

MEMORANDUM DECISION

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IN THE COURT OF APPEALS OF INDIANA

R.C.,
Appellant-Respondent

v.

State of Indiana,
Appellee-Plaintiff.

May 19, 2023

Court of Appeals Case No.
22A-JV-2843

Appeal from the Wayne Superior
Court

The Honorable Darrin M.
Dolehanty, Judge

Trial Court Cause No.
89D03-2205-JD-18

Memorandum Decision by Judge Pyle

Chief Judge Altice and Judge Riley concur.

Pyle, Judge.

Statement of the Case

[1] In an effort to provide maximum services to children who are, or have been, children in need of services (“CHINS”) and under the supervision of our juvenile justice system, Indiana’s family and juvenile code provides a process called dual status assessment. The aim is to address the specific needs of these children by providing both the child welfare system and the juvenile justice system with tools to identify, communicate, and implement a coordinated plan that serves a child’s best interests and welfare. In this case, R.C. (“R.C.”), a juvenile, had been adjudicated a delinquent child after committing acts that would be criminal offenses if committed by an adult. In previous cases, R.C. had been determined to be a dual status child and placed on probation and in-home detention. However, after the commission of several new delinquent acts and the failure of rehabilitative efforts through informal adjustments, the State filed a petition seeking to modify the juvenile court’s dispositional decree.¹ Finding that R.C. had repeatedly violated probation and in-home detention rules and had engaged in disruptive behavior resulting in the refusal to admit R.C. into residential treatment programs, the juvenile court modified its dispositional decree and placed R.C. under the wardship of the Department of

¹ An “informal adjustment” is a written agreement between the child, parent, guardian, or custodian, filed with and approved by the juvenile court, which outlines steps to be taken to ensure the safety and well-being of the child. IND. CODE § 31-34-8-1.

Correction (“DOC”). R.C. appeals her placement with the DOC. Concluding that the juvenile court did not abuse its discretion, we affirm its judgment.

[2] We affirm.

Issue

Whether R.C.’s placement with the DOC was an abuse of discretion.

Facts

[3] On May 18, 2022, deputies from the Wayne County Sheriff’s Department responded to the residence of R.C.’s great aunt and uncle, where she lived. Upon arrival, deputies found R.C.’s great aunt’s right hand bleeding and wrapped in a bandage. The first deputy on the scene had placed R.C. on the ground in order to handcuff her. R.C.’s great aunt explained that R.C. had become upset when she had thought someone had been rummaging through her bedroom drawers. An argument ensued and turned physical. At some point, R.C. grabbed a knife and made stabbing motions toward her great aunt. While attempting to grab the knife, great aunt’s hand was cut. As a result of this incident, R.C. was charged with several offenses, including what would be intimidation, as a Level 5 felony if committed by an adult, under cause number 89D03-2205-JD-0018 (“Cause 0018”).

[4] At the time of this incident, R.C. had been referred to the Wayne County Probation Department under an informal adjustment. In addition, R.C. had been adjudicated a delinquent child for committing what would have been the crime of auto theft, a Level 6 felony if committed by an adult, under cause

number 89D03-2102-JD-0004 (“Cause 0004”). As a result, she was placed on probation and in a residential treatment program. Because of her disruptive behavior, R.C. was removed from that program and found to have violated the conditions of her probation. She was subsequently returned home on the condition that she participate in treatment services. In addition, R.C. was adjudicated to be a delinquent child for leaving home without permission and placed on formal probation under 89D03-2203-JD-0011 (“Cause 0011”). The juvenile court had ordered a dual status assessment. As a result, R.C. was determined to be a dual status child and a team was assigned to provide services.

[5] On June 9, 2022, R.C. admitted to committing what would be the offense of intimidation, a Level 5 felony if committed by an adult, under Cause 0018. During the hearing, it was noted that a dual status team was in place, but that R.C. had committed the act under Cause 0018 “before a lot of those services were able to start,” (Tr. at 24). At the conclusion of the hearing, the juvenile court entered a dispositional decree placing R.C. on probation for five months, with one month on in-home detention, and dismissed Cause 0011.

[6] On September 9, 2022, the Wayne County Probation Department filed a petition requesting a modification of the dispositional decree under Cause 0018. In its petition, the probation department alleged that R.C. had: (1) missed a scheduled probation appointment; (2) missed school on “August 10, 11, 12, 15, 17, 18, 19, 22, 26, 29, 30, September 1, 2, 6, and 8, 2022[;]” (3) tested positive for marijuana and admitted to using alcohol; and (4) missed or was late to

numerous treatment appointments between July and August of 2022. (App. Vol. 2 at 73). At a pre-trial conference on October 20, 2022, R.C. admitted to missing school, consuming alcohol, and testing positive for marijuana.

[7] On November 2, 2022, the juvenile court held a modification hearing. In an effort to determine the least restrictive placement for R.C., Emily Graham (“Graham”) from the Wayne County Probation Department testified that R.C. had been denied placement in several residential treatment facilities “due to her behavior.” (Tr. at 50). Graham also informed the juvenile court that an October 25, 2022 drug screen revealed that R.C. had used methamphetamine and marijuana. In addition, Graham informed the juvenile court that the police had to be called to get R.C. to go to school and that R.C. had been on in-home detention in the past. To explain the positive drug screen, R.C. testified that the marijuana she consumed was likely laced with methamphetamine. Concerning the police call regarding her truancy, R.C. explained that she had made it to school around 10:00 am. The State recommended that R.C. be made a ward of the DOC. R.C., through her counsel, argued for a brief stay in juvenile detention and a return to home detention.

[8] At the conclusion of the hearing, the juvenile court noted, “We tried residential before, and she made it a living hell for the people there at the facility, to the point that they called and said please come get this child, we can’t handle her because she just will not behave at all like a human.” (Tr. at 55). R.C.’s great aunt interjected, “And I see those behaviors at home also[.]” (Tr. at 55). The

juvenile court noted that R.C. had been referred to the probation department nine times in the last three years as follows:

November 18, 2019	Runaway	Informal Adjustment
December 28, 2019	Intimidation	Informal Adjustment
	Battery	
	Runaway	
December 21, 2020	Auto Theft	Not pursued
	Habitual disobedience	
February 22, 2021	Battery	Not pursued
February 23, 2021	Auto Theft	Formal adjudication
	Runaway	Diagnostic evaluation
	No license	Residential Placement
[June 10, 2021 – removed from residential treatment and returned to secure detention]		
March 24, 2022	Runaway	Not pursued
March 28, 2022	Auto theft	Dual Status Assessment
		Adjudicated for runaway
		Formal Probation
May 18, 2022	Current case	
August 1, 2022	Sexual battery	Petition not authorized

(App. Vol. 2 at 109). The juvenile court also specifically noted that R.C. had been placed on electronic monitoring several times and on formal probation twice. Finally, the juvenile court took note of the following incidents: (1) in June 2022, R.C. invited another runaway juvenile to her great aunt's home for a sexual encounter; (2) that same month, police were called to R.C.'s great aunt's home when R.C. had locked a twenty-seven-year-old male in a shed; and (3) in July 2022, while on probation, R.C. and other juveniles were found in Nashville, Tennessee after taking R.C.'s great aunt's car without permission.

Based on its findings, the juvenile court determined it was in R.C.'s best interests to be placed in the DOC.

[9] R.C. now appeals.

Decision

[10] R.C. argues that the juvenile court abused its discretion by placing her at the DOC. Specifically, R.C. argues that the trial court did not specifically appoint a dual status assessment team in Cause 0018 and that her placement in the DOC was not the least restrictive placement available to the juvenile court.

[11] It is well settled that “the goal of juvenile process is *rehabilitation* so that the youth will not become a criminal as an adult.” *R.H. v. State*, 937 N.E.2d 386, 388 (Ind. Ct. App. 2010) (emphasis in original). Juvenile courts have a variety of tools to administer juvenile justice. Among those tools are the dual status screening tool and assessment team. *K.S. v. State*, 114 N.E.3d 849, 853 (Ind. Ct. App. 2018), *trans. denied*; IND. CODE § 31-41-1-3. Regardless of the tools used by the juvenile court, the “disposition of a juvenile adjudicated a delinquent is a matter committed to the sound discretion of the juvenile court, subject to the statutory considerations of 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 review a juvenile court’s decision to place a child in the DOC for an abuse of discretion, and we will reverse when a decision is clearly against the logic and effect of the facts and circumstances before the

juvenile court, or the reasonable, probable, and actual deductions to be drawn therefrom. *K.S.*, 114 N.E.3d at 855.

[12] In this case, we find that the juvenile court's placement of R.C. in the DOC was not an abuse of discretion. The record shows that the juvenile court had determined R.C. was a dual status child and that a dual status assessment team had been assigned to provide services. However, it was R.C.'s continued delinquent behavior that had prevented full implementation of any services. As the juvenile court noted, R.C. was referred to the Wayne County Probation Department nine times in the last three years. In that time, the juvenile court used informal adjustments, electronic monitoring, formal probation, residential treatment, and short stays in juvenile detention. Despite the repeated use of the least restrictive options, R.C. failed to comply with the conditions imposed by the juvenile court. Based on this record, we cannot say that the juvenile court's modification of its dispositional decree placing R.C. in the DOC is an abuse of discretion.

Affirmed.

Altice, C.J., and Riley, J., concur.