

Commonwealth Of Kentucky
Court of Appeals

NO. 2005-CA-001921-ME

T.D.

APPELLANT

v. APPEAL FROM WARREN FAMILY COURT
HONORABLE MARGARET RYAN HUDDLESTON, JUDGE
ACTION NO. 05-AD-00021

CABINET FOR HEALTH AND FAMILY
SERVICES, COMMONWEALTH OF KENTUCKY,
AS NEXT FRIEND OF T.A.D.; AND
T.A.D.

APPELLEES

OPINION
AFFIRMING

** ** * * * * *

BEFORE: BUCKINGHAM, DYCHE, AND GUIDUGLI, JUDGES.

DYCHE, JUDGE: T.D. appeals from an order of the Warren Family Court terminating his parental rights in and to the infant T.A.D. He argues that he was not properly served with summons, and the judgment terminating his rights is therefore void.

T.D. has never been adjudged to be the father of the child; the mother had three children by three different men, and named T.D. in an affidavit as father of the present child.

Following a pattern of neglect, the Cabinet for Health and Family Services initiated this action to terminate the parental rights of both the mother and T.D. As the Cabinet's petition alleged that T.D. was a resident of another state, he was served by Warning Order, pursuant to CR 4.06 - 4.08. The Warning Order Attorney made diligent efforts to determine the whereabouts of appellant, and the strict requirements of the Civil Rules were met. W.G.H. v. Cabinet for Human Resources, 708 S.W.2d 109, 110-111 (Ky.App. 1986).

T.D. was properly served under CR 4.06 and 4.07, and is bound by the judgment entered herein. The judgment of the Warren Family Court is affirmed.

BUCKINGHAM, JUDGE, CONCURS.

GUIDUGLI, JUDGE, CONCURS IN RESULT.

BRIEF FOR APPELLANT:

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