

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

N.R.,
Appellant-Defendant,

v.

State of Indiana,
Appellee-Plaintiff

July 6, 2023

Court of Appeals Case No.
23A-JS-353

Appeal from the Switzerland
Circuit Court

The Honorable W. Gregory Coy,
Judge

Trial Court Cause No.
78C01-2203-JS-1

Memorandum Decision by Chief Judge Altice
Judges May and Foley concur.

Altice, Chief Judge.

Case Summary

[1] After N.R. admitted to running away from home, a status offense pursuant to Ind. Code § 31-37-2-2, the trial court found her to be a delinquent child and placed her on probation for 355 days. Thereafter, N.R. repeatedly violated the terms of her probation. The court revoked the disposition and ordered her placed in a residential facility. N.R. argues the court abused its discretion in doing so.

[2] We affirm.

Facts & Procedural History

[3] On March 7, 2022, N.R.'s mother (Mother) contacted the police and informed them that her then thirteen-year-old daughter left their house in Florence without permission. Mother had been unable to locate N.R. for several hours and sought help from the police. After a search, police officers found N.R. and transported her to a juvenile detention center. On March 8, the State filed a petition alleging N.R. to be a runaway in violation of I.C. § 31-37-2-2. At a detention hearing, the trial court ordered N.R. to be detained at the Jefferson County Youth Shelter—from which she was released to her mother with electronic monitoring on the morning of March 10.

[4] N.R. admitted to leaving home without permission during a fact-finding hearing held on August 10, 2022, and the court adjudicated her to be a delinquent child. The court ordered that N.R. be placed in a residential facility

for juveniles but suspended the placement to 355 days of probation. The conditions of probation stipulated that N.R. attend therapy, abstain from consumption of illegal substances, and participate in all services arranged by the probation officer.

[5] In a petition for modification of disposition filed on October 5, 2022, the State informed the court of N.R.'s failure to adhere to the rules of probation. The State alleged that N.R. had been terminated from outpatient therapy for failing to attend appointments; she failed to participate in four of seven sessions of the recommended 1Voice Youth Recovery Support Group; she tested positive for marijuana; and she self-reported the use of a vape. The court took the petition under advisement.

[6] A second petition for modification of disposition was filed on December 8, 2022, and amended four days later. As amended, the petition alleged that N.R. continued to miss the requisite therapy appointments and that she once again tested positive for marijuana. Moreover, the petition informed the court that N.R. engaged in a fight at her school for which she received four days of alternative classroom placement.

[7] On January 18, 2023, the court held a modification hearing in which it ruled that it was in the best interest of N.R. to be placed at the Josiah White Residential Treatment Facility. The court found that N.R. had violated the terms of her probation and that efforts to address problems through the least restrictive means had been exhausted. The court placed N.R. at the treatment

facility to address her “needs of substance abuse, anger management, trauma, family relationships, educational needs, coping skills, depression and any other needs that might be identified by the provider.” *Appendix* at 36. N.R. now appeals. Additional facts will be provided as needed.

Discussion & Decision

[8] Our Supreme Court has held that the nature of the juvenile process is rehabilitation of the child with the end goal of preventing criminal behavior as an adult. *Jordan v. State*, 512 N.E.2d 407, 408 (Ind. 1987). A child may become a juvenile delinquent “by committing acts that would not be a violation of the law if committed by an adult, such as . . . running away from home.” *Id.* When a trial court finds a child to be a delinquent for a “status offense,” the court may rely on a variety of dispositions—including placing the minor in a treatment facility. *A.M.R. v. State*, 741 N.E.2d 727, 729 (Ind. Ct. App. 2000); *see also* Ind. Code § 31-37-19-1. In some instances, the best interest of the child is “better served by a more restrictive placement.” *R.H. v. State*, 937 N.E.2d 386, 391 (Ind. Ct. App. 2010) (quoting *K.A. v. State*, 775 N.E.2d 382, 387 (Ind. Ct. App. 2002)); *see also* *L.L. v. State*, 774 N.E.2d 554 (Ind. Ct. App. 2002), *trans. denied.* (finding that sometimes commitment to a suitable institution is in the best interests of the child and society).

[9] Courts have discretion in choosing the disposition for a child adjudicated delinquent. *D.E. v. State*, 962 N.E.2d 94, 96 (Ind. Ct. App. 2011). This “sound discretion” is subject to the following statutory considerations: the welfare of

the child, the safety of the community, and the policy favoring the least harsh disposition. *R.H.*, 937 N.E.2d at 388; *see also* I.C. § 31-37-18-6. We may reverse the trial court’s disposition only if the court abused its discretion. *D.E.*, 962 N.E.2d at 96. An abuse of discretion occurs when the trial court’s “actions are clearly against the logic and effect of the facts and circumstances before it or the reasonable inferences that may be drawn therefrom.” *R.H.*, 937 N.E.2d at 388.

[10] In this case, the trial court afforded N.R. ample opportunity to adjust her behavior after she ran away from home. Instead of making strides at rehabilitation, N.R. repeatedly violated the terms of her probation: she was terminated from outpatient therapy due to lack of attendance; she neglected to participate in the probation department’s recommended support group program; and she tested positive for marijuana use on multiple occasions. She also received several days of alternative classroom placement after engaging in a fight at her school. These are but a few of the representative violations. The trial court’s efforts to rehabilitate N.R. through the least restrictive means proved unsuccessful. At the modification hearing, the trial court clarified that it was following the recommendations of probation by placing N.R. in a private facility—a step of last resort that courts “always loathe to do.” *Transcript* at 34-38. N.R. has failed to demonstrate that the court abused its discretion by placing her at the Josiah Residential Treatment Facility.

[11] Judgment affirmed.

May, J. and Foley, J., concur.