

NOTICE: NOT FOR OFFICIAL PUBLICATION.  
UNDER ARIZONA RULE OF THE SUPREME COURT 111(c), THIS DECISION IS NOT PRECEDENTIAL  
AND MAY BE CITED ONLY AS AUTHORIZED BY RULE.

IN THE  
**ARIZONA COURT OF APPEALS**  
DIVISION ONE

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IN RE ADAM P., *Appellant*.

No. 1 CA-JV 19-0272  
FILED 1-28-2020

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Appeal from the Superior Court in Maricopa County  
No. JV603754  
The Honorable David B. Gass, Judge

**AFFIRMED**

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COUNSEL

Maricopa County Public Advocate, Mesa  
By Colleen Engineer  
*Counsel for Appellant*

Maricopa County Attorney's Office, Phoenix  
By Robert E. Prather  
*Counsel for Appellee*

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**MEMORANDUM DECISION**

Judge Kent E. Cattani delivered the decision of the Court, in which Presiding Judge Maria Elena Cruz and Judge Samuel A. Thumma joined.

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**C A T T A N I**, Judge:

¶1 Pursuant to a plea agreement, then-fifteen-year-old Adam P. was adjudicated delinquent after admitting he had committed attempted molestation of a child, a class 3 felony. The juvenile court placed Adam on one-year probation at Youth Development Institute, a Level I residential treatment center.

¶2 Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297 (1969), and *Maricopa County Juvenile Action No. JV-117258*, 163 Ariz. 484, 485-87 (App. 1989), asking this court to review the record for fundamental error. As an issue she characterizes as arguable but not “legally meritorious,” counsel asks us to consider whether A.R.S. § 8-341.01 is ambiguous “in drawing the distinction of residential treatment service levels,” and whether the juvenile court abused its discretion by placing Adam in a Level I residential treatment center instead of a Level II therapeutic group home.

¶3 The juvenile court has broad discretion to determine the appropriate disposition of a delinquent juvenile, and we will not reverse its disposition absent an abuse of discretion. *In re Themika M.*, 206 Ariz. 553, 554, ¶ 5 (App. 2003).

¶4 A.R.S. § 8-341.01(A) provides as follows:

If at a disposition hearing or a subsequent hearing the court orders a delinquent juvenile or incorrigible child to receive residential treatment services, other than psychiatric acute care services as defined in § 8-271, the placement must be supported by a written psychological, psychiatric or medical evaluation recommending residential treatment services. The court may waive the written evaluation for good cause shown.

¶5 Here, a psychologist recommended that Adam be placed in a Level II residential treatment facility. Notwithstanding the psychologist’s

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recommendation, the juvenile court found that a Level I facility was more appropriate because of Adam’s threats to the victim.

¶6 During the disposition hearing, Adam appeared to be arguing that he should not be sent to a Level I facility without a specific recommendation to that effect because A.R.S. § 8-271(11) defines “[r]esidential treatment services” as “services, other than psychiatric acute care services, that are provided by a level one behavioral health facility.” But the definition provided in § 8-271(11) – which expressly applies to a different article in a different chapter of Title 8 – is not relevant to the court’s authority under § 8-341.01 to order treatment in either a Level I or Level II treatment facility. Under the plain language of § 8-341.01, the juvenile court was authorized to order placement in a Level I facility after considering a psychological, psychiatric, or medical evaluation recommending residential treatment services. The statute is not ambiguous, and the juvenile court did not abuse its discretion by ordering treatment in a Level I facility.

¶7 We have read and considered counsel’s brief and have searched the record for reversible error. *See JV-117258*, 163 Ariz. at 488. We find none. The proceedings were conducted in compliance with the Arizona Rules of Procedure for the Juvenile Court. So far as the record reveals, Adam was represented by counsel at all stages of the proceedings, and the disposition imposed was within the statutory limits. *See* A.R.S. § 8-341.

¶8 We affirm the adjudication and disposition. After the filing of this decision, counsel’s obligations pertaining to Adam’s representation in the appeal have ended. *State v. Shattuck*, 140 Ariz. 582, 584–85 (1984). Counsel need do no more than inform Adam of the status of the appeal and his future options, unless counsel’s review reveals an issue appropriate for submission to the Arizona Supreme Court by petition for review. *See id.*; *see also* Ariz. R.P. Juv. Ct. 107(A), (J).



AMY M. WOOD • Clerk of the Court  
FILED: AA