

# Children's Law Center of Indiana



## Delinquency

02/19/2008

In **K.L.N. v. State**, 881 N.E.2d 39 (Ind. Ct. App. 2008) the Court reversed the juvenile court's judgment finding the juvenile in contempt of court and imposing a 77-day term of detention based on the juvenile's failure to follow the rules of the St. Joseph County Juvenile Justice Center (Center). On May 17, 2007, the juvenile, who was then eighteen years old, pleaded guilty to committing an act that would have been class B felony burglary had it been committed by an adult and, following a dispositional hearing, was placed on probation subject to a number of conditions, one of which was a 120-day commitment to the Center. About three weeks after the juvenile started serving his detention, at an informational hearing, the juvenile's probation officer testified that, during this short period of commitment, the juvenile had accumulated six incident reports for disorderly and disrespectful behavior. Despite the argument of the juvenile's attorney that the juvenile had faced the consequences for his poor behavior, including room segregation and losing privileges, the juvenile court modified the terms of the dispositional order to require the juvenile to obey all Center rules and instructions, and warned the juvenile that the probation department could file for contempt if he did not comply. One week later, the probation department filed a rule to show cause why the juvenile should not be held in contempt of court for failing to obey Center rules, which informed the juvenile court that, during the week since the last hearing, the juvenile had amassed three new incident reports. The juvenile court held a hearing two weeks later, when the juvenile had 77 days left on his original 120-day detention, following which the juvenile court found the juvenile in indirect contempt of court and ordered that he serve a 77-day consecutive period of confinement for the contempt, but that, for every day of his original detention during which the juvenile followed the rules, one day would be subtracted from the contempt detention. The juvenile appealed.

**The juvenile court erred by finding the juvenile in contempt of court and imposing a 77-day term of detention based on the juvenile's failure to follow Center rules inasmuch as there was no way for the juvenile to immediately purge himself of the civil contempt finding and there is not statutory authority for the course of action taken by the juvenile court in this case.** *Id.* at 40, 46. The Court noted that (1) here, the juvenile court found the juvenile in indirect civil contempt of court, meaning that he had violated a court order, that his actions had taken place outside of court and, as a result, the court had no personal knowledge of his behavior; (2) a penalty imposed by a court for an act of civil contempt must be coercive or remedial, rather than punitive; and (3) a contempt order that does not offer an opportunity for the recalcitrant party to purge himself of the contempt may not be imposed in a civil contempt proceeding. *Id.* at 41-42 (citations omitted). Although this was a case of first impression for the Court, it derived guidance from the language in *In Re J.L.*, 140 Wash App. 438, 166 P.3d 776, 781 (2006), in which that court had found that J.L.'s detention was

unlawful because it was criminal. Thus, because the juvenile court in that case had failed to provide a genuine means for J.L. to immediately purge the contempt at the time the sanction was imposed, the sanction was punitive, imposed, and suspended on conditions. K.L.N. at 42-43. Accordingly, here, the Court held that the contempt penalty was criminal in nature in that the “purge condition” was not within the juvenile’s capacity to complete at the time the sanction was imposed, and indeed left him vulnerable to a new contempt finding. Id. at 44. The Court further concluded that, given that the juvenile was found to be in civil contempt of court, a criminal punitive sanction was unlawful. Id. (citations omitted). The Court also opined that a review of the numerous statutes governing juvenile delinquency proceedings make it evident that the General Assembly created a detailed, comprehensive statutory scheme with significant breadth and depth, which does not vest the juvenile court with authority to “micro-manage” the detention of a juvenile delinquent as was attempted here, and that this course of action is neither a prudent use of scarce judicial resources nor a fair way to treat juveniles. Id. at 44-45. Finally the Court observed that addition of the 77 days of potential detention for contempt caused the juvenile’s period of detention to exceed the 120-day maximum period of detention allowed for him by IC 31-37-19-6(b)(2)(C). Id. at 45-46.