tribe, but that her family was descendant of the Ojibwa tribe. The record indicates that the court subsequently notified the Ojibwa tribes of Michigan, as well as the Bureau of Indian Affairs, by registered mail as specified by the ICWA, but no response was received. Accordingly, we reject respondent's claim that the court failed to comply with the notice requirements of the ICWA. Further, because the identity of the mother's tribal ancestry was determined, it was not necessary to notify the Secretary of the Department of Interior. 25 USC 1912.

Finally, respondent argues that his plea of admission to the allegations in the original petition was illusory and, therefore, the court did not properly acquire jurisdiction over the minor children. We conclude that this issue is not properly before this Court. Respondent may not collaterally attack the family court's exercise of jurisdiction in this appeal from the order terminating his parental rights. *In re Hatcher*, 443 Mich 426, 444; 505 NW2d 834 (1993).

Affirmed.

/s/ Michael J. Talbot
/s/ David H. Sawyer
/s/ Jane E. Markey