



Delinquency

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In **J.B. v. State**, 849 N.E.2d 714 (Ind. Ct. App. 2006), the Court affirmed the juvenile court's order committing the juvenile to the Department of Correction (DOC) following a probation violation. The fifteen-year-old juvenile has a history of juvenile delinquency that began when he was eleven years old and a history of substance abuse that began when he was seven years old. In 2002, the juvenile was placed on informal probation for committing acts that would have constituted conversion if committed by an adult. In 2003, he was placed on informal probation for possessing marijuana. In 2004 he admitted to committing acts that would have constituted burglary if committed by an adult, and as a result was placed on supervised probation, to serve five weekends in the Robert J. Kinsey Youth Center, and to pay restitution. In March 2005, he tested positive for marijuana in violation of the terms of his probation, admitted the allegation, and was ordered to continue serving supervised probation, to perform fifty hours of community service, and to serve fifteen days in the Youth Center. In May 2005, the probation department filed a petition to modify the terms of the juvenile's probation alleging that he had committed what would have constituted Class D felony theft if he were an adult. He admitted the allegation and, following a hearing, on December 14, 2005, he was ordered to be committed to the DOC. At the hearing, two predispositional reports were submitted for the trial court's consideration, and the probation officers who prepared them testified. The juvenile appealed.

The statute which governs the content of predispositional reports, I.C. 31-37-17-6.1, does not require that a predispositional report provide information about every single placement option that is conceivably available to a juvenile. *Id.* at 717. The statute mandates that a predispositional report provide, "A description of all dispositional options considered in preparing the report." Here, the probation officer testified that she considered only the DOC as a placement option for the juvenile, and that was the option she discussed in her report. The Court held that in doing so, the probation officer complied with the statute. *Id.*

The Court concluded that the trial court had not abused its discretion by committing the juvenile to the DOC because the less-restrictive placement suggested by the juvenile would have fallen short of meeting the community's safety needs; and placement in the DOC was in the juvenile's best interests. *Id.* at 717-18. The Court noted, "As a fifteen-year old [the juvenile] has had more than his share of experiences with the juvenile court system. He has had many chances to modify his

behavior but has consistently rejected those opportunities by violating his probation, committing new offenses, and continuing to abuse drugs.” The Court referred to the two predispositional reports which concluded that the juvenile was likely to continue to re-offend and characterized him as a danger to the community until he got his substance abuse under control. The Court concluded that the juvenile’s actions “both pose a threat to the safety of the community and are self-destructive;” that the least restrictive placement urged by the juvenile could not provide the needed structured, secure environment where he would not pose a threat to the community and could learn to modify his criminal behavior; and, thus, that placement was not consistent with the safety needs of the community or in the juvenile’s best interests. Id. at 718-19.