

Children's Law Center of Indiana



Delinquency

11/17/10

In **R.A. v. State**, 936 N.E.2d 1289 (Ind. Ct. App. 2010), the Court reversed the child's commitment to the Department of Correction (DOC). The Court remanded the case with instructions to the juvenile court to vacate its dispositional decree and order the child's placement in an appropriate rehabilitative setting. On or about October 1, 2009, the sixteen-year-old child exposed his genitals to a classmate. On February 8, 2010, the State filed a petition alleging the child to be a delinquent child for committing an act that would constitute public indecency, a class A misdemeanor, if committed by an adult. The child admitted the allegations on March 3, 2010, was adjudicated a delinquent child, and was released to his parents' care pending a dispositional hearing. Shortly thereafter, the child attempted suicide and was ordered detained at the St. Joseph County Juvenile Justice Center after an emergency status hearing on March 17, 2010. The juvenile court held a dispositional hearing on May 18, 2010. The child's psychiatrist, who had been treating the child since August of 2006, testified that the child had several disorders, including an autism spectrum disorder, generalized anxiety disorder, and attention deficit hyperactivity disorder. The psychiatrist recommended residential placement for the child because it provides individual, group, and family therapy, insight into the child's multiple mental health issues, and psychiatric services for medication adjustments and ongoing diagnostic understanding of the child. Two other therapists, a psychosexual assessor, and the child's probation officer also recommended treatment in a residential facility. The St. Joseph County probation department recommended the child be committed to DOC. The State did not agree with the Probation Department's recommendation and "would like to see [the child] placed in a residential treatment center". The juvenile court awarded wardship of the child to DOC.

Given the facts and circumstances of the child's case and the statutory policy favoring the least-harsh disposition, the Court reversed the juvenile court's commitment of the child to DOC. *Id.* at 1291. The child argued that the juvenile court had abused its discretion because his commitment was punitive in nature, failed to consider the totality of his circumstances, and failed to follow the public policy of favoring the least-harsh disposition. *Id.* The Court opined that, although the juvenile court is given wide latitude and great flexibility in determining the disposition of a delinquent child, its discretion is circumscribed by statute. *Id.* IC 31-37-18-6 provides, *inter alia*, that "[i]f consistent with the safety of the community and the best interest of the child, the juvenile court shall enter a dispositional decree that...is...in the least restrictive (most family like) and most appropriate setting available" and "provides a reasonable opportunity for participation by the child's parent...." *Id.* The Court noted: (1) the child had

had no prior contact with the juvenile justice system and had been diagnosed with several disorders that required on-going medical and psychological treatment; (2) several mental health experts testified that placement in a secure residential treatment facility would be in the child's best interests and consistent with the safety of the community; (3) the State recommended placement in a residential treatment facility. Id.