



**IN THE
TENTH COURT OF APPEALS**

No. 10-14-00256-CV

IN THE INTEREST OF K.R. AND K.R., CHILDREN

**From the 74th District Court
McLennan County, Texas
Trial Court No. 2013-2294-3**

MEMORANDUM OPINION

Kimberly S. appeals the trial court's order terminating Kimberly's parental rights to her two children. The trial court's order is affirmed.

In two issues briefed together, Kimberly complains that the trial court erred by allowing the Department's investigator to testify regarding outcry statements made by K.R. without conducting a hearing pursuant to section 104.006 of the Family Code. *See* TEX. FAM. CODE ANN. § 104.006 (West 2011). Section 104.006 of the Family Code sets forth requirements for the trial court to determine whether a child's statement is admissible through another witness in certain circumstances. *See id.*

At trial, the objection by Kimberly to the testimony was solely on the basis of hearsay. Nothing in the record indicates that the trial court was ever requested to conduct a hearing pursuant to section 104.006. In order to preserve this complaint for appeal, Kimberly was required to present her request to the trial court and seek a ruling on that request. Having failed to do so, this complaint was waived. *See* TEX. R. APP. P. 33.1(a); *In the Interest of L.M.*, No. 10-11-00276-CV, 2012 Tex. App. LEXIS 2720, *6 (Tex. App.—Waco Apr. 4, 2012, pet. dism'd) (mem. op.).

Kimberly's issues are overruled. The trial court's order terminating Kimberly's parental rights is affirmed.

TOM GRAY
Chief Justice

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins

Affirmed

Opinion delivered and filed January 29, 2015

[CV06]

