

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of A.E.S.G., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

JULIE GIBBS,

Respondent-Appellant,

and

GILBERT WHITE,

Respondent.

UNPUBLISHED

October 18, 2002

No. 240056

Ingham Circuit Court

Family Division

LC No. 00-366134-NA

Before: Cooper, P.J., and Jansen and R. J. Danhof*, JJ.

PER CURIAM.

Respondent-appellant appeals as of right from the family court order terminating her parental rights to the minor child under MCL 712A.19b(3)(c)(i). We reverse and remand.

Respondent-appellant argues that the trial court did not have jurisdiction to enter the order because of improper service of the petition to terminate parental rights. Whether a court has personal jurisdiction over a party is a question of law, which we review de novo. *In re Terry*, 240 Mich App 14, 20; 610 NW2d 563 (2000).

MCL 712A.12 requires personal service of a petition to terminate a respondent's parental rights to her child. The November 19, 2001, supplemental petition to terminate respondent-appellant's parental rights was not personally served on respondent, but was sent by regular mail

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

to her address.¹ Both the trial court and the case worker had respondent's current address, and the case worker had regular contact with respondent. Moreover, although MCL 712A.13 allows for alternative methods of service of process—and service by regular mail is *not* an alternative method permitted by statute—the trial court is still required to first determine that personal service is impracticable, which was not done here. *In re Adair*, 191 Mich App 710, 714; 478 NW2d 667 (1991). Failure to serve a termination petition on a respondent as statutorily required is a jurisdictional defect that renders all proceedings in the trial court void. *In re Atkins*, 237 Mich App 249, 250-251; 602 NW2d 594 (1999). Lacking personal jurisdiction over respondent-appellant, the trial court could not terminate her parental rights to the minor child. Respondent-appellant's presence at and participation in the termination hearing did not cure the jurisdictional defect. *In re Brown*, 149 Mich App 529, 533-534, 541; 386 NW2d 577 (1986).

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

/s/ Jessica R. Cooper

/s/ Kathleen Jansen

/s/ Robert J. Danhof

¹ We note that because the child was a temporary court ward at the time that the supplemental petition to terminate parental rights was filed, the court was still required to issue a new summons and complaint as provided in MCL 712A.13. See MCL 712A.20; *In re Atkins*, 237 Mich App 249, 251; 602 NW2d 594 (1999).