

MEMORANDUM DECISION

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IN THE
Court of Appeals of Indiana

E.C.,

Appellant-Defendant

v.

State of Indiana,

Appellee-Plaintiff

April 8, 2024

Court of Appeals Case No.
23A-JV-2615

Appeal from the Dekalb Circuit Court

The Honorable Kevin P. Wallace, Senior Judge

Trial Court Cause No.
17C01-2302-JD-6

Memorandum Decision by Judge Brown
Judges Riley and Foley concur.

Brown, Judge.

- [1] E.C. appeals the juvenile court’s order committing him to the Indiana Department of Correction (“DOC”). We affirm.

Facts and Procedural History

- [2] On February 21, 2023, the State filed petitions alleging that E.C., who was born in November 2007, committed delinquent acts which would constitute battery as a level 6 felony, resisting law enforcement as a class A misdemeanor, and disorderly conduct as a class B misdemeanor if committed by an adult. On February 28, 2023, the court entered an order indicating that it held a hearing, finding that E.C. voluntarily admitted the allegations of the delinquency petition, and scheduling a dispositional hearing for March 21, 2023.
- [3] On March 21, 2023, the court held a dispositional hearing and entered a dispositional order providing that “[i]f accepted, the child shall be placed at Youth Opportunity Center, a residential treatment program under the supervision of the DeKalb County Probation Department.” Appellant’s Appendix Volume II at 164 (emphasis omitted). The court found that E.C. had been hospitalized four separate times within a period of two months for suicidal ideation and his family was not able to provide the structure and services needed in order to keep him safe from harm. The court scheduled a continued dispositional hearing for March 28, 2023, in order to ensure E.C. was accepted into placement at Youth Opportunity Center.

- [4] On March 28, 2023, the court held a status hearing and entered an amended dispositional order placing E.C. at Campagna Academy, a residential treatment program under the supervision of the DeKalb County Probation Department.
- [5] On September 19, 2023, the State filed a petition for modification of the dispositional decree asserting that E.C.'s behavior while in placement at Campagna Academy had deteriorated to the point that Campagna Academy no longer believed it was able to keep him and others safe in its facility. The State alleged that it received information that E.C. damaged property, self-harmed, made threats to retrieve a gun and shoot staff and residents, took a fire extinguisher and sprayed it all over the hallway, engaged in a physical altercation with another juvenile, broke doors and windows, refused to cooperate or follow directions, and attempted to charge into the female unit. The State also filed a Motion for Temporary Emergency Detention.
- [6] That same day, the court held a hearing on the Motion for Temporary Emergency Detention. Thomas Lawrence Roderick, the client care manager at Campagna Academy, indicated that E.C. physically assaulted staff, fought peers, had suicidal and homicidal ideations, and destroyed Campagna Academy property numerous times. He also testified that recent events rendered him unable to continue maintaining custody and treatment of E.C. He stated that E.C. attempted "to get into the girl's [sic] unit," he was "fixated on one particular young lady that is in the girl's [sic] unit," and "[t]his has remained an ongoing problem and it's actually escalated" Transcript Volume II at 28. He testified that E.C. "bash[ed] in the nurse's office door,"

broke the handle on one of the classroom doors, broke “an area of a client care manager’s window,” and punched out a piece of the window in that office. *Id.* at 29. He stated that E.C. “had a couple periods of self-harming.” *Id.* at 30. He testified that E.C. discharged a fire extinguisher “to have the girls exit from their unit so that he could gain access to the young lady that he is fixated on.” *Id.* He indicated that Campagna Academy requested E.C.’s immediate removal. On cross-examination, he stated that “the fixation on this young lady is becoming increasingly problematic” and “he looks like he is willing to take any measure necessary to try to get to her and it is beginning to affect her treatment as well.” *Id.* at 34.

[7] Probation Officer Kelli Heath testified that she contacted Allen County Juvenile Center which had a bed available for E.C. and was willing to accept him while the case was pending. When asked if that was the least secure level she would recommend to ensure E.C.’s safety and his appearance at future hearings, she answered affirmatively.

[8] That same day, the court ordered that E.C. be detained in secure custody at the Allen County Juvenile Center and scheduled a hearing for October 3, 2023.

[9] On September 26, 2023, Probation Officer Heath filed a letter in which she asserted that she would not be able to be present for the next hearing. She stated in her letter that she reached out to residential facilities that were available prior to E.C.’s placement at Campagna Academy to determine if they had beds and would accept E.C. into their program. She indicated that there

were seven facilities that were willing to review his information, four of them would not accept him, and the other three were still reviewing his information but had a waiting list of two to four months. She indicated that the DOC could provide pre-dispositional diagnostic testing and the “next available intake date [was] October 18, 2023, with his release date being November 8, 2023[,] and the report being returned by November 20, 2023.” Appellant’s Appendix Volume II at 196. She stated that a commitment to the DOC “could take place as early as October 3, 2023, and would also provide testing and treatment” for E.C. and “[t]his would also be a program where there are no female residents to provide distractions to [E.C.] and his treatment goals.” *Id.* She acknowledged that E.C. would like to be released from placement but stated that would not be her recommendation. She asserted that E.C. was removed from Campagna Academy because he was unable to follow the program rules by continuing to act out in ways that placed himself and others at risk. She wrote: “These things would continue to happen in the home as he [h]as not yet shown he [is] capable of obeying Court orders and not harming himself.” *Id.* at 197.

[10] On October 3, 2023, the court held a hearing on the petition to modify the dispositional decree. E.C.’s counsel stated that “we do admit to the allegations in the verified modification of dispositional decree report.” Transcript Volume II at 47. He also argued that, “although we have had hiccups along the way for [E.C.], I believe [E.C.] has made some progress from where we started this case.” *Id.* at 49. He asserted that E.C. had spent the previous fourteen days at the Allen County Juvenile Center and had no issues. He also stated:

“Unfortunately, we don’t have a lot of options other than sending him home and giving him an opportunity to continue to use the tools that he learned while he was at Campagna” *Id.* He requested that E.C. be sent home and placed on home detention until October 18th.

[11] At the end of the hearing, the court stated:

[A] couple of things that stand out to me is that . . . the underlying offense, Battery to a Law Enforcement Officer and Resisting, are not minor matters and the conduct described in the Verified Petition for Modification of a Dispositional Decree are not minor matters. We’re talking about threats to get a gun and shoot people. Grabbing a fire extinguisher and causing damage, [] destruction of personal property at the . . . Campagna Academy, . . . I don’t pretend to know what is causing this or motivating this but it’s certainly not appropriate. [] I’m going to order that [E.C.] be committed to the [DOC] for placement . . . first of all you will be evaluated and then hopefully, [] once the evaluation is done, you’ll be placed in programs to provide you with the necessary treatment and when . . . those treatment programs have been completed you will be released. In other words, I can’t say that you’re going to go for sixty (60) days or thirty (30) days or two (2) years, [] the process is you get evaluated and then you get placed in a facility where there’s treatment available.

Id. at 53.

[12] On October 3, 2023, the court entered a dispositional order finding that, while placed at Campagna Academy, E.C. made threats to retrieve a gun and shoot staff and residents, used a fire extinguisher to damage property, damaged doors and windows at the facility, engaged in a physical altercation with another

juvenile, and attempted to gain access to the female unit. The court awarded wardship of E.C. to the DOC for housing in any correctional facility for children.

Discussion

- [13] E.C. argues that the trial court abused its discretion in awarding wardship of him to the DOC. He asserts that his placement in the DOC is not the least restrictive or most family like setting available and deprives his parents of any reasonable opportunity for participation in the juvenile process. He contends he did not have any reports of behavioral issues during his placement at the Allen County Juvenile Facility between September 19, 2023, and October 3, 2023. He asserts that the trial court had the option to place him at home with his mother on home detention supervision pending a diagnostic evaluation at the DOC or alternative neuropsychological evaluation.
- [14] The juvenile court is given wide latitude and great flexibility in determining the disposition of a delinquent child. *D.A. v. State*, 967 N.E.2d 59, 65 (Ind. Ct. App. 2012). However, its discretion is circumscribed by Ind. Code § 31-37-18-6, which provides 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 “close to the parents’ home, consistent with the best interest and special needs of the child”; least interferes with family autonomy; is least disruptive of family life; imposes the least restraint on the freedom of the child and the child’s parent, guardian, or custodian; and provides a reasonable

opportunity for participation by the child’s parent, guardian, or custodian.

Under the statute, placement in the least restrictive and most appropriate setting available applies only “[i]f consistent with the safety of the community and the best interest of the child.” *J.D. v. State*, 859 N.E.2d 341, 346 (Ind. 2007) (citing Ind. Code § 31-37-18-6). We review the juvenile court’s disposition for an abuse of discretion. *R.H. v. State*, 937 N.E.2d 386, 388 (Ind. Ct. App. 2010).

[15] The record reveals that, in February 2023, E.C. admitted to acts that would constitute battery as a level 6 felony, resisting law enforcement as a class A misdemeanor, and disorderly conduct as a class B misdemeanor if committed by an adult. In its March 21, 2023 order, the court found that E.C. had been hospitalized four separate times within a period of two months for suicidal ideation and his family was not able to provide the structure and services needed in order to keep him safe from harm. During his time at Campagna Academy, E.C. damaged property, self-harmed, made threats to retrieve a gun and shoot staff and residents, sprayed a fire extinguisher, engaged in a physical altercation with another juvenile, broke doors and windows, refused to cooperate or follow directions, attempted to charge into the female unit, and had periods of self-harm. Roderick testified that E.C.’s behavior was affecting the treatment of others. Probation Officer Heath wrote that E.C. was removed from Campagna Academy because he acted in ways that placed himself and others at risk and “[t]hese things would continue to happen in the home as he [h]as not yet shown he [is] capable of obeying Court orders and not harming himself.” Appellant’s Appendix Volume II at 197.

[16] Based upon the record, we conclude that the court's ordered placement is consistent with E.C.'s best interests and the safety of the community. We find no abuse of discretion.

[17] For the foregoing reasons, we affirm the juvenile court.

[18] Affirmed.

Riley, J., and Foley, J., concur.

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