

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of N.L.P., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TRACY MORGAN,

Respondent-Appellant.

UNPUBLISHED

October 25, 2002

No. 238789

Wayne Circuit Court

Family Division

LC No. 01-402083

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Respondent appeals as of right from a circuit court order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(b)(i), (g) and (j). We affirm.

Respondent first argues that the trial court erred in allowing petitioner to cross-examine her mother about her difficulties raising respondent. Although the evidence was irrelevant to the allegations in the petition, it was a proper subject of cross-examination. *Schwartz v Triff*, 2 Mich App 379, 383; 139 NW2d 907 (1966). Therefore, the trial court did not abuse its discretion in allowing the evidence. *Ellsworth v Hotel Corp of America*, 236 Mich App 185, 188; 600 NW2d 129 (1999); *Heshelman v Lombardi*, 183 Mich App 72, 84; 454 NW2d 603 (1990). Respondent's argument that the testimony should have been excluded under MRE 403 was not raised below and thus has not been preserved for appeal. *Williams v Coleman*, 194 Mich App 606, 620; 488 NW2d 464 (1992); MRE 103(a)(1).

Respondent next contends that the court erred in admitting certain records because they contained inadmissible hearsay. Respondent failed to preserve this issue as to the criminal history record because she did not raise a hearsay objection below. *Id.* Respondent waived any claim of error as to the majority of the contents of the medical records because she agreed that they were admissible except for isolated sentences of alleged hearsay within those documents. *Schulz v Northville Public Schools*, 247 Mich App 178, 181 n 1; 635 NW2d 508 (2001). The one statement relied on by the court to which respondent did object was admissible under MRE 803(4). Again, respondent's argument that the records should have been excluded under MRE 403 was not raised below and thus has not been preserved for appeal. *Williams, supra*; MRE 103(a)(1). Respondent's argument that admission of the records violated her right of

confrontation has not been preserved for appeal because it was not raised below, *id.*, and was not included in the statement of questions presented on appeal, *Lansing v Hartsuff*, 213 Mich App 338, 351; 539 NW2d 781 (1995).

Affirmed.

/s/ Joel P. Hoekstra
/s/ Kurtis T. Wilder
/s/ Brian K. Zahra