

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

J.K.B.,
Appellant-Defendant

v.

State of Indiana,
Appellee-Plaintiff



March 27, 2024

Court of Appeals Case No.
23A-JV-2940

Appeal from the Allen Superior Court
The Honorable Andrea R. Trevino, Judge
The Honorable Daniel G. Pappas, Magistrate

Trial Court Cause No.
02D07-2306-JD-654

Memorandum Decision by Judge Bailey

Judges Crone and Pyle concur.

Bailey, Judge.

Case Summary

- [1] J.K.B., age seventeen, appeals a juvenile delinquency dispositional order modifying his custody to the Indiana Department of Correction (“the DOC”), for housing in a juvenile correctional facility. 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 August 17, 2023, J.K.B. was adjudicated a delinquent for unlawfully carrying a handgun. At that time, J.K.B. had prior referrals for truancy and informal adjustments upon allegations that he had committed acts that would be criminal mischief and criminal trespass, if committed by an adult. On the same day, wardship of J.K.B. was committed to the DOC but that placement was suspended “on the condition that [J.K.B.] compl[y] with the rules of probation.” (App. Vol. II, pg. 42.)
- [3] One month later, on September 28, J.K.B. was detained at 2:39 a.m. in an incident where three males fled upon being approached by police officers

investigating a report of attempted vehicle break-ins. J.B. was arrested for violating curfew. He admitted that he had not been living with his mother.

[4] On October 17, a petition for modification of a dispositional order was filed. The petition alleged that J.K.B. had violated the conditions of probation by engaging in unlawful behavior, failing to obey lawful parental requests, and failing to attend the Youth Build Program. On October 18, the juvenile court conducted a hearing at which J.K.B. admitted to the first two allegations. The juvenile court granted the motion for modification and ordered that J.K.B. was to be preliminarily housed in the temporary secure detention of the Allen County Juvenile Center.

[5] On November 14, the juvenile court conducted a hearing to determine J.K.B.'s placement. The parties stipulated that reasonable efforts to prevent removal had included: formal probation; ankle monitoring; a mental health/substance abuse assessment; Thinking Errors; a drug/alcohol group; an educational program; random urinalysis testing; Project Life; and home-based casework services.

[6] Probation officer Gretchen Torres reported that J.K.B. had stopped attending school once his ankle monitor was removed. She further indicated that J.K.B. was unemployed, not living at home with his mother, not reporting to probation, and not reporting to Youth Build. She also advised the juvenile court that J.K.B. was not readily located when the bench warrant for his arrest

was issued. In Torres's opinion, ankle monitoring would be an inadequate method of supervision for J.K.B.

[7] At the conclusion of the hearing, the juvenile court committed J.K.B. to the DOC, upon entering the following findings:

1. The juvenile minimizes delinquent behavior.
2. The juvenile must learn the logical and natural consequences of delinquent behavior.
3. The juvenile is in need of rehabilitation and will benefit from a highly structured environment.
4. The juvenile maintains negative peer relationships in the local community.
5. The parent has little control over [the] juvenile's behavior.
6. The court also finds that the disposition set forth hereinafter is appropriate due to the seriousness of the offense.
7. The court finds that the juvenile is in danger of reaching 18 years of age without a high school diploma or high school equivalency diploma certificate. The Court finds that the juvenile is significantly behind in accumulated high school credits and is not on course to graduate from high school. The Court finds that the juvenile has been offered numerous education opportunities. The Court finds that the juvenile's educational advancement requires the highly structured environment provided by the Allen County Juvenile Center.

8. The juvenile's IYAS score shows that the juvenile is at a high risk to reoffend.

(Appealed Order at 1-2.) J.K.B. now appeals.

Discussion and Decision

- [8] J.K.B. does not challenge the juvenile court's factual findings. Rather, he argues that his continued placement on probation is consistent with the safety of the community and his best interests. According to J.K.B., the juvenile court abused its discretion in its selection of placement to the DOC because none of J.K.B.'s cases were "violent in nature." Appellant's Brief at 17.
- [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, although J.K.B. had been extended leniency after carrying a handgun, he was unwilling to avail himself of the opportunities afforded him. He left his mother's home, stopped attending school, and stopped reporting to his probation officer. He was arrested during early morning hours under circumstances that suggested he may have been part of a group attempting to break into vehicles. Under these circumstances, 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

[12] J.K.B. has not demonstrated an abuse of the juvenile court's discretion.

[13] Affirmed.

Crone, J., and Pyle, J., concur.

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