

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

KEVINA WHITE,

Defendant-Appellant.

UNPUBLISHED

July 17, 1998

No. 203049

Wayne County Probate Court

LC No. 95-335118

Before: Murphy, P.J., and Young, Jr. and Michael R. Smith*, JJ.

MEMORANDUM.

Defendant appeals by right the April 7, 1997 dispositional order committing her to the jurisdiction of the Family Independence Agency. We affirm.

Defendant admitted allegations contained in a petition filed with the Wayne County Probate Court, Juvenile Division charging her with incorrigible behavior, and was placed on probation. Defendant admitted violating probation, and the case proceeded to the dispositional phase. Defendant's case history, progress reports, and report card were admitted into evidence without objection. After hearing testimony from defendant's probation officer and her guardian, the court ordered that defendant be committed to the Family Independence Agency for placement outside the home.

On appeal, defendant argues that the court abused its discretion in admitting the school social worker's report without requiring her presence for cross-examination, and that it abused its discretion in committing her for placement outside the home. We disagree.

MCR 5.943(C) provides in part:

(1) At the dispositional hearing all relevant and material evidence, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though such evidence may not be admissible at trial.

* Circuit judge, sitting on the Court of Appeals by assignment.

(2) The juvenile, or the juvenile's attorney, and the petitioner shall be afforded an opportunity to examine and controvert written reports so received, and in the court's discretion, may be allowed to cross-examine individuals making reports when such individuals are reasonably available.

Here, there is no question that the report of the school social worker was relevant and material. The probation officer had knowledge of incidents contained in the report, and the trial court did not abuse its discretion in denying cross-examination of the absent social worker.

The court did not abuse its discretion in committing defendant to the Family Independence Agency for placement outside the home. *In re Ricks*, 167 Mich App 285, 295; 421 NW2d 667 (1988). In the four month probationary period, defendant was frequently absent from school, was physically aggressive, possessed a knife at school, acted inappropriately with male students, and was disrespectful to staff. Given this evidence, it was not an abuse of discretion to find that placement outside the home was necessary.

Affirmed.

/s/ William B. Murphy
/s/ Robert P. Young, Jr.
/s/ Michael R. Smith