

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

A.A.,
Appellant-Respondent,

v.

State of Indiana,
Appellee-Petitioner.

December 27, 2022

Court of Appeals Case No.
22A-JV-1331

Appeal from the Clinton Circuit
Court

The Honorable Bradley K. Mohler,
Judge

Trial Court Cause Nos.
12C01-2101-JD-29
12C01-2105-JD-77

Bradford, Chief Judge.

Case Summary

- [1] After committing a number of delinquent acts, A.A. was placed on probation. While on probation, A.A. committed additional delinquent acts. He was then placed in the Department of Correction (“DOC”). Within two months of his release from the DOC, he admitted to committing a plethora of probation violations. The juvenile court subsequently re-committed A.A. to the DOC. On appeal, A.A. contends that the juvenile court abused its discretion in doing so. We affirm.

Facts and Procedural History

- [2] On January 27, 2021, under cause number 12C01-2101-JD-29 (“Cause No. JD-29”), the State alleged that A.A. was a delinquent child for having committed what would be Class A misdemeanor domestic battery, two counts of Class A misdemeanor theft, and Class B misdemeanor battery if committed by an adult. The State also alleged that A.A. “did habitually disobey the reasonable and lawful commands of [his] parent ... and said child needs care, treatment or rehabilitation that he would not receive without the coercive intervention of the court.” Appellant’s App. Vol. II pp. 49–50. On March 3, 2021, A.A. admitted to the allegations. The juvenile court accepted A.A.’s admissions and placed him on probation for twelve months. On April 15, 2021, the State filed a petition alleging that A.A. had violated the terms of his probation in Cause No. JD-29.

[3] On May 6, 2021, under cause number 12C01-2105-JD-77 (“Cause No. JD-77”), the State alleged that A.A. was a delinquent child for having committed what would be Level 6 felony escape if committed by an adult. The State also again alleged that A.A. “did habitually disobey the reasonable and lawful commands of [his] parent ... and said child needs care, treatment or rehabilitation that he would not receive without the coercive intervention of the court.” Appellant’s App. Vol. II p. 51. On May 19, 2021, A.A. admitted to the allegations set forth in Cause No. JD-77 and to having violated the terms of his probation in Cause No. JD-29. The juvenile court accepted A.A.’s admissions and sentenced him to the custody of the DOC with placement at the Boys’ School in Logansport.

[4] A.A. was released from the Boys’ School “[o]n or about March 7, 2022,” and was placed on supervised probation for six months. Appellant’s App. Vol. II p. 57. Upon being released from the Boys’ School, A.A. was warned that “[a]ny major problems, new referrals or non[-]compliance issues while on probation would result in placement” in the DOC. Tr. Vol. II p. 32. On April 25, 2022, the State alleged that A.A. had violated the terms of his probation by (1) being arrested for being a “[r]unaway” and for being “[i]ncorrigible” on numerous occasions; (2) being arrested for committed what would be Class A misdemeanor domestic battery if committed by an adult; (3) being arrested for committing what would be Class C misdemeanor possession of marijuana if committed by an adult; (4) receiving multiple discipline referrals at school; (5) being truant from school; and (6) being arrested for escape and habitual disobedience of a parent. Appellant’s App. Vol. II pp. 57–58. Following a

hearing on June 10, 2022, the juvenile court ordered that A.A. be returned to the custody of the DOC with placement again at the Boys' School.

Discussion and Decision

- [5] A.A. contends that the juvenile court abused its discretion in ordering that he be placed in the DOC.

The choice of the specific disposition of a juvenile adjudicated to be delinquent is a matter within the sound discretion of the juvenile court. The juvenile court is accorded wide latitude and great flexibility in its dealings with juveniles. This discretion is, however, subject to the statutory considerations of the welfare of the child, the safety of the community, and the policy of favoring the least harsh disposition. We will reverse a juvenile disposition only for an abuse of discretion, which occurs when the juvenile court's action is clearly erroneous and against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual inferences drawn therefrom.

A.C. v. State, 144 N.E.3d 810, 812–13 (Ind. Ct. App. 2020) (internal citations omitted). “Hence, the juvenile court is accorded wide latitude and great flexibility in its dealings with juveniles.” *J.S. v. State*, 881 N.E.2d 26, 28 (Ind. Ct. App. 2008).

- [6] In challenging his placement, A.A. argues that the juvenile court should have imposed a less-restrictive sanction, claiming that the State failed to prove that placement in DOC was in A.A.'s best interests. Although a juvenile court is generally required to place the juvenile in the least restrictive placement,

Indiana Code section 31-37-18-6¹ and the relevant case law recognize that “in certain situations the best interest of the child is better served by a more restrictive placement.” *K.A. v. State*, 775 N.E.2d 382, 387 (Ind. Ct. App. 2002), *trans. denied*. In this case, the juvenile court determined that a less-restrictive placement was not appropriate. We cannot say that the juvenile court abused its discretion in this regard.

[7] The facts of this case indicate that prior attempts to place A.A. in a less-restrictive placement were unsuccessful. Despite prior attempts at leniency, A.A. has (1) continued to demonstrate a pattern of habitual disobedience of a parent, (2) engaged in numerous violent acts against family members, and (3) demonstrated a habitual pattern of being unable to comply with the rules and restrictions imposed by the traditional school setting. Within two months of his release from his prior stint in the DOC, A.A. had committed a plethora of probation violations. Notably, A.A. had been arrested six times and had

¹ Indiana Code section 31-37-18-6 relates to juvenile dispositions and provides that

If consistent with the safety of the community and the best interest of the child, the juvenile court shall enter a dispositional decree that:

(1) is:

(A) in the least restrictive (most family like) and most appropriate setting available; and

(B) close to the parents' home, consistent with the best interest and special needs of the child;

(2) least interferes with family autonomy;

(3) is least disruptive of family life;

(4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and

(5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

(Emphasis added).

received eighteen disciplinary referrals. A.A. subsequently admitted that he had been warned upon his release from the DOC that “[a]ny major problems, new referrals or non[-]compliance issues while on probation would result in placement” in the DOC, but nevertheless continued to engage in behavior which resulted in numerous new referrals, arrests, and delinquency charges. Tr. Vol. II p. 32.

[8] Although A.A.’s counsel argued before the juvenile court that A.A. should be given the opportunity to reform his behavior in a less-restrictive placement such as house arrest, we agree with the State that A.A.’s pattern of behavior indicates that “a more structured environment is needed to ensure that he is receiving an education” and that because his behavior has remained unchanged, “his recommitment to the Boys’ [S]chool was consistent with” his best interests. Appellee’s Br. p. 9. We further agree that A.A.’s “behavior is self-destructive and disruptive to the community and his family, and the least restrictive placement for A.A. is a secure facility which can provide the structured environment that he needs.” Appellee’s Br. p. 10. As such, we conclude that the juvenile court did not abuse its discretion in committing A.A. to the DOC.

[9] The judgment of the juvenile court is affirmed.

Robb, J., and Pyle, J., concur.