

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

L.B.,
Appellant-Respondent

v.

State of Indiana,
Appellee-Petitioner

March 26, 2024

Court of Appeals Case No.
23A-JV-2108

Appeal from the Greene Circuit Court
The Honorable Erik C. Allen, Judge

Trial Court Cause No.
28C01-2109-JD-22

Memorandum Decision by Judge May
Judges Vaidik and Kenworthy concur.

May, Judge.

- [1] L.B. appeals his placement in the Department of Correction (“DOC”) following his adjudication as a juvenile delinquent for committing an act that, if committed by an adult, would be Level 6 felony auto theft.¹ We affirm.

Facts and Procedural History

- [2] On June 26, 2021, fourteen-year-old L.B., who was under the influence of LSD, crashed his mother’s car after taking it without her permission. The officer on the scene reported, “[t]he accident was serious and it [was] amazing no one was killed.” (App. Vol. II at 34.) L.B. was released into his mother’s custody.
- [3] On September 14, 2021, the State filed a petition alleging L.B. was a delinquent child for committing acts that, if committed by an adult, would be Level 6 felony auto theft and Class C misdemeanor operating a motor vehicle having never receiving a license.² The trial court held a hearing on the petition and L.B. admitted he was a delinquent for committing an act that, if committed by an adult, would be Level 6 felony auto theft. Based thereon, the trial court adjudicated L.B. as a delinquent.
- [4] From November 10 to December 3, 2021, the trial court placed L.B. in the DOC’s Juvenile Correction Facility to conduct evaluations for L.B.’s

¹ Ind. Code § 35-43-4-2(a)(1)(B)(i).

² Ind. Code § 9-24-18-1(a).

predispositional report. The predispositional report revealed L.B. had a history of drug abuse and was experiencing extreme grief due to the recent death of his father. On December 21, 2021, the trial court entered its dispositional order, which placed L.B. on probation. As terms of his probation, the trial court required L.B., in part, to obey the law, refrain from using illegal substances and alcohol, and “work on his schoolwork and find age-appropriate activities.” (*Id.* at 116.)

[5] Less than two weeks later, on January 4, 2022, the State petitioned for modification of L.B.'s dispositional decree. Therein, the State alleged Officer Alan Jackson of the Linton Police Department was dispatched to L.B.'s house because two juveniles were using drugs. When he arrived, Officer Jackson found L.B. unresponsive in the bathtub and, in another room, D.M. was alternating between responsiveness and unresponsiveness. Officer Jackson revived L.B. with Narcan, and then both L.B. and D.M. were taken to the hospital. The results of L.B.'s drug screen indicated he had ingested marijuana and alcohol. On January 11, 2022, the trial court held a hearing on the matter and L.B. admitted he violated his probation. The trial court modified L.B.'s dispositional order by placing him on GPS monitoring and imposing additional conditions on his probation regarding the people with whom L.B. could associate.

[6] Less than a month later, on January 31, 2022, the State again petitioned for modification of L.B.'s dispositional decree. Therein, the State alleged that on January 21, 2022, L.B., along with three other people, assaulted D.M. in L.B.'s

home. The three other people threw D.M. “out of the window[.]” (App. Vol. II at 140.) L.B. “was present but did not participate.” (*Id.*) Then, on January 23, 2022, L.B. was at his home with three people when one of the people shot a gun out of one of the home’s windows and another person was seen in possession of the gun. On January 28, 2022, police arrested L.B.’s mother for neglect based on the alleged gun incident. As L.B. would not be supervised while his mother was in jail for that charge, he was placed in emergency shelter care. On February 1, 2022, L.B. admitted the allegations in the State’s second petition for modification of L.B.’s dispositional decree. The trial court placed L.B. on informal house arrest in the home of his aunt and uncle.

[7] On May 23, 2022, the State filed a third petition to modify L.B.’s dispositional decree. The State alleged L.B. tested positive for THC, was expelled from school for using and selling drugs at school, stole his cousin’s car, and took \$50.00 from his uncle. Police found L.B. in Lebanon with his cousin’s car. As police transported L.B. back to Tippecanoe County where he was placed with his aunt and uncle, L.B. called his aunt and told her he intended to “hang out with friends and then kill himself.” (*Id.* at 153.) Police transported L.B. to the hospital and then to the emergency shelter, as his aunt and uncle no longer wanted to be his placement.

[8] On May 31, 2022, the trial court modified L.B.’s placement to Transitions Residential Facility (“Transitions”), where he received therapy, family counseling, and substance abuse treatment. He began taking medications for his mental health-related issues and much of his therapy focused on his grief

around his father's death. However, in June 2022, L.B. was involved in a physical altercation with another minor at Transitions, and in January 2023, L.B. tested positive for "Benzodiazepine with undecipherable results for THC." (App. Vol. III at 41.)

[9] On May 19, 2023, L.B. was released from Transitions into his mother's custody. He remained on probation. Five days after he left Transitions, L.B. drank alcohol with an adult neighbor and subsequently tested positive for alcohol in violation of his probation. At some point thereafter, L.B.'s mother told probation that she intended to move out of state to remove L.B. from the environment, which she thought was a factor in his delinquent behavior.

[10] On July 18, 2023, the trial court ordered L.B.'s probation be extended until his family moved out of state or he completed the first nine weeks of school, whichever occurred first. The trial court told L.B.: "If there's a new violation, a new petition to modify can be filed, [and I] could impose any of the dispositional alternatives that were available [to me] originally. But hopefully, we don't get in that situation." (Tr. Vol. II at 10.) On July 20, 2023, L.B.'s mother reported L.B. as a runaway to the Greene County Sheriff's Department. She told police that L.B. was last seen at her home around 2:55 a.m. that morning and had left a note that he was

leaving and not returning, he was glad his mother found someone to be happy with but he was a troublemaker, he was not going to return until he was an adult, he could send money, he had failed a drug test the day before and was going to be sent

away, and once he was an adult there was nothing anyone could do.

(App. Vol. III at 118.) Police located L.B. eight days later around Vincennes, and the trial court ordered him detained at the Southwest Regional Youth Village in Vincennes until the Greene County Sheriff's Department could transport him back to Greene County for a hearing.

[11] On August 1, 2023, the trial court held another dispositional hearing. L.B. admitted he violated his probation by leaving home for an extended period of time. During that hearing, L.B.'s probation officer, Julie Johnson, told the trial court she was "at the end of the road here where we've hit basically the stop measure for . . . juvenile probation." (Tr. Vol. II at 28.) She outlined the measures she had taken to address L.B.'s needs and place him in the least restrictive placement possible. Johnson recommended L.B. be placed in the DOC. Based on the testimony presented at the dispositional hearing, the trial court modified L.B.'s dispositional order and placed him in the custody of the DOC. In doing so, the trial court stated:

I think commitment to the Indiana Boys' School is the only option I have left at this point. Because I'm not willing to just leave you to your own devices and let you go harm yourself or somebody else without giving some last effort at trying to provide help to you. At the Indiana Boys' School, you will get substantial programming involving mental health services and substance abuse. So I think that's where we're at. We've tried everything else. You have firebombed every opportunity you've had. And you've made your bed and now [you're] going to lay [sic] in it.

(*Id.* at 43-4.)

Discussion and Decision

[12] L.B. challenges his placement in the DOC. The juvenile court system is founded on the notion of *parens patriae*, which allows the juvenile court to step into the shoes of the parents. *R.G. v. State*, 212 N.E.3d 720, 722 (Ind. Ct. App. 2023). The *parens patriae* doctrine gives juvenile courts power to further the best interests of the child, “which implies a broad discretion unknown in the adult court system.” *Id.* (quoting *In re K.G.*, 808 NE.2d 631, 634 (Ind. 2004)). Accordingly, juvenile courts have “wide latitude and great flexibility” in fashioning dispositions for delinquents, and we review a juvenile court’s decision for an abuse of discretion. *K.S. v. State*, 114 N.E.3d 849, 854 (Ind. Ct. App. 2018), *trans. denied*. A decision is an abuse of discretion if it is clearly against the logic and effect of the facts and circumstances before the trial court or against “the reasonable, probable, and actual deductions to be drawn” from those facts and circumstances. *Id.*

[13] While juvenile courts have “wide latitude and great flexibility” in fashioning dispositions for delinquents, *id.* (quoting *C.T.S. v. State*, 781 N.E.2d 1193, 1203 (Ind. Ct. App. 2003), *trans. denied*), our legislature also delineated factors the trial court should consider as it makes its decision:

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.

Ind. Code § 31-37-18-6.

[14] L.B. contends the trial court abused its discretion when it placed him in the DOC because there were less restrictive placements that he alleges would better address L.B.'s mental health and substance abuse treatment needs. However, L.B. had been in multiple less restrictive placements since his adjudication in 2021, and many of those placements provided treatment services. He stayed at his last placement, Transitions, for almost a year and received therapy to address his grief and other issues, substance abuse treatment, and mental health medication. However, less than a week after he was released from Transitions, L.B. violated his probation by drinking alcohol. Johnson told the trial court there were no less restrictive placement facilities that would "provide something different than what [L.B.'s] already had[.]" (Tr. Vol. II at 31.) Additionally, she noted L.B. had been given many chances and he "didn't make an effort to help himself here." (*Id.* at 31.) Moreover, the trial court judge indicated the

DOC would provide services to address L.B.’s mental health and substance abuse issues. Based thereon, we conclude the trial court did not abuse its discretion when it placed L.B. in the DOC after the State had exhausted all other less restrictive placements. *See M.M. v. State*, 189 N.E.3d 1163, 1167 (Ind. Ct. App. 2022) (holding juvenile court did not abuse its discretion by granting wardship to DOC when “numerous and intensive efforts and lesser restrictive placements” had failed).

Conclusion

[15] The trial court did not abuse its discretion when it placed L.B. in the DOC because there were no further less restrictive placements. Accordingly, we affirm.

[16] Affirmed.

Vaidik, J., and Kenworthy, J., concur.

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