

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

In the Matter of J. J. W.-H.,  
a Youth.

STATE OF OREGON,  
*Respondent,*

*v.*

J. J. W.-H.,  
*Appellant.*

Linn County Circuit Court  
20JU00727; A174472

Brendan J. Kane, Judge.

Argued and submitted November 18, 2021.

Ginger Fitch argued the cause for appellant. Also on the briefs were Youth, Rights & Justice.

Jon Zunkel-deCoursey, Assistant Attorney General, argued the cause for respondent. Also on the brief were Ellen F. Rosenblum, Attorney General, and Benjamin Gutman, Solicitor General.

Before Shorr, Presiding Judge, and Powers, Judge, and Sercombe, Senior Judge.

PER CURIAM

Affirmed

**PER CURIAM**

In this juvenile delinquency case, youth appeals from a judgment and dispositional order that placed him in the legal custody of the Oregon Youth Authority (OYA). Youth assigns error to the juvenile court's disposition. He raises two arguments in support of his assignment. First, he contends that the juvenile delinquency code, which requires consideration of a youth's "best interests" when considering an OYA custodial placement, generally evinces a presumption in favor of a youth's placement at home instead of in a residential setting under OYA custody. He contends that the court erred, because the evidence presented at the dispositional hearing did not overcome that presumption. Second, he contends that the court erred when finding that placement under OYA custody was in youth's "best interests," because the court impermissibly balanced the best-interests determination with the safety interests of the community. Having reviewed the record, we conclude that those arguments were not preserved before the juvenile court. We also conclude that the purposes and rules of preservation were not met or excused in this case. Youth does not seek plain error review, and we do not exercise our discretion to engage in plain error review.

Affirmed.