

**COURT OF APPEALS
DECISION
DATED AND FILED**

November 13, 2001

Cornelia G. Clark
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

No. 01-1940-FT

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

**IN THE INTEREST OF CASSANDRA M.,
A PERSON UNDER THE AGE OF 17:**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

v.

CASSANDRA M.,

RESPONDENT-APPELLANT.

APPEAL from an order of the circuit court for St. Croix County:
SCOTT R. NEEDHAM, Judge. *Affirmed.*

¶1 PETERSON, J.¹ Cassandra M. appeals an order requiring her to pay \$1,500 restitution to the Hudson School District after she was adjudged

¹ This appeal is decided by one judge pursuant to WIS. STAT. § 752.31(2)(f). This is also an expedited appeal under WIS. STAT. RULE 809.17.

delinquent for a bomb scare as party to a crime, contrary to WIS. STAT. §§ 947.015 and 939.05. Cassandra argues that the trial court erred by construing “damage to the property of another” in WIS. STAT. § 938.34(5)(a) as including the salaries paid to teachers, administrators and staff by the school district. We disagree and affirm the order.

BACKGROUND

¶2 On February 15, 2000, fifteen-year-old Cassandra and a sixteen-year-old friend wrote “2-15-00 12:45 BOMB” in black magic marker on a stall in the girls’ bathroom at Hudson High School. The school was evacuated at 12:30 p.m. and closed for the rest of the day. No bomb was found.

¶3 The school district’s loss was calculated to be \$9,271.40.² Most of the loss was due to the salaries paid to teachers, administrators and staff for the half day the school shut down.

¶4 A juvenile court delinquency petition was filed on March 27, 2000. Cassandra admitted to being a party to the bomb threat. The trial court accepted her admission and found her delinquent. At the disposition hearing, the court stayed entry of judgment pending a successful completion of one year’s supervision. The court also ordered Cassandra and her parents to pay one-half of the \$9,271.40 damages. Cassandra’s friend was ordered to pay the other half. The court subsequently modified the dispositional order to require Cassandra to pay \$1,500 and her parents to pay \$3,135.70.

² Cassandra does not dispute that the school district’s loss was \$9,271.40.

¶5 Cassandra moved for post-disposition relief. She argued that WIS. STAT. § 938.34(5)(a) does not cover salaries. The trial court held that the statute applies to costs and expenses reasonably related to the bomb scare and that the salaries were reasonably related. It denied Cassandra's motion, and this appeal followed.

STANDARD OF REVIEW

¶6 The interpretation of a statute is a question of law that we review independently, without deference to the trial court. *State v. B.S.*, 133 Wis. 2d 136, 138, 394 N.W.2d 750 (Ct. App. 1986).

DISCUSSION

¶7 Cassandra argues that the juvenile restitution statute does not authorize the restitution that the trial court ordered paid to the school district. She contends that the financial resources expended by the school to pay the salaries for teachers, administrators and staff cannot be construed to be "property damage." We disagree.

¶8 WISCONSIN STAT. § 938.34(5), permits the trial court to order the delinquent juvenile to "repair the damage to property or to make reasonable restitution for the damage ... if the court ... considers it beneficial to the well-being and behavior of the juvenile."

¶9 In addition, WIS. STAT. § 938.01(1) requires that the provisions of the juvenile code be applied "liberally" to accomplish its objectives. Consistent with the liberal application, we previously concluded that the language "damage to property" shall be construed to mean property that is totally lost and no longer

available to the owner. *I.V. v. State*, 109 Wis. 2d 407, 410-11, 326 N.W.2d 127 (Ct. App. 1982).

¶10 We construe “damage to property” to include financial resources expended by the school district, including salaries. We agree with the trial court, which likened the restitution order to a reimbursement for the district’s out-of-pocket expenses caused by the delinquent behavior. The school district paid the salaries of its employees, but did not receive the benefit of their services because of the bomb threat. Those expenditures were directly linked to Cassandra’s delinquent act. The district was damaged by the amount it had to pay the teachers, administrators and staff. Under the liberal application requirement, we agree with the trial court. The bomb threat resulted in damages of \$9,271.40 to the district.

¶11 The restitution award fulfills the objectives of the juvenile code to “hold each juvenile offender directly accountable for his or her acts.” WIS. STAT. § 938.01(2)(b). The restitution order also provides redress to the school district, which acted to keep its students safe. We conclude that the financial resources expended by the school district may be liberally construed to constitute “property damage” and, therefore, the juvenile restitution statute provided the trial court with the authority to order Cassandra to pay \$1,500 to the school district.

By the Court.—Order affirmed.

This opinion will not be published. See WIS. STAT. RULE 809.23(1)(b)4.

