



Indiana Public Defender Council Juvenile Defense Project

Improving Juvenile Defense Services in Indiana

LAST WEEK IN REVIEW: JUVENILE DELINQUENCY NEWS AND UPDATES

April 2, 2018

Riley telemedicine program can bring substance use disorder treatment to where the need is

Many areas in Indiana lack substance use disorder treatment providers. Programs specifically for adolescents are even harder to find. A Riley Hospital program may have an answer.

Riley Children's Health now has a dual diagnosis program, ENCOMPASS, that can use telemedicine to provide adolescent psychiatrist, psychologist, and social worker services to children and their parents. The program is an evidence based treatment for co-occurring mental health and substance abuse issues and is specifically for 10 to 18 year olds with a substance use disorder and other behavioral or emotional issues. Treatment is individual, not group based, and uses motivational interviewing, drug screens, and contingency management (incentives like giftcards) and has a parenting component that is separate from the therapy that the kids get. Therapy lasts 12 to 16 weeks with one session a week. Evening sessions are available to fit around school and work schedules. The program can take juvenile court referrals, but the program does not include an abstinence requirement which has been an issue with probation in some places. Outcomes are good compared to other treatment models.

The program is currently in 5 sites around Indiana and is able to expand to additional sites. The site set up requirements are a safe, private room with a computer (wired, not wireless), a camera, and an adult volunteer. The program can even provide the camera.

Contact IPDC's Juvenile Defense Project (Amy Karozos (317) 232-0106 or akarozos@pdc.in.gov) if you are interested in learning more or in proposing to bring the program to your county.



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Caselaw update

No published delinquency decisions, but one not-for-pub*

C.T. v. State of Indiana, Court of Appeals Case No. 50A03-1711-JV-2794 (3-28-2018)

<http://www.in.gov/judiciary/opinions/pdf/03281802jgb.pdf>

13 year old C.T. to admitted to two counts of domestic battery and one count of battery in exchange for the dismissal of the remaining charges of child molesting, intimidation, and criminal mischief. The judge pro tem orally found C.T. to be a delinquent child. Later that same day, the presiding judge entered a dispositional order finding, in writing, that C.T. is a delinquent child. The State and C.T. agreed that C.T. would be placed in the sexually maladaptive behavior program at White's Residential Treatment Center. He did not do well there and White's insisted that he leave the program. Probation recommended DOC as the alternative. The court held a review hearing and amended the disposition Order, awarding warship to DOC against C.T.'s and his mother's wishes.

On appeal, C.T. argued the initial dispositional order is void because of the circumstances surrounding the delinquency finding and that the amended dispositional order was invalid because he was not afforded due process with respect to the change of placement.

The Court of Appeals affirmed, and held the "well-established caselaw that the judge who hears evidence at an evidentiary hearing should be the same judge who enters the final judgment" did not require reversal here where C.T. admitted to the charges and there was no evidence to weigh or credibility determinations to be made. The Court held C.T.'s due process rights were not violated despite the fact that the statutory requirements were not followed before the disposition was modified. The Court states, "Because of the compressed timeline and the urgency of the problem that needed to be solved, the parties did not have the luxury of taking the time to prepare and file reports and recommendations." Because C.T. and his mother were present and had a chance along with probation to argue for their preferred outcome at the review hearing, the Court believed due process was satisfied.

The Court also rejected C.T.'s argument that his trial counsel was ineffective by failing to appear at two review hearings and failing to make an argument at the hearing in which C.T. was committed to DOC. The Court, in a footnote, states there is no likelihood that counsel's actions could have affected the outcome of the hearing.

Finally, the Court found the trial court did not abuse its discretion by committing C.T. to the DOC despite evidence in the record that "service providers, the probation officer, C.T. and his mother, and the juvenile court all had concerns about C.T. being placed in the DOC."

*** Ind. App. R. 65(D) Unless later designated for publication in the official reporter, a memorandum decision shall not be regarded as precedent and shall not be cited to any court except by the parties to the case to establish res judicata, collateral estoppel, or law of the case.**



Building a Juvenile Defense Community

Whether you are part of a large public defender office or one lone public defender handling juvenile cases in multiple counties, being part of a larger juvenile public defender network allows us to share ideas and resources, keep up to date on local and national juvenile defense developments and training opportunities and gives us the opportunity to talk to other like minded lawyers outside of our county or state.

State level: You've joined the IPDC juvenile defense listserv, but what else is out there? IPDC's juvenile defense project can also assist with training needs and technical assistance, including case consultation and research.

National level: On the national level, National Juvenile Defender Center (NJDC) offers lots of opportunities to connect. NJDC has recently redefined their moderated listservs. Are you subscribed? If so, have you found your best fit?

NJDC has established a policy for use of the NJDC listservs. Each listserv is geared toward a particular audience and each has a unique purpose and format. The following are NJDC's descriptions found in the agency's Listserve Policy, Effective: March 9, 2018:

- **JuvGeneral:** This list is for anyone with an interest in juvenile justice issues, including defenders, prosecutors, judges, probation officers, academics, advocates, parents, students, and others. Members will receive periodic announcements of major news, projects, conferences, etc. in the field of juvenile justice. Emails come exclusively from NJDC. If you have an announcement, job posting, or some other information that you would like to share with the JuvGeneral list, please email lists@njdc.info.

- **JuvDefend:** This list is intended solely for juvenile defenders. Members will receive emails relating news of interest specifically to defenders, such as updates on cases or state reforms, projects, conferences, and a limited number of survey requests from NJDC or partners interested in hearing from the juvenile defense community. Emails come exclusively from NJDC. If you have an announcement, job posting, or other information that you would like to share with the JuvDefend list, please email lists@njdc.info.

JuvDiscuss: This list is intended solely for juvenile defenders, and provides a forum for juvenile defenders to discuss issues that arise in their daily practice or that have broader policy implications. Members can post questions or seek feedback from other juvenile defenders on challenges in or approaches to their defense practice or reform efforts. Emails can come from anyone subscribed to the list, subject to moderation by NJDC.

Regional Level:

Regional Defender Center Listservs: Each region of the country has its own listserv to cater to a smaller, geographically connected audience, moderated by NJDC or the regional director(s).

Indiana is part of the Central Regional Defender Center along with Arkansas, Kansas, Kentucky, Missouri, Ohio, and Tennessee.

To subscribe to the national listservs or CJDC listserv, visit NJDC's website at:

<http://njdc.info/our-work/listservs/>