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IN THE
COURT OF APPEALS OF INDIANA

A.R.,
Appellant-Respondent,

v.

State of Indiana,
Appellee-Petitioner.

October 5, 2022

Court of Appeals Case No. 22A-JV-156

Appeal from the Henry Circuit Court

The Honorable Bob A. Witham, Judge

Trial Court Cause No. 33C01-1707-JD-40

Tavitas, Judge.

Case Summary

[1] A.R. appeals the juvenile court's order that he register pursuant to the Indiana Sex and Violent Offender Registration Act ("SORA"), Indiana Code Chapter 11-8-8. A.R. contends that: (1) the juvenile court did not have jurisdiction to determine if A.R. should register pursuant to SORA; (2) the evidence was insufficient to support the determination that he register; and (3) the registration requirement violates his rights under the Eighth Amendment to the United States Constitution and Article 1, Section 16 of the Indiana Constitution. We conclude that the juvenile court had jurisdiction to consider the issue, that the juvenile court's determination was supported by clear and convincing evidence, and that A.R.'s constitutional claims are waived. Accordingly, we affirm.

Issues

[2] A.R. raises two issues, which we revise and restate as:

I. Whether the juvenile court had jurisdiction to determine if A.R. should register pursuant to SORA.

II. Whether the juvenile court's determination that he must register pursuant to SORA is supported by sufficient evidence.

III. Whether the juvenile court's determination that A.R. must register pursuant to SORA violates his rights under the Eighth Amendment to the United States Constitution and Article 1, Section 16 of the Indiana Constitution.

Facts

[3] On July 26, 2017, thirteen-year-old A.R. and his eleven-year-old sister were seen naked from the waist down at a softball diamond in a public park. The children's four-year-old sibling was with them. When the children were later located, A.R.'s sister told law enforcement that A.R. pushed her against the fence, pulled her shorts down, and put his penis in her anus. At this time, A.R.'s family was already working with the Department of Child Services because A.R. exposed himself to a neighbor.

[4] The State alleged that A.R. was delinquent for committing an act that would be child molesting, a Level 3 felony, if committed by an adult. A September 2017 psychological testing report found that A.R.'s "*risk for engaging in future sexually maladaptive delinquent and violent behaviors is* ***MODERATE-HIGH***. [A.R.] likely presents a significant threat to community safety." Appellant's App. Vol. II p. 103 (emphasis in original). A.R. admitted to certain allegations, and he was

adjudicated delinquent for sexual battery, a Level 6 felony, if committed by an adult.

[5] A.R. was placed at Park Center Redwoods Facility, a residential treatment facility. In January 2018, it was recommended that A.R.'s placement be modified to the SMART program at the Youth Opportunity Center ("YOC") in part due to A.R.'s conflicts with other students and staff. Additionally, A.R. needed to continue working on his "sexual thoughts and fantasies," evidenced by A.R. agreeing to have sex with another student for money. *Id.* at 182.

[6] At the SMART program at YOC, during therapy, A.R. disclosed "additional sexually acting out behaviors with his sister, which [were] not previously disclosed." *Id.* at 231. Additionally, A.R.'s mother learned that A.R. had "solicited two female cousins for sex and attempted to coerce them after they refused," and A.R.'s younger brother indicated that A.R. had also been inappropriate with him. *Id.* A.R. struggled with dishonesty, breaking the rules, and lying about his behavior. A.R. had unauthorized communications with girls and made a plan to run away with a female resident. Although A.R. made "significant progress" at YOC, he continued to engage in some deceptive behaviors. Appellant's App. Vol. III p. 27.

[7] In late 2019, A.R. was transitioned to a therapeutic foster home. A.R., however, was arrested for running away in November 2019, and he was placed on electronic monitoring. In February 2020, A.R. had consensual sexual intercourse with a sixteen-year-old female student in the girls' restroom at

school. A.R. acquired a cell phone without permission and used it to view pornography. He stole lighters, which he used to light papers on fire in his bedroom at his foster home. A.R. also admitted to using a device to watch pornography and masturbate while another child was in the room.

[8] In September 2020, the Court Appointed Special Advocate ("CASA") expressed "significant concerns" for A.R. due to his frequent violations of his safety plan and conditions of his probation. *Id.* at 114. The CASA noted that A.R. is still trying to engage in interactions with females, who are "younger and at times lower functioning" than A.R. *Id.* A.R.'s therapist terminated services as "unsuccessful." *Id.* at 115. The therapist opined that A.R. had "achieved the maximum benefit from therapeutic services" and that further "treatment [was] unlikely to lead to a reduction in future risk." *Id.* at 117. Additionally, A.R.'s therapeutic foster parent requested that A.R. be removed from her home. *Id.* at 115. Despite being provided with significant services, A.R.'s behaviors continued, and A.R. was "unaffected by concerns of consequences." *Id.*

[9] Due to A.R.'s noncompliance, the juvenile court ordered that he be committed to the Department of Correction ("DOC"), and the juvenile court granted guardianship of A.R. to the DOC. In September 2020, A.R. was transferred to the DOC. At the DOC, A.R. engaged in consensual sexual activity with his roommates on multiple occasions and was the subject of a Prison Rape

Elimination Act ("PREA")[1] investigation. Per A.R., he received "a lot" of conduct reports while in the DOC. Ex. Vol. III p. 6.

[10] On July 30, 2021, the DOC notified the juvenile court that A.R. was scheduled to be released on August 9, 2021. After A.R.'s release, he was placed in a group home, where he was later found to be viewing pornography and making sexual gestures to females.

[11] On August 12, 2021, the State, by the deputy prosecuting attorney, filed a motion for the juvenile court to reinstate jurisdiction and require A.R. to register as a sex or violent offender. On August 19, 2021, the juvenile court granted the State's motion, reinstated jurisdiction, and set the matter for an evidentiary hearing on September 16, 2021. On August 25, 2021, the State requested that A.R. undergo a psychological evaluation and a risk assessment for recidivism, which the trial court granted on August 27, 2021. On September 2, 2021, the State requested a continuance of the evidentiary hearing so that the evaluations could be completed. The motion indicated that A.R.'s counsel had no objection to the continuance.

[12] The juvenile court granted the motion for a continuance and reset the evidentiary hearing for October 28, 2021. Although the juvenile court had already reinstated jurisdiction, A.R. then objected to the State's motion to

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[1] *See* 34 U.S.C.A. §§ 30301 to 30309 (formerly 42 U.S.C.A. §§ 15601 to 15605).

reinstate jurisdiction and argued that such a procedure was not allowed under the relevant statutes. A.R. turned eighteen years old on September 24, 2021.

[13] At the October 28, 2021 hearing, Brett Boswinkle, clinical administrator at Family Service Society, testified regarding A.R.'s psychological testing and recidivism assessments. Boswinkle testified that A.R. had "signs of some severe personality disorder and bipolar I disorder, predominantly manic"; he has "some significant narcissistic features, like [lack of] empathy for others and some anti-social features"; he has "high levels of impulsivity and does not always exercise good judgment"; he "likely has problems following through on commitments"; "he has elevated risk of developing an alcohol or substance abuse problem"; he has "problems with trust and persecutory thinking, thinking individuals are after him"; he is "likely to be manipulative and superficial in relationships"; he "becomes easily bored and easily irritated with others"; and he "has elevated risk of continuing acting out behavior and he tends to use others for his own advantage." Tr. Vol. II p. 29-30.

[14] A.R. was evaluated for recidivism risk through three assessments—PROFESOR, Static 99-R, and Stable 2007. PROFESOR indicated that A.R. was in the fourth category out of five categories, which indicated that "high intensity intervention would be warranted in order to reduce the person's risk in the future." *Id.* at 17. On the Static 99-R assessment, A.R. scored in the average risk category. On the Stable 2007 assessment, A.R. scored in the "high risk category." *Id.* at 23.

[15] On January 13, 2022, the juvenile court found "there is clear and convincing evidence that [A.R.] is likely to repeat an act that would be an offense described under I.C. 11-8-8-5(a) if committed by an adult." Appellant's App. Vol. III p. 185. Thus, the juvenile court ordered A.R. "to register as a sex or violent offender with local law enforcement authority pursuant to I.C. 11-8-8 et seq."[2] *Id.* That order was later stayed pending this appeal.

Discussion and Decision

I. Jurisdiction

[16] A.R. argues that the juvenile court lacked jurisdiction to order A.R. to register pursuant to SORA because the juvenile court did not follow the proper statutory procedures to reinstate jurisdiction. A.R. argues that the juvenile court could only reassert jurisdiction upon its own motion or upon the motion of the DOC—not upon the motion of the deputy prosecutor.

[17] A.R.'s argument requires that we interpret the statutes concerning a juvenile court's jurisdiction.[3] We "afford de novo review to the interpretation of statutes" and questions of jurisdiction. *D.P. v. State*, 151 N.E.3d 1210, 1213 (Ind. 2020). "Juvenile courts, in particular, have limited subject matter jurisdiction, as they may exercise authority over cases only as permitted by

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[2] A.R. argues that he was subject to a lifetime registration requirement. The State concedes that A.R. is subject to a ten-year registration requirement. This issue was not addressed in the order before us, and thus, we do not address it further.

[3] A.R. does not identify the type of jurisdiction at issue here.

statute." *Id.* "In other words, when statutory jurisdictional prerequisites are not satisfied, the juvenile court has no power to hear and decide the matter." *Id.*

[18] "In construing statutes, our primary goal is to determine the legislature's intent." *Id.* To ascertain that intent, we first look to the statutory language. *Id.* "If the language is clear and unambiguous, we give effect to its plain and ordinary meaning and cannot resort to judicial construction." *Id.* We must presume the legislature intended the statutory language to be applied "logically and consistently with the statute's underlying policy and goals, and we avoid construing a statute so as to create an absurd result." *Culver Cmty. Tchrs. Ass'n v. Indiana Educ. Emp. Rels. Bd.*, 174 N.E.3d 601, 604-05 (Ind. 2021).

[19] Indiana Code Section 31-30-2-1(a) provides, in part:

> Except as provided in subsections (b), (c), and (h), the juvenile court's jurisdiction over a delinquent child or a child in need of services and over the child's parent, guardian, or custodian continues until:
>
> > (1) the child becomes twenty-one (21) years of age, unless the court discharges the child and the child's parent, guardian, or custodian at an earlier time; or
> >
> > (2) guardianship of the child is awarded to the department of correction.

Subsections (b), (c), and (h) are not applicable here. Accordingly, the juvenile court lost jurisdiction over A.R. when guardianship of A.R. was awarded to the DOC.

[20] Procedures exist, however, for the juvenile court to reinstate jurisdiction over a child.[4] Indiana Code Section 31-30-2-2 provides:

> If the department of correction is awarded guardianship of a child under section 1(a)(2) of this chapter (or IC 31-6-2-3(a)(2) before its repeal), the department of correction shall notify the court awarding the guardianship when the department will release the child from the department's custody. The notification must be sent to the court at least ten (10) days before the child's release.

Here, on July 30, 2021, the DOC notified the juvenile court that A.R. would be released on August 9, 2021. Indiana Code Section 31-30-2-3 provides:

> After receiving notification under section 2 of this chapter (or IC 31-6-2-3(b) before its repeal), a juvenile court may within thirty (30) days after notification, on the court's own motion, reinstate jurisdiction over the child for the purpose of modifying under IC 31-34-23 or IC 31-37-22 the court's original dispositional decree.

Additionally, under Indiana Code Section 31-30-2-4(a), the DOC may petition the juvenile court to reinstate the court's jurisdiction. Here, well within the

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[4] A.R. does not argue that he is not a child for purposes of the juvenile court's jurisdiction under Indiana Code Chapter 31-30-2. *See* Appellant's Br. p. 42 (noting that "the court's jurisdiction only continues until the child reaches the age of 21"). A.R., however, argues that he is not a "child" for purposes of the SORA registration requirement under Indiana Code Section 11-8-8-4.5.

thirty days that the juvenile court was given to act, the deputy prosecutor petitioned the juvenile court to reinstate jurisdiction, and the juvenile court did so.

[21] Because the deputy prosecutor, rather than the DOC or the juvenile court on its own motion, petitioned the juvenile court to reinstate jurisdiction, A.R. contends that the juvenile court's acquisition of jurisdiction was improper. The juvenile court here was empowered by the statute to reinstate jurisdiction within thirty days after receiving notification from the DOC, which it did. We cannot find that the juvenile court is denied the ability to reinstate jurisdiction simply because the deputy prosecutor filed a superfluous motion. The denial of jurisdiction to the juvenile court under such circumstances would "create an absurd result," which we seek to avoid when interpreting statutes. *Culver Cmty. Tchrs. Ass'n*, 174 N.E.3d at 605. Accordingly, we conclude that the juvenile court had jurisdiction to consider the registration issue.

II. SORA

[22] Next, A.R. argues that the evidence is insufficient to support the finding that he is required to register under SORA. A.R. contends that the juvenile court's determination was not supported by the evidence because: (1) at the time of the registration determination, he was not a "child" under Indiana Code Section 11-8-8-4.5; (2) Indiana Code Section 11-8-8-4.5 required A.R. to be fourteen years old at the time of the delinquent act; and (3) insufficient evidence existed to prove that A.R. was likely to reoffend.

[23] "When judging the sufficiency of the evidence supporting a decision to place a juvenile on a sex offender registry, we neither reweigh the evidence nor judge the credibility of the witnesses." *B.W. v. State*, 909 N.E.2d 471, 476 (Ind. Ct. App. 2009). "Instead, we look to the evidence and the reasonable inferences that can be drawn therefrom that support the juvenile court's decision, and we will affirm if there is clear and convincing evidence from which the juvenile court could find the elements of the Sex Offender Registration Act have been met." *Id.*

[24] A.R.'s arguments again require that we interpret the relevant statutes. As noted, "our primary goal is to determine the legislature's intent." *D.P.*, 151 N.E.3d at 1213. To ascertain that intent, we first look to the statutory language. *Id.* "If the language is clear and unambiguous, we give effect to its plain and ordinary meaning and cannot resort to judicial construction." *Id.* We must presume the legislature intended the statutory language to be applied "logically and consistently with the statute's underlying policy and goals, and we avoid construing a statute so as to create an absurd result." *Culver Cmty. Tchrs. Ass'n*, 174 N.E.3d at 604-05.

[25] SORA imposes prerequisites for juvenile registration, which "implicitly recognizes, and attempts to balance, the tension between [the] registration's harsh effects and the juvenile system's rehabilitative aims." *J.D.M. v. State*, 68 N.E.3d 1073, 1077 (Ind. 2017). Our Supreme Court has held that strict construction of the juvenile sex offender registration requirement is necessary to accomplish the express statutory goal of "ensur[ing] that children within the

juvenile justice system are treated as persons in need of care, protection, treatment, and rehabilitation." *Id.* at 1078 (citing, in part, Ind. Code § 31-10-2-1).

[26] Indiana Code Section 11-8-8-4.5 defines a "sex offender", in part, as:

> a **child** who has committed a delinquent act and who:
>
> (A) **is** at least fourteen (14) years of age;
>
> (B) **is** on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
>
> (C) **is** found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

I.C. § 11-8-8-4.5(b)(2) (emphasis added).

[27] A.R. first argues that he was not a "child" when the juvenile court determined A.R. was required to register pursuant to SORA. A.R. contends that, under SORA, a child is a person younger than eighteen.

[28] SORA does not define the term "child." We note that, for purposes of juvenile law, however, a child means, in part: "a person: (A) who is eighteen (18), nineteen (19), or twenty (20) years of age; and (B) who either: (i) is charged

with a delinquent act committed before the person's eighteenth birthday; or (ii) has been adjudicated a child in need of services before the person's eighteenth birthday . . . ." Ind. Code § 31-9-2-13(d)(2). Thus, under Indiana Code Section 31-9-2-13(d)(2), A.R. remained under the juvenile court's jurisdiction until he turned twenty-one years old. A.R. was seventeen years old when the juvenile court reinstated jurisdiction, and A.R. turned eighteen during the pendency of these proceedings.

[29] Under A.R.'s interpretation of SORA, he would be a child for purposes of juvenile law, but the juvenile court would be unable to address the applicability of the registration statutes. The State also points out that, under A.R.'s interpretation, "the 16-year-old offender who remained in detention for two years would be free from any registry requirement even though the 16-year-old who committed the same offense and had the same risk of re-offending but was released from detention a couple months earlier would be required to register." Appellee's Br. p. 23. We agree that A.R.'s interpretation of the statute would lead to absurd results. Accordingly, we conclude that A.R., who was still under the jurisdiction of the juvenile court, qualifies as a "child" under Indiana Code Section 11-8-8-4.5.

[30] Next, A.R. argues that Indiana Code Section 11-8-8-4.5 does not apply to him because he committed his offense when he was thirteen years old and Indiana Code Section 11-8-8-4.5 applies only if the juvenile was fourteen years old when the offense was committed. The State argues that Indiana Code Section 11-8-8-4.5 "does not require the offender to be at least 14 years old at the time of the

act; it requires him to be at least 14 years old at the time the registration requirement is imposed." Appellee's Br. p. 25.

[31] The use of the present tense "is" throughout the requirements of Indiana Code Section 11-8-8-4.5(b)(2)(A)-(C) indicates that the child must be at least fourteen years old at the time that the registration requirement is imposed. This portion of the statute is not referring to the age of the child at the time of the commission of the delinquent act. "To decide differently would require this Court to rewrite clearly written statutes, violating bedrock separation-of-powers principles. This we will not do. If today's result was not the intent of the legislature, then it—not we—must make the necessary statutory changes." *D.P.*, 151 N.E.3d at 1217. Thus, Indiana Code Section 11-8-8-4.5(b)(2), when read as a whole, refers to the age of the child when the registration requirement is considered. *See Consumer Att'y Servs., P.A. v. State*, 71 N.E.3d 362, 366 (Ind. 2017) (noting that statutes should be read "as a whole").

[32] Finally, A.R. argues that, even if Indiana Code Section 11-8-8-4.5 applies to him, the evidence was insufficient to conclude that he should be required to register. Indiana Code Section 11-8-8-4.5(b)(2)(C) required the juvenile court to find "by clear and convincing evidence" that A.R. would be "likely to repeat an act that would be an offense described in subsection (a) if committed by an adult." A.R. contends that he was not at "high risk" to reoffend; Boswinkle "effectively concluded" that A.R. was not likely to commit another sex offense; the risk assessments were not suited for child offenders; and the psychological

testing results "mirrored characteristics" that are true of juveniles in general. Appellant's Br. p. 43.

[33] The State presented evidence that, despite years of services, A.R.'s behavior issues continued. The psychological testing revealed signs of a severe personality disorder and bipolar I disorder, predominantly manic. A.R. has significant narcissistic features, a lack of impulse control, is manipulative, and "has elevated risk of continuing acting out behavior and he tends to use others for his own advantage." Tr. Vol. II p. 29-30. Due to A.R.'s age, Boswinkle performed multiple risk assessments on A.R.—some designed for juvenile offenders and some designed for adult offenders. One test indicated that "high intensity intervention would be warranted in order to reduce the person's risk in the future." *Id.* at 17. Another indicated that A.R. scored in the average risk category. A third assessment indicated that A.R. scored in the "high risk category." *Id.* at 17, 23.

[34] Under these circumstances, A.R.'s arguments are merely a request to reweigh the evidence, which we cannot do. *See B.W.*, 909 N.E.2d at 476. We conclude that the State established by clear and convincing evidence that A.R. was "likely to repeat an act that would be an offense described in subsection (a) if committed by an adult." I.C. § 11-8-8-4.5. Accordingly, the evidence is sufficient to sustain the juvenile court's finding that A.R. must register pursuant to SORA. *See B.W.*, 909 N.E.2d at 479-80 (declining to reweigh the evidence regarding whether the juvenile offender was likely to reoffend).

III. Constitutional Claims

[35] A.R. contends that his rights under the Eighth Amendment of the United States Constitution and Article 1, Section 16 of the Indiana Constitution were violated by the juvenile court's order that he register pursuant to SORA.[5] A.R., however, did not raise these arguments below. Accordingly, A.R.'s Eighth Amendment and Indiana Constitution claims are waived. *See Layman v. State*, 42 N.E.3d 972, 976 (Ind. 2015) (declining to address constitutional claims that were not raised at trial); *Morgan v. State*, 755 N.E.2d 1070, 1077 (Ind. 2001) ("Defendant's argument on appeal is different than his argument at trial, and his objection is therefore waived.").

Conclusion

[36] We conclude that the juvenile court had jurisdiction to determine if A.R. should register pursuant to SORA and that the evidence was sufficient to support the determination that he must register. Additionally, A.R.'s claims under the Eighth Amendment to the United States Constitution and Article 1, Section 16 of the Indiana Constitution are waived. Accordingly, we affirm.

[37] Affirmed.

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[5] The Eighth Amendment provides: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Article 1, Section 16 of the Indiana Constitution provides: "Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishments shall not be inflicted. All penalties shall be proportioned to the nature of the offense."

May, J., concurs.

Riley, J., dissents with separate opinion.

IN THE
COURT OF APPEALS OF INDIANA

A.R.,
Appellant-Respondent,

v.

State of Indiana,
Appellee-Petitioner.

Court of Appeals Case No.
22A-JV-156

Riley, Judge, dissenting.

[38] I respectfully dissent from the majority's conclusion that the trial court had jurisdiction in this matter. Indiana Code section 31-30-2-3 provides that after receiving notification from the DOC that a juvenile is to be released from its custody, "a juvenile court may within thirty (30) days after notification, *on the court's own motion*, reinstate jurisdiction over the child for the purpose of modifying . . . the court's original dispositional decree." (Emphasis added). The plain and unambiguous language of the statute belies that there is no provision for a prosecutor to move a juvenile court to reinstate jurisdiction, as was the case here. When construing an unambiguous statute, we are obligated to refrain from reading terms into it. *See N.D.F. v. State*, 775 N.E.2d 1085, 1088

(Ind. 2002). In addition, juvenile courts "may exercise authority over cases only as permitted by statute." *D.P. v. State*, 151 N.E.3d 1210, 1213 (Ind. 2020). Because the juvenile court in this case lacked the statutory authority to reinstate its jurisdiction based on the prosecutor's motion, I cannot agree with the majority that the juvenile court properly exercised jurisdiction over A.R.'s case.

[39] I also respectfully part ways with the majority regarding its conclusion that A.R. was subject to SORA and, therefore, that the evidence supported the trial court's registration Order. Subsection 11-8-8-5(b) of SORA provides that the term 'sex or violent offender' includes the following:

> (2) a *child* who has committed a delinquent act and who:
>
> (A) *is at least fourteen (14) years of age*;
>
> (B) is on probation, is on parole, [or] is discharged from a facility by the [DOC] . . . and
>
> (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

(Emphasis added). SORA mandates that, in making its determination that there is clear and convincing evidence of a likelihood to re-offend under subsection (b)(2)(C), the court "shall consider expert testimony concerning whether a child is likely to repeat an act that would be an offense described in subsection (a) if committed by an adult." I.C. § 11-8-8-5(c). These additional prerequisites for juvenile registration are the legislature's implicit recognition of, and attempt at balancing, the tension between the registration's harsh effects and our juvenile justice system's rehabilitative aims. *J.D.M. v. State*, 68 N.E.3d

1073, 1077 (Ind. 2017). Our supreme court has recognized that a strict construction of SORA's juvenile registration provisions is necessary "to accomplish the express statutory goal of 'ensur[ing] that children within the juvenile justice system are treated as persons in need of care, protection, treatment, and rehabilitation.'" *Id*. at 1078 (quoting Indiana Code section 31-10-2-1(5), the "Policy and purpose" provision of Title 31, the Family Law and Juvenile Law statute).

[40] A.R. is not a 'child' for purposes of subsection (b)(2). The term 'child' is not further defined within Title 11 or SORA itself. Neither party has identified any ambiguity in the language of the statute, and I would not find it to be ambiguous. Therefore, I would provide the word 'child' with its plain and ordinary meaning. A 'child' may be defined as an "unemancipated person under the age of majority." Black's Law Dictionary (11th ed. 2019). The age of majority in Indiana is eighteen. I.C. § 1-1-4-5. Therefore, a plain reading of the unambiguous wording of SORA requires that a person must be under the age of eighteen to be subject to its juvenile registration requirement. A.R. was over eighteen years old when the juvenile court entered its Order requiring him to register and, therefore, was ineligible for SORA.

[41] In addition, subsection (b)(2)(A) provides that the term 'sex or violent offender' includes a child who has committed a delinquent act and who "is at least fourteen (14) years of age[.]" Again, neither party contends that subsection (b)(2)(A) is ambiguous. A plain reading of the statute ties the age requirement of subsection (b)(2)(A) to the relative clause "who has committed a delinquent

act" and, thus, evinces the legislature's intent that only a child who has committed the triggering act after the age of fourteen is eligible for the sex offender registry. This plain reading of SORA's provisions comports with our supreme court's mandate that we construe the statute strictly to accomplish the goal of rehabilitative justice for juvenile offenders. *See J.D.M.*, 68 N.E.3d at 1077; *see also J.C.C. v. State*, 897 N.E.2d 931, 935 (Ind. 2008) (acknowledging the "overarching rehabilitative thrust of Indiana's juvenile justice system"). A.R. was only thirteen when he committed the acts that led to his adjudication for sexual battery, and, therefore, he did not fit within the parameters of SORA.

[42] Given these conclusions, I would not have reached the issue of whether the evidence presented at the hearing was sufficient to support the trial court's registration Order. However, it is deeply troubling that, in light of the mandate of Indiana Code section 11-8-8-5 that a trial court "shall consider expert testimony" concerning whether a child is likely to sexually re-offend, the expert who testified at the hearing failed to offer an opinion on A.R.'s likelihood to re-offend. It is equally troubling that, given that the results of risk assessment tools relied upon by the majority were the main evidence presented at the hearing, the same expert testified that there are no empirically validated instruments that can accurately estimate the risk of an adolescent's risk of sexual re-offense. For these reasons, I dissent.