

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANTHONY LOPEZ, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JEREMY LOPEZ,

Respondent-Appellant.

UNPUBLISHED

January 4, 2002

No. 233733

Genesee Circuit Court

Family Division

LC No. 99-112204-NA

Before: Meter, P.J., and Jansen and R. D. Gotham*, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court's order terminating his parental rights to the minor child under MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

Respondent argues that the court lacked jurisdiction to terminate his parental rights because he did not receive proper notice of the adjourned pretrial hearing on the termination petition. Respondent did not raise this issue below and therefore has not preserved it for appellate review. *In re NEGP*, 245 Mich App 126, 134; 626 NW2d 921 (2001). Nevertheless, after a thorough review of the record, we conclude that reasonable efforts were made to locate respondent in order to provide him with notice of the termination petition and the originally scheduled pretrial hearing after personal service could not be effectuated. MCL 712A.13; MCR 5.920(B); *In re Adair*, 191 Mich App 710, 714; 478 NW2d 667 (1991). Respondent's claim that he was entitled to be personally served with notice of the adjourned hearing under *In re Atkins*, 237 Mich App 249, 250-251; 602 NW2d 594 (1999), because the court was closed due to poor weather conditions is not supported by authority and, in any event, lacks merit given the circumstances of this case. See *In re Andeson*, 155 Mich App 615, 618-619; 400 NW2d 330 (1986).

Respondent also argues that the trial court erred in concluding that the statutory grounds for termination were established by clear and convincing evidence, and that the basis for the court's decision was not supported by legally admissible evidence. Respondent's evidentiary issue is not preserved because he did not raise the issue below, he failed to submit on appeal the

* Circuit judge, sitting on the Court of Appeals by assignment.

transcript of the hearing where the court took jurisdiction, and he does not identify what specific evidence was allegedly inadmissible or improperly submitted by the court. *Thomas v McGinnis*, 239 Mich App 636, 649; 609 NW2d 222 (2000); *In re Lang*, 236 Mich App 129, 135; 600 NW2d 646 (1999); *People v Kelly*, 231 Mich App 627, 641; 588 NW2d 480 (1998); *In re Toler*, 193 Mich App 474, 477; 484 NW2d 672 1992.

Regardless, we are satisfied that the trial court did not clearly err in finding that § 19b(3)(g) was established by clear and convincing evidence, MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999), and that the court's conclusion with respect to that subsection was based on legally admissible evidence. *In re Gilliam*, 241 Mich App 133, 136-137; 613 NW2d 748 (2000); *In re Snyder*, 223 Mich App 85, 89-91; 566 NW2d 18 (1997). Because only one statutory ground is required in order to terminate parental rights, we need not decide whether termination was also warranted under the other statutory grounds. MCL 712A.19b(3); *In re Trejo Minors*, 462 Mich 341, 360; 612 NW2d 407 (2000). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19(b)(5); *Trejo, supra* at 356-357. Thus, the trial court did not err in terminating respondent-appellant's parental rights to the minor child.

Affirmed.

/s/ Patrick M. Meter
/s/ Kathleen Jansen
/s/ Roy D. Gotham