

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

In the Matter of M. V. L.,
a Youth.

STATE OF OREGON,
Respondent,

v.

M. V. L.,
Appellant.

Union County Circuit Court
5142J;
Petition Number 5142J04;
A161116

Russell B. West, Judge.

Submitted October 13, 2017.

Angela Sherbo filed the brief for appellant.

Ellen F. Rosenblum, Attorney General, Benjamin Gutman, Solicitor General, and Jeff J. Payne, Assistant Attorney General, filed the brief for respondent.

Before Lagesen, Presiding Judge, and DeVore, Judge, and James, Judge.

PER CURIAM

Reversed and remanded with directions to strike Condition 26; otherwise affirmed.

PER CURIAM

Youth appeals from a juvenile court judgment in a delinquency case, challenging three conditions of youth's probation: Condition 19 (regarding house arrest); Condition 26 (authorizing the juvenile department to sanction youth with detention for probation violations without juvenile court involvement under certain circumstances); and Condition 31 (regarding electronic monitoring). Youth's challenges to Conditions 26 and 31 are the same as those raised in *State v. B. H. C.*, 288 Or App 120, ___ P3d ___ (2017), and are in the same procedural posture as the challenges raised in that case. Accordingly, for the reasons stated in *B. H. C.*, we reject youth's arguments with respect to Condition 31, but conclude that Condition 26 must be stricken.

That leaves Condition 19. It places youth on "house arrest," permitting youth to be in the community only when accompanied by a parent or other adult approved by youth's probation officer: "Abide by house arrest; only to be in the community with a parent or other adult approved by PO." That condition falls comfortably within the range of conditions authorized by the plain words of ORS 419C.446(2). That provision expressly authorizes the juvenile court to place "restrictions on the youth offender's associates, occupation and activities" and "requirements to be observed by the person having the youth offender's legal custody." That the juvenile court indicated on the record that it intended to permit the juvenile department some discretion to relax the house arrest requirement does not persuade us that the condition is impermissible, although youth argues otherwise. Absent a conflict with another provision of the juvenile code, we are confident that a condition granting the juvenile department the discretion whether to require the "house arrest" affirmatively ordered by the juvenile court and otherwise authorized by ORS 419C.446 falls within a juvenile court's authority. Youth has identified no such conflict here.

Reversed and remanded with directions to strike Condition 26; otherwise affirmed.