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IN THE
COURT OF APPEALS OF INDIANA

M.M.,
Appellant-Petitioner,

v.

State of Indiana,
Appellee-Respondent.

June 22, 2022

Court of Appeals Case No.
21A-JV-2723

Appeal from the Porter Circuit
Court

The Honorable Kristen R.
Mulligan, Magistrate

Trial Court Cause No.
64C01-1802-JD-213
64C01-1803-JD-283
64C01-1806-JD-601
64C01-1807-JD-657
64C01-2007-JD-442

Bailey, Judge.

Case Summary

- [1] M.M. appeals a juvenile delinquency dispositional order modifying his custody to the Indiana Department of Correction, Indiana Boys School (“the DOC”). He presents the sole issue of whether the juvenile court abused its discretion in its placement selection. We affirm.

Facts and Procedural History

- [2] On March 9, 2018, M.M. was adjudicated delinquent for having committed an act that would be Class A misdemeanor battery if committed by an adult. M.M. admitted that he had head-butted his teacher, which had caused a laceration, loose teeth, and pain.
- [3] While awaiting disposition, M.M. got into a fight with his mother. On March 23, 2018, M.M. was again adjudicated delinquent for having committed an act that would be Class A misdemeanor battery if committed by an adult. M.M. admitted that he had struck his mother in the face and bit her finger. M.M. was placed on supervised probation for a period of six months. As part of his probation, M.M. was to fulfill day reporting requirements, undergo a psychological evaluation, participate in psychiatric services, and complete the Juvenile Justice Jeopardy program. M.M. violated a term of his probation and was transported to a juvenile detention center.
- [4] On July 23, 2018, M.M. was again adjudicated delinquent for having committed two acts that would be Level 5 felony battery if committed by an

adult and one act that would be Class A misdemeanor battery if committed by an adult. M.M. admitted that he had bit a detention officer on her arm and had kicked a second detention officer in the groin. M.M. also admitted that he had pushed his grandmother to the ground, causing her pain. M.M. was placed in Transitions Academy.

- [5] In December of 2019, M.M. was placed on home detention. On February 7, 2020, home detention was modified to supervised probation. Two months later, M.M. got into an altercation with his mother. He kicked her and bit his uncle. A few days after that incident, M.M. was removed from the home and placed at Alternative House.
- [6] On August 12, 2020, M.M. was again adjudicated delinquent for having committed an act that would be Class A misdemeanor battery if committed by an adult. M.M. admitted that he had battered two juveniles. M.M. had removed a piece of metal from a medical device, broken it, and jabbed the juveniles with the metal fragments, causing hand, facial, and chest injuries. M.M. was placed at Transitions Academy until July 21, 2021, when his placement was modified to the Indiana United Methodist Children's Home ("IUMCH"). This placement was terminated three months later, after M.M. pushed a staff member against a wall and threatened her with a shard of glass.
- [7] A modification hearing was conducted on November 8, 2021. On the following day, the juvenile court entered a modification order in each of M.M.'s battery cases, granting wardship of M.M. to the DOC. M.M. now appeals.

Discussion and Decision

[8] M.M. argues that placement in a residential treatment program for juveniles would have been the least restrictive and best option for him, and that the juvenile court abused its discretion by instead ordering wardship to the DOC. According to M.M., his mental health needs cannot be adequately addressed in the DOC.

[9] Indiana Code Section 31-37-18-6 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.

[10] The foregoing statute recognizes that in certain situations the best interest of the child is better served by a more restrictive placement. *J.S. v. State*, 881 N.E.2d 26, 29 (Ind. Ct. App. 2008). “The specific disposition of a delinquent is within the juvenile court’s discretion, to be guided by the following considerations: the safety of the community, the best interests of the child, the least restrictive alternative, family autonomy and life, freedom of the child, and the freedom and participation of the parent, guardian, or custodian.” *K.S. v. State*, 849 N.E.2d 538, 544 (Ind. 2006). We will reverse the disposition only for an abuse of discretion, that is, a decision that is “clearly against the logic and effect of the facts and circumstances before the court, or the reasonable, probable, and actual deductions to be drawn therefrom.” *Id.*

[11] Here, M.M. had been in residential placement for approximately 56.5 months and in secure detention for 175 days. The placements included Crossroads Child and Family Services, Transitions Academy, Alternative House, Gibault Children’s Services, and IUMCH. With the exception of the Transitions Academy placement, M.M. was unsuccessfully discharged from each placement. M.M. had experienced violent outbursts, destroyed property, attacked other residents and staff members, and threatened to kill one staff member’s nine-year-old child by slitting the child’s throat.

[12] At the modification hearing, probation officer John Bryan testified:

[M.M.] first became involved with the Juvenile Court and the Juvenile Justice System on February 26th, 2018, nearly four years ago. He’s been referred to us more than five times. He’s been

offered the most intensive services we are able to provide a juvenile, including Cross System Care Coordination which is wraparound; the Department of Correction diagnostic evaluations; community based services; six residential placements, four of which were secure residential placements. . . . In spite of all these efforts, we have not been successful in helping [M.M.] learn to manage or prevent his anti-social and violent behaviors. While at the Methodist Children's Home, [M.M.] has exhibited very severe anti-social behavior and violent behavior, the report details those incidents but he has physically assaulted staff members, he's physically assaulted peers, and he's threatened to slit the throat of a staff member's child who lives on property. This is extremely discouraging because [M.M.] has a history of using sharp objects to attack peers. [M.M.] has also done significant property damage destroying TVs, computers, and desks. [M.M.]'s been adjudicated [delinquent] of four counts of A Misdemeanor Battery Resulting in Bodily Injury and two counts of Felony 5 Battery Resulting in Bodily Injury to a Public Safety Official. He currently has five felony charges being held open. . . . [M.M.] has also had numerous violent outbursts, committed property damage and had physical conflicts with staff and peers at all of his placements, most of these were not reported to police and not charged and were instead dealt with by the placement and the Probation Department. . . . We believe today, Your Honor, that we've exhausted all reasonable efforts.

(Tr. Vol. II, pgs. 106-08.)

- [13] In the order placing M.M. in the DOC, the juvenile court listed the prior services and placements for M.M. of record: formal supervised probation, home detention (levels 1 and 2), secure detention, PSS wrap-around services, individual therapy, family therapy, medication management, psychiatric support, Juvenile Justice Jeopardy program, formal supervised probation,

Chronic Offender Program, in-home therapy, case management, psychological evaluation, parenting education, services for parents, a diagnostic and evaluation stay at the DOC, Choices Cross System Care coordination, residential placement at Gibault, residential Placement at Crossroads through the Department of Education, respite placement at the Alternative House, two residential placements at Transitions Academy, and placement at the IUMCH. The juvenile court concluded: “these efforts did not prevent removal of the child because the juvenile was removed from his most recent placement because of his continued violent, aggressive and erratic behaviors, his verbal threats, and his destruction of property. (Appealed Order at 3.)

[14] In light of the failure of numerous and intensive efforts and lesser restrictive placements, we cannot say that the juvenile court order for placement in the DOC is clearly against the logic and effect of the facts and circumstances before the court.

Conclusion

[15] M.M. has not demonstrated an abuse of the juvenile court’s discretion.

[16] Affirmed.

Najam, J., and Bradford, C.J., concur.