STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of DAVID WHITE, DANIEL WHITE, ADAM WHITE, MATTHEW WHITE, and SARA WHITE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CAROL ANN WHITE,

Respondent-Appellant,

and

DAVID EDWARD WHITE, SR.,

Respondent.

UNPUBLISHED
April 21, 2000

No. 219466
Saginaw Circuit Court
Family Division
LC No. 97-024823-NA

Before: Owens, P.J., and Murphy and White, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from a family court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(c)(i), (g) and (j). We affirm.

Respondent-appellant claims that MCR 5.974(F)(1)(a) was violated because the termination petition was not filed within forty-two days of the hearing held on November 17, 1998. Even assuming that petitioner was required to file the termination petition within forty-two days of the November 17, 1998, hearing, respondent-appellant is not entitled to relief because the court rule does not specify a remedy for a violation, and respondent-appellant has not shown any prejudice from the delay in filing the

petition. *In re Jackson*, 199 Mich App 22, 28-29; 501 NW2d 182 (1993); *In re Kirkwood*, 187 Mich App 542, 545; 468 NW2d 280 (1991).

Respondent-appellant also claims that her due process rights were violated because the family court allowed the minor children to testify via closed-circuit television without making particularized findings of necessity pursuant to *In re Brock*, 442 Mich 101; 499 NW2d 752 (1993). We conclude that respondent-appellant abandoned this issue at the termination hearing.

The record reflects that respondent-appellant's attorney objected to the use of the closed circuit television procedure at the hearing on March 9, 1999, after which the family court adjourned the hearing and indicated that it would make the requisite particularized findings relative to the closed-circuit television procedure the following day. The next day, after the children testified via closed-circuit television, the court noted for purposes of the record that it had met with the attorneys in chambers and that the procedure employed for taking the children's testimony was stipulated to by all attorneys. Respondent-appellant's attorney then expressed his agreement with the family court's remarks on the record.

In light of the foregoing, we conclude that respondent-appellant abandoned her initial challenge to the use of the closed-circuit television procedure. See *In re Vanidestine*, 186 Mich App 205, 212; 463 NW2d 225 (1990); *People v Riley*, 88 Mich App 727, 731; 279 NW2d 303 (1979). Even if the issue had not been abandoned, however, and due process required particularized findings by the family court, we would conclude that reversal is not warranted because respondent-appellant has failed to demonstrate that she was prejudiced by the children's testimony.

Respondent-appellant does not challenge the family court's findings or conclusions leading to termination.

Affirmed.

/s/ Donald S. Owens
/s/ William B. Murphy
/s/ Helene N. White