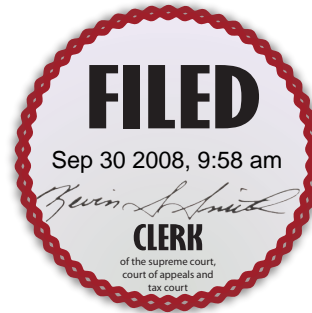


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



ATTORNEY FOR APPELLANT:

ATTORNEYS FOR APPELLEE:

WILLIAM S. FRANKEL
Wilkinson, Goeller, Modesitt,
Wilkinson & Drummy, LLP
Terre Haute, Indiana

STEVE CARTER
Attorney General of Indiana

NICOLE M. SCHUSTER
Deputy Attorney General
Indianapolis, Indiana

**IN THE
COURT OF APPEALS OF INDIANA**

D.R., Jr.,)
)
Appellant-Defendant,)
)
vs.)
)
STATE OF INDIANA,)
)
Appellee-Plaintiff.)

No. 84A05-0804-JV-233

APPEAL FROM THE VIGO CIRCUIT COURT
The Honorable Christopher Gambill, Judge Pro Tempore
Cause No. 84C01-0706-JD-485

September 30, 2008

MEMORANDUM DECISION - NOT FOR PUBLICATION

NAJAM, Judge

STATEMENT OF THE CASE

D.R. appeals from his adjudication as a delinquent child for committing Child Molesting, as a Class B felony, and Child Molesting, as a Class C felony, when committed by an adult. He presents a single dispositive issue for our review, namely, whether the juvenile court erred when it did not make a finding concerning the need for participation by D.R.'s parent in the plan of care for D.R.

We affirm, but remand with instruction.

FACTS AND PROCEDURAL HISTORY

In June 2007, the State filed a petition against D.R. alleging his delinquency for two counts of child molesting. Following a factfinding hearing, the juvenile court adjudicated D.R. a delinquent child and ordered him committed to the Indiana Boys' School. This appeal ensued.

DISCUSSION AND DECISION

D.R. contends that the juvenile court erred when it did not enter findings and conclusions in accordance with Indiana Code Section 31-37-18-9. In particular, D.R. asserts that the juvenile court did not make a finding or conclusion concerning the need for participation by D.R.'s parent in the plan of care for D.R. We must agree.

Indiana Code Section 31-37-18-9 provides:

The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

- (1) The needs of the child for care, treatment, rehabilitation, or placement.
- (2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.

(3) The court's reasons for the disposition.

(Emphasis added). Here, the juvenile court entered findings and conclusions, but did not make any finding or conclusion regarding the need for participation by D.R.'s parent(s) in the plan of care for D.R. The dispositional order is incomplete. Accordingly, we remand and instruct the juvenile court to amend the order to include a finding and conclusion addressing this statutory requirement.

Affirmed, but remanded with instruction.

ROBB, J., and MAY, J., concur.