

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of LITTLE JOE ROCK HENNESSEE,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

APRIL FORTNER,

Respondent-Appellant,

and

CEDRIC VAR HENNESSEE,

Respondent.

UNPUBLISHED

November 24, 1998

No. 206687

Wayne Juvenile Court

LC No. 96-347437

Before: O'Connell, P.J., and Gribbs and Talbot, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right the juvenile court's order assuming jurisdiction over the minor child pursuant to MCL 712A.2(b)(1) and (2); MSA 27.3178(598.2)(b)(1)and (2). We affirm.

The juvenile court's finding that the child comes within the statutory provisions is supported by a preponderance of the evidence. MCR 5.972(C)(1); *In re Brock*, 442 Mich 101, 108-109; 499 NW2d 752 (1993). Respondent frequently left the child with a babysitter who did not know how to contact respondent. Respondent failed to pick up the child at the scheduled time and failed to provide enough supplies for the child. The child was nearly drowned and suffered extensive brain damage while with the babysitter. There was also evidence that respondent did not understand and appreciate the child's condition and the complexity of care he will need.

Next, respondent-appellant's due process rights were not violated by virtue of her inability to cross-examine a witness. *Brock, supra* at 108. It is unlikely that cross-examination of the witness would have added additional facts to this matter, particularly because the exact nature of the near drowning did not factor into the court's decision. Moreover, there is no indication in the record that the alleged error caused the juvenile court to be prejudiced in making its determination. See *People v Edwards*, 171 Mich App 613, 619; 431 NW2d 83 (1988).

Affirmed.

/s/ Peter D. O'Connell

/s/ Roman S. Gribbs

/s/ Michael J. Talbot