

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

In re the Termination of the
Parent-Child Relationship of J.J.,
M.J., and J.B. (Minor Children)
and J.J. Jr., (Father)

J.J. Jr. (Father),

Appellant-Respondent,

v.

Indiana Department of Child
Services,

Appellee-Petitioner

April 28, 2023

Court of Appeals Case No.
22A-JT-2988

Appeal from the
Huntington Circuit Court

The Honorable
Marilyn Moores, Senior Judge

Trial Court Cause Nos.
35C01-2203-JT-7
35C01-2203-JT-8
35C01-2203-JT-9

Memorandum Decision by Judge Vaidik
Judges Tavitas and Foley concur.

Vaidik, Judge.

- [1] J.J. Jr. (“Father”) appeals the termination of his parental rights to his three children. When the Department of Child Services (DCS) moved to terminate, Father had been out of contact in the underlying CHINS cases for at least three months, and DCS was unable to locate him to serve him with the termination petitions. Therefore, it moved for permission to serve him by publication under Trial Rule 4.13. As required by that rule, DCS filed an affidavit detailing its efforts to locate Father. The trial court authorized service by publication, and for three consecutive weeks, the Herald Press in Huntington published notice of the termination petitions, the initial hearing, and the fact-finding hearing. Father failed to appear at the scheduled hearings, but the court appointed an attorney who appeared on Father’s behalf and contested the termination petitions. After the fact-finding hearing, the trial court issued an order terminating Father’s parental rights.
- [2] On appeal, Father argues that “printed media” is “dying out” and that, as a result, service by publication does not satisfy the requirements of due process. Appellant’s Br. pp. 13-14. His attorney didn’t raise this issue in the trial court, and on appeal he doesn’t cite any legal authority or empirical evidence that supports his position. For both reasons, his claim has arguably been waived. In any event, our Supreme Court has held that service by publication is constitutionally adequate unless “a diligent effort has not been made to

ascertain a party's whereabouts." *In re Adoption of L.D.*, 938 N.E.2d 666, 669 (Ind. 2010). We are bound by that precedent, and Father does not argue that DCS failed to make a diligent effort to locate him before resorting to service by publication. Therefore, we affirm the termination of Father's parental rights.

[3] Affirmed.

Tavitas, J., and Foley, J., concur.