

DA 21-0653

IN THE SUPREME COURT OF THE STATE OF MONTANA

2023 MT 180

IN THE MATTER OF:

H.M.,

A Youth.

APPEAL FROM: District Court of the First Judicial District,
In and For the County of Lewis and Clark, Cause No. CDJ-2021-22
Honorable Kathy Seeley, Presiding Judge

COUNSEL OF RECORD:

For Appellant:

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For Appellee:

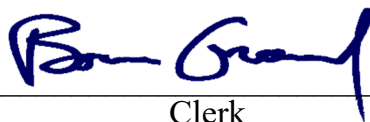
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Submitted on Briefs: August 9, 2023

Decided: September 26, 2023

Filed:



Clerk

Justice Laurie McKinnon delivered the Opinion of the Court.

¶1 H.M., a youth, appeals the October 5, 2021 Order of the Montana First Judicial District Court, Lewis and Clark County, denying H.M.’s motion to dismiss.

¶2 We affirm and restate the issue as follows:

Did the Youth Court correctly deny H.M.’s motion to dismiss after finding good cause to allow the State to file the untimely petition?

FACTUAL AND PROCEDURAL BACKGROUND

¶3 H.M. was arrested in Lewis and Clark County on Saturday, July 10, 2021, and detained. At the time of her detention, H.M. was on youth probation under a consent decree for assaulting her paternal grandmother and legal guardian, J.M, and under a separate adjudication for the misdemeanor offenses of obstructing a police officer and resisting arrest. The Department of Public Health and Human Services, Child and Family Services Division (Department) had struggled to find an appropriate placement for H.M. Several months before her arrest on July 10, 2021, the Department placed H.M. with her maternal grandmother, A.M., in Wolf Point. During the months H.M. spent living there, she was cited for several alleged misdemeanors, had an altercation with a sister, and self-reported marijuana use. However, H.M. also testified that she was happier living with A.M. in Wolf Point and had begun applying for jobs and working on her G.E.D.

¶4 Due to her infractions, H.M. entered youth detention in Poplar and was then released. Because A.M. was fostering other children at the time of H.M.’s release, the Department would not approve her placement with A.M. Instead, an impromptu placement decision sent H.M. to Helena with her paternal grandmother, J.M., with whom

H.M. had a contentious relationship. A day or two later, H.M. left J.M.'s house in the early hours of the morning and went to a coffee booth outside of town. Two officers arrived and attempted to take H.M. home. A struggle ensued, and officers took H.M. to the ground where she flailed, kicking one officer twice in the knee and the other once in the groin.

¶5 Lewis and Clark County Sheriff's Office deputies took H.M. into custody on Saturday, July 10, 2021, and detained her in the Great Falls Juvenile Detention Center (JDC). An initial detention hearing occurred on Monday, July 12, 2021. On July 21, 2021, eight working days after H.M. was taken into custody, the State filed a formal petition seeking to adjudicate H.M. as a delinquent youth, alleging one count of misdemeanor resisting arrest under § 45-7-301, MCA, and three counts of assault on a police officer under § 45-5-210(1)(a), MCA.

¶6 During H.M.'s month at JDC, her behavior and mental health needs escalated, and she was admitted to Benefis Hospital in Great Falls following a suicide attempt. When Benefis discharged H.M., JDC did not allow her to return because it could not ensure her safety and adequately provide for her mental health needs. H.M. was transferred to Five County Treatment and Youth Rehabilitation Center (5C) in Idaho. At 5C, H.M. received the highest level of supervision due to her behaviors and safety needs, which ultimately became so severe that 5C had to bring on additional staff and conduct round-the-clock behavioral monitoring.¹

¹ H.M.'s behaviors, as reported by her Juvenile Probation Officer, Tanya Murgel, included attempts to "cheek" her medications, charging staff members to escape through guarded doors, and attempts

¶7 At the detention review hearing, the youth probation officer noted, “I think that we have exhausted any placement that is appropriate for [H.M.] at this time.” A.M., her maternal grandmother in Wolf Point, had expressed a desire to bring H.M. home with her. But, due to the risks posed by H.M.’s behavioral history to A.M.’s other foster children, it was unclear whether the Department would allow H.M. to live there. The Youth Court approved placement with A.M. in Wolf Point, contingent on approval from the Department, and set bail at \$1,000. At a later hearing, a child protection specialist for Lewis and Clark County testified that the Department would not approve H.M.’s placement with A.M. H.M. did not post bail, and she remained in detention at 5C until her eighteenth birthday.

¶8 H.M. moved to dismiss the petition because the State filed it one day beyond the seven-day limit for formal petitions against detained youths provided in § 41-5-1401(2), MCA. The State argued that good cause permitted the further detention of H.M. and the court’s consideration of the untimely petition. Though the Youth Court expressed concern at the State’s one-day delay in filing the petition, it determined that good cause existed “to further detain the youth and proceed with the current youth court petition.” The Youth Court therefore denied H.M.’s motion to dismiss. H.M. appeals.

STANDARD OF REVIEW

¶9 “This Court reviews a youth court’s interpretation and application of the Youth Court Act for correctness.” *Matter of C.L.*, 2021 MT 294, ¶ 13, 406 Mont. 258, 498 P.3d

to self-harm and obtain contraband items, requiring the use of physical restraints. Staff members were stationed outside her door at all hours to log her behavior and reevaluate her status.

758 (internal citations omitted). The denial of a motion to dismiss a formal petition in youth court is reviewed de novo to determine whether the court correctly interpreted the law. *Matter of G.T.M.*, 2009 MT 443, ¶ 9, 354 Mont. 197, 222 P.3d 626; *Matter of R.L.H.*, 2005 MT 177, ¶ 15, 327 Mont. 520, 116 P.3d 791.

¶10 When construing statutory language, we must effectuate the intent of the Legislature in accordance with the plain meaning of its enactments whenever possible, without further resort to other means of construction. *Matter of D.A.T.*, 2022 MT 174, ¶ 7, 410 Mont. 1, 517 P.3d 157 (internal citations omitted). In so doing, this Court examines the statute’s express language, context, and manifest purpose within its larger statutory scheme. *Matter of D.A.T.*, ¶ 8. An act of the Legislature must be read as a whole, without isolating its terms. *Matter of C.L.*, ¶ 13 (citing *Eldorado Coop Canal Co. v. Hoge*, 2016 MT 145, ¶ 18, 383 Mont. 523, 373 P.3d 836).

DISCUSSION

¶11 *Did the Youth Court correctly deny H.M.’s motion to dismiss after finding that good cause existed to allow the State to further detain H.M. and file the untimely petition?*

¶12 The Youth Court Act authorizes detention of youths not to punish them for a crime, but rather to provide for their supervision, care, protection, mental and physical wellbeing, and the ultimate objective of rehabilitation. Section 41-5-102, MCA; *Matter of T.A.S.*, 244 Mont. 259, 264, 797 P.2d 217, 220 (1990), *abrogated on other grounds by Matter of K.D.K.*, 2006 MT 187, 333 Mont. 100, 141 P.3d 1212. The Act allows the State to separate youths from their caregivers “only when necessary for the welfare of the youth or for the safety and protection of the community.” Section 41-5-102, MCA. To that end, the Act

authorizes the county attorney to file a formal petition charging a youth when the youth court finds that the petition is supported by probable cause and any other evidence the court may require. Section 41-5-1401(1), MCA.

¶13 The Youth Court Act provision in question describes the process by which the State may file a petition against a youth who has been detained: “A petition charging a youth who is held in detention or a youth assessment center must be filed within 7 working days from the date the youth was first taken into custody or the petition must be dismissed and the youth released unless good cause is shown to further detain the youth.” Section 41-5-1401(2), MCA. Here, the question is whether the phrase “unless good cause is shown to further detain the youth” modifies only the immediately preceding words (“the youth [must be] released”) or the entire preceding clause (“the petition must be dismissed and the youth released”). H.M. argues that the statute requires the youth court to dismiss a petition whenever the State misses the seven-day deadline because the good cause exception applies only to the directly adjacent words (“the youth released”). The State contends that the good cause exception applies to the entire phrase and authorizes the youth court, when it finds good cause to further detain the youth, both to continue the youth’s detention and to permit the State to file an untimely petition. We agree.

¶14 Under the doctrine of the last antecedent, “relative and qualifying words, phrases, and clauses are to be applied to the words or phrase immediately preceding, and are not to be construed as extending to or including others more remote, unless such extension is clearly required by a consideration of the entire act.” *State v. Centennial Brewing Co.*, 55 Mont. 500, 513, 179 P. 296, 298 (1919) (internal citations omitted). Like any other aid to

statutory interpretation, the rule “is not an absolute and can assuredly be overcome by other indicia of meaning.” *Lockhart v. United States*, 577 U.S. 347, 352, 136 S. Ct. 958, 963 (2016) (quoting *Barnhart v. Thomas*, 540 U.S. 20, 26, 124 S. Ct. 376, 380 (2003)). When a reader would intuitively apply the limiting phrase to all items in a clause, the modifier should apply to the entirety, especially when the “listed items are simple and parallel without unexpected internal modifiers or structure.” *Lockhart*, 577 U.S. at 352, 136 S. Ct. at 963 (providing the example, “the laws, the treaties, and the constitution of the United States” as a parallel list of items all understood to be modified by “of the United States”).

¶15 Here, the structure of the sentence suggests that the modifying clause “unless good cause is shown to further detain the youth” applies to both actions: dismissing the petition and releasing the youth. Moreover, the seven-day deadline works to effectuate the Youth Court Act’s express purpose of providing “immediate, consistent, enforceable, and avoidable consequences.” Section 41-5-102(2)(a), MCA. Similarly, it achieves the Act’s prohibition against removing youths from the home except when “the welfare of the youth or . . . the safety and protection of the community” necessitates detention. Section 41-5-102(3), MCA. Both purposes, ensuring the youth’s safety and providing immediate consequences, are implicated by the procedures for filing petitions in § 41-5-1401, MCA, which sets the parameters for initiating a formal petition.

¶16 The two actions in the main clause, dismissing the petition and releasing the youth, exhibit clearly parallel syntax, contain no unexpected internal modifiers, and are joined by the conjunction “and.” In fact, the second action (“the youth released”) is so closely

related that it omits part of the verb phrase (“must be”) and relies on the reader to supply it from the first action (“the petition must be dismissed”). The parallel syntax reinforces the practical legal connection between the two actions of dismissing the petition and releasing the youth, which go hand-in-hand. Nothing in the phrasing suggests that the two concepts should be separated.

¶17 Additionally, the sentence contains two different conditions, and both modify the main clause as a whole (“the petition must be dismissed and the youth released”). The first condition requires that a petition against a detained youth “must be filed within 7 working days . . . or the petition must be dismissed and the youth released” In other words, if the petition is not filed within seven working days, then it must be dismissed *and* the youth must be released. Therefore, both consequences, dismissal and release, are triggered by the State’s failure to meet the filing deadline. Similarly, the final “unless” clause operates to delineate the potential circumstance (good cause to further detain the youth) in which dismissal and release might not occur, even when the first condition (missing the seven-day filing deadline) has triggered the main clause. In other words, the petition must be dismissed and the youth released, if good cause is *not* shown to further detain the youth. And inversely, if good cause *is* shown, the petition must not be dismissed *and* the youth must not be released.

¶18 Finally, applying the good cause exception only to a youth court’s decision to release the youth is inconsistent with the procedures and underlying purpose of the Youth Court Act. “A statute will not be interpreted to defeat its object or purpose, and the objects sought to be achieved by the legislature are of prime consideration in interpreting it.”

Dover Ranch v. Yellowstone County, 187 Mont. 276, 284, 609 P.2d 711, 715 (1980). If failing to meet the deadline means that the State is precluded from filing the petition against the youth, the court *cannot* then continue to detain the youth, regardless of good cause. Even if, as H.M. argues, “good cause” means the existence of another legal basis for detaining the youth, whether that involves other charges or revocation proceedings the State could initiate against the youth, under this interpretation, the youth court still could not continue to detain the youth after seven working days. The statutory seven-day deadline applies to all petitions against youths in detention, including revocation petitions. Section 41-5-1431(2), MCA. Petitions to revoke youth probation “must be screened, reviewed, and prepared in the same manner and must contain the same information as petitions alleging delinquency or need of intervention. Procedures of the Montana Youth Court Act *regarding taking into custody and detention apply.*” Section 41-5-1431(2), MCA (emphasis added). Other than the standard of proof, which is the same as an adult revocation proceeding, all “proceedings to revoke probation are governed by the procedures, rights, and duties applicable to proceedings on petitions alleging that the youth is delinquent or a youth in need of intervention.” Section 41-5-1431(3), MCA. Regardless of whether the State refiled the same petition, wrote a new one based on different offenses, or initiated revocation proceedings, the provision requiring a youth court to release the youth after seven working days applies to every petition. Thus, if the good cause exception does not extend to dismissing the petition, there is no legal basis for detention, and H.M.’s interpretation applying the good cause exception only to detention has the

effect of nullifying the exception entirely. Under no circumstances could the State continue to detain a youth after the youth court dismissed the petition.

¶19 H.M. also argues that because good cause is qualified by the phrase “to further detain the youth[,]” the Legislature must have intended good cause to limit only the duty to release the youth and not the duty to dismiss the petition. However, the qualifier simply defines the variety of good cause necessary to limit both actions. For instance, the State’s ability to demonstrate good cause to file a late petition, such as an administrative delay or personal emergency, would not serve to modify the court’s imperative to dismiss the petition and release the youth. Only good cause *for detaining the youth* will do so. In this case, the Youth Court properly determined that the lack of safe placement options for H.M. constituted good cause to further detain her during the one-day filing delay. The youth court appropriately made no mention of any other justifications for not dismissing the petition and releasing H.M., including the State’s argument in its response brief that collaboration with other interested parties and the complexity of H.M.’s situation constituted good cause for its delay in filing. Instead, the Youth Court relied on H.M.’s repeated offenses against the community and her family, the high level of supervision necessary for her physical and mental wellbeing, and the failure of the Department to find a suitable placement for H.M. These circumstances easily demonstrate good cause to further detain H.M.

¶20 Alternatively, the State argues that even if a youth court must always dismiss an untimely petition against a detained youth, the Youth Court’s decision constitutes harmless error. Although this Court has never addressed the issue of harmless error in the

context of the seven-day filing deadline for youth court petitions, we have conducted a harmless error analysis in other cases of petitions under the Youth Court Act. *See, e.g., State v. E.M.R.*, 2013 MT 3, ¶¶ 30-31, 368 Mont. 179, 292 P.3d 451 (holding that a youth charged by a petition erroneously labeling a county ordinance as a state law suffered no surprise or prejudice to her defense). Nothing in the Act indicates that a youth court must dismiss an untimely petition with prejudice. If the Youth Court had dismissed the petition and released H.M., the State would have simply refiled the petition or initiated revocation proceedings for H.M.'s youth probation violations. Furthermore, H.M.'s bail conditions were contingent upon the Department approving her placement with A.M., and it did not.

¶21 The one-day filing delay did not prejudice H.M. In its denial of H.M.'s motion to dismiss, the Youth Court noted particularly the complete lack of placement options, as demonstrated by the testimony that the only safe place for H.M. was a correctional or lockdown facility. If the Youth Court had dismissed the petition against H.M. and ordered her release, the Department would have needed time, at least the one day it took the State to file the petition, to arrange an appropriate placement that would meet H.M.'s behavioral and mental health needs.

CONCLUSION

¶22 We hold that the good cause exception in § 41-5-1401(2), MCA, applies to the Youth Court's decision not to dismiss an untimely petition charging a youth held in detention. The Youth Court correctly determined that the State had good cause to file the formal petition against H.M. and further detain her outside the seven-day deadline. The Youth Court's order denying H.M.'s motion to dismiss is affirmed.

/S/ LAURIE McKINNON

We Concur:

/S/ MIKE McGRATH

/S/ BETH BAKER

/S/ JAMES JEREMIAH SHEA

/S/ INGRID GUSTAFSON

/S/ DIRK M. SANDEFUR

/S/ JIM RICE