

IN THE
ARIZONA COURT OF APPEALS
DIVISION TWO

IN RE I.B.

No. 2 CA-JV 2016-0248
Filed June 6, 2017

THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.

NOT FOR PUBLICATION

See Ariz. R. Sup. Ct. 111(c)(1); Ariz. R. Civ. App. P. 28(a)(1), (f);
Ariz. R. P. Juv. Ct. 103(G).

Appeal from the Superior Court in Pima County
No. JV19945301
The Honorable Deborah Pratte, Judge Pro Tempore

AFFIRMED

COUNSEL

Barbara LaWall, Pima County Attorney
By Kara Crosby, Deputy County Attorney, Tucson
Counsel for State

Emily Danies, Tucson
Counsel for Minor

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MEMORANDUM DECISION

Presiding Judge Staring authored the decision of the Court, in which Judge Espinosa and Judge Miller concurred.

S T A R I N G, Presiding Judge:

¶1 Appellant I.B. challenges the juvenile court's December 2016 ruling ordering him to register as a sex offender until the age of twenty-five. He contends the court "fail[ed] to balance the hardship on [him] against the public's interest" in having him register and relied on "out-dated information." Finding no error, we affirm.

¶2 Pursuant to a plea agreement, I.B. was adjudicated delinquent for indecent exposure to a minor under fifteen. In July 2012, the juvenile court placed him on juvenile intensive probation for a period of eighteen months. As a condition of probation, the court ordered him to "successfully complete [a] sex offender program."

¶3 In November 2012, the state filed a petition to revoke I.B.'s probation based on his being "unsuccessfully discharged from" the sex offender program. The juvenile court found he had violated the terms of his probation, but returned him to probation, noting he had been accepted for treatment at a facility in Texas. In June 2014, the state again petitioned to revoke I.B.'s probation after he was discharged from the Texas facility, where he had not successfully completed the treatment. The court again found I.B. in violation of the terms of his probation and committed him to the Arizona Department of Juvenile Corrections (ADJC). Subsequently, I.B. was released from ADJC, but violated the terms of his release and was returned. At the disposition, the court deferred ordering I.B. to register as a sex offender, but his parole officer requested a hearing on the matter. After the hearing, the court ordered I.B. to register until the age of twenty-five.

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¶4 On appeal, I.B. contends the juvenile court abused its discretion “because it neither balanced the interests of the state against the hardship to I.B. nor . . . rel[ie]d] on the ‘most current’ information.” “This court will not disturb the juvenile court’s order requiring a juvenile to register as a sex offender unless the court abused its discretion.” *In re Javier B.*, 230 Ariz. 100, ¶ 17, 280 P.3d 644, 648 (App. 2012).

¶5 A juvenile court may order a juvenile to register as a sex offender until age twenty-five if he has been adjudicated delinquent under A.R.S. § 13-3821(A), (C), (D). *Javier B.*, 230 Ariz. 100, ¶ 18, 280 P.3d at 648. The statute “does not direct the court to consider any specific factors” in determining whether to order registration. *Id.* Rather, the court has broad discretion to determine if registration is appropriate. *See State v. Davis*, 226 Ariz. 97, ¶ 23, 244 P.3d 101, 106-07 (App. 2010).

¶6 As I.B. acknowledges, in *Javier B.* this court rejected a claim that a juvenile court “is required to consider and balance both the public safety purpose of sex offender registration and the potential substantial effect the registration requirement would have” on the juvenile. 230 Ariz. 100, ¶ 19, 280 P.3d at 648. Instead we determined that a court’s decision must not be arbitrary or otherwise an abuse of discretion and must be supported by sufficient evidence. *Id.* ¶¶19-20.

¶7 At the hearing in this matter, I.B.’s probation officer explained that I.B. exhibited “continued sexual arousal to younger children, aggression, refusal or resistance to treatment” and a lack of “insight” into his behaviors. I.B.’s counsel, however, asserted that he had completed sex offender treatment during his time in detention. The court asked for clarification on this point, and his probation officer explained that although he had been “paroled” he “is not considered” to have successfully completed “sex offender treatment.” I.B. “insist[ed]” he had completed the program and the court asked for documentation of I.B.’s status. The court was able to telephone the psychologist “at the Department of Corrections,” who confirmed I.B. had successfully completed the sex offender program. However, the psychologist noted that when I.B. violated his parole and was

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returned to ADJC they “did add sexual misconducts as part of his treatment goal” and stated that he should continue therapy “that could help him with maintaining behaviors and getting stabilized in the community.” She explained that I.B. had been found to be at high risk on his psychosexual evaluation, but had been “really compliant” with her in treatment.

¶8 At the hearing, and in its under advisement ruling, the juvenile court noted it had considered a December 2016 Foster Care Review Board report, an April 2016 psychosexual evaluation, a recommendation from the probation officer, a June 2014 letter from a service provider, statements from the corrections psychologist, I.B.’s failed attempts at treatment, and the statements of I.B. and counsel at the hearing. The court found that I.B. had completed initial sex offender treatment at detention, but in view of I.B.’s other issues and the psychosexual evaluation putting him at high risk to reoffend, I.B. had “further work to do before the Court can find that the public is safe without [I.B.] registering as a sex offender.” We therefore cannot agree with I.B. that the court did not consider “the ‘most current’ information” relating to his sex offender treatment and risk assessment. Sufficient evidence supports the juvenile court’s decision, and it did not abuse its discretion.

¶9 We affirm the juvenile court’s order.