STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of KALLI RENEE GAINS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

THOMAS GAINS, JR.,

Respondent-Appellant,

and

TAMARA TKACHIK and ALEXANDER TKACHIK,

Respondents.

UNPUBLISHED
May 25, 2001

No. 228665
Genesee Circuit Court
Family Division
LC No. 98-110128-NA

Before: Doctoroff, P.J., and Holbrook, Jr. and Hoekstra, JJ.

MEMORANDUM.

Respondent[1] appeals as of right from an order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (c)(ii), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (c)(ii), (g) and (j). We affirm.

Respondent argues that the family court lacked jurisdiction to terminate his parental rights because he was not properly served with notice of the termination proceedings. A failure to provide notice of a termination proceeding by personal service as required by MCL 712A.12; MSA 27.3178(598.12) is a jurisdictional defect that renders all proceedings in the family court void. *In re Terry*, 240 Mich App 14, 21; 610 NW2d 563 (2000). However, MCR 5.920(B)(4)(c) provides that if the family court finds that personal service cannot be made because the

[1] Respondents Tamara Tkachik and Alexander Tkachik are not parties to this appeal. For the purpose of clarity, the term "respondent" will be used to refer exclusively to Thomas Gains, Jr.

whereabouts of the person to be summoned has not been determined after reasonable effort, the court may direct any manner of substituted service, including publication. MCL 712A.13; MSA 27.3178(598.13) also permits service by publication if the family court is satisfied that personal service is impracticable. The alternative methods of service set forth in the statute are sufficient to confer jurisdiction on the family court. *In re Mayfield*, 198 Mich App 226, 231; 497 NW2d 578 (1993).

In this case, a summons issued after the termination petition was filed indicated that respondent's address was 2366 Pearl Ann Street in Flint. The record also showed that respondent provided this address to the court at a hearing a month earlier. However, after several attempts, a process server was unable to personally serve respondent at that address. In reliance on these facts, the family court found that personal service was impracticable or could not be achieved because respondent's whereabouts had not been determined after reasonable effort. The court further ordered that service could be made by registered or certified mail to his last known address or notice of the hearing could be provided through publication. A notice stating that a neglect petition had been filed, a hearing on the petition would be conducted, and the hearing may result in the termination of parental rights was published at least twenty-one days before the termination hearing in the Flint-Genesee County Legal News.

Respondent acknowledges that unsuccessful attempts were made to personally serve him with notice, but argues that the family court erred by failing to order petitioner to tack a copy of the summons and termination petition at his last known address, leave a copy with a responsible adult, or send a copy by ordinary or certified mail. Respondent provides no authority for this argument. A party may not merely announce a position and leave it to this Court to discover and rationalize the basis for the claim. *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 (1992). Further, MCR 5.920(B)(4)(c) provides that if the family court finds that service cannot be made because the whereabouts of the person to be summoned has not been determined after reasonable effort, the court may direct *any* manner of substituted service, including publication. We are satisfied that respondent was properly served with notice of the proceedings under the relevant statutes and court rules, and the family court had jurisdiction to terminate his parental rights.

We also reject respondent's argument that the family court erred in its conclusion that at least one of the statutory grounds for termination was established by clear and convincing evidence. MCL 712A.19b(3); MSA 27.3178(598.19b)(3); *In re Trejo*, 462 Mich 341, 355; 612 NW2d 407 (2000). Petitioner presented sufficient evidence to support the trial court's findings that respondent failed to provide support for the child, showed little interest in having a relationship with the child, and would not be able to care for the child in the future. Further, the evidence did not establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *Trejo*, *supra*. Therefore, the family court did not err in terminating respondent's parental rights to the child.

Affirmed.

/s/ Martin M. Doctoroff
/s/ Donald E. Holbrook, Jr.
/s/ Joel P. Hoekstra