IN THE

Court of Appeals of Indiana

T.M.,

Appellant-Respondent

v.

State of Indiana,

Appellee-Petitioner

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and Tax Court

September 29, 2026

Court of Appeals Case No.
26A-JV-645

Appeal from the Gibson Circuit Court

The Honorable Jeffrey Meade, Judge

Juvenile Court Cause Nos.
26C01-2504-JD-79
26C01-2506-JD-132

Opinion by Judge DeBoer
Judges Foley and Felix concur.

DeBoer, Judge.

Case Summary

[1] T.M. appeals his placement in the Department of Correction (DOC) following his delinquency adjudications, arguing it was not the least restrictive option available. We find that the juvenile court erroneously concluded it could not grant wardship to the person with whom T.M. lived in the months before the dispositional hearing. We thus reverse and remand for further proceedings.

Facts and Procedural History

[2] On April 18, 2025, sixteen-year-old T.M. strangled his brother while they were arguing. When T.M.'s stepfather intervened, T.M. hit him repeatedly on the head. Consequently, on April 21 the State initiated a delinquency action under Cause 26C01-2504-JD-79, alleging T.M.'s actions, if committed by an adult, would constitute one count of Level 6 felony strangulation[1] and two counts of Class A misdemeanor domestic battery.[2] At a review hearing on May 9, T.M. advised the juvenile court he was scheduled to enter Hoosier Youth Academy (the Academy) in July. The court dismissed the case at the State's request.[3]

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[1] Ind. Code § 35-42-2-9(c) (2020).

[2] Ind. Code § 35-42-2-1.3(a)(1) (2021).

[3] In order for T.M. to attend the Academy, he couldn't have pending charges.

[3] In June, T.M., who had been drinking alcohol, shoved his sister during an argument, prompting the State to file a second delinquency action under Cause 26C01-2506-JD-132. This petition alleged T.M. committed acts constituting domestic battery resulting in moderate bodily injury, a Level 6 felony,[4] and minor consumption of alcohol, a Class C misdemeanor.[5] At a hearing on June 18, T.M again informed the juvenile court he would start the Academy in July, and for a second time, the State agreed to dismiss the case pending no negative reports. The case was ultimately dismissed on July 17.

[4] On August 11, the State filed a motion to reopen both cases because T.M. ran away from the Academy. At T.M.'s September 12 hearing, he told the juvenile court that since leaving the Academy, he (1) participated in Life in Motion, a health and wellness clinic for mental illness; (2) was hospitalized at St. Vincent's, resulting in a referral to Options, a residential mental health facility; and (3) was expelled from Gibson Southern High School, but was completing his schoolwork at home. He also informed the court that he had changed medications and was active in counseling and therapy. T.M. admitted the allegations, and the court entered true findings on all counts and set the cases for disposition on October 24.

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[4] Ind. Code § 35-42-2-1.3(a)(1), (b)(3) (2021).

[5] Ind. Code § 7.1-5-7-7(a)(2) (2014).

[5] At disposition, T.M. provided various updates, including that he was working at Rural King and living with Magen Coates, his friend's mother, and her family. With Coates, T.M. was completing "coping skills work and workbooks on emotional regulation," as well as catching up on schoolwork that he missed due to his expulsion. Transcript at 45. Probation Officer Tara Kilps testified about T.M.'s current living situation and expulsion from school, as well as his hospitalization and participation in mental health services and other therapy. Kilps recommended T.M. be placed in Transitions, a facility in Indianapolis offering treatment for substance abuse and mental health issues. The State requested the juvenile court continue the matter for Kilps to pursue T.M.'s placement at Transitions. The court agreed and rescheduled the hearing.

[6] At the November 10 hearing, T.M. provided the juvenile court with an article about Coates' farm and workbooks he had completed. T.M. requested the court reschedule the matter so he could continue making progress with Coates. The court reset the hearing again. When the parties reconvened on December 10, the juvenile court proceeded with placement determination and reviewed the Predispositional Report (PDR), noting T.M. had a high risk of reoffending. T.M. advised the court he continued to volunteer with Coates at the Evansville Rescue Mission, was actively seeking employment, and completed his makeup schoolwork. Despite this, the State noted that Kilps was unable to find a residential treatment facility for T.M. "because his medications and his needs are so high that some of the facilities did not even want to take him" and recommended placement in the DOC. *Id.* at 77. In response, the court

narrowed down T.M.'s placement options to the DOC or probation with intensive outpatient treatment. T.M., Coates, and T.M.'s mother (Mother) favored the latter. Ultimately, the court continued the matter once more to allow T.M. additional time to make progress with Coates.

[7] On February 11, the parties first met with the judge in chambers and discussed establishing a guardianship for T.M. to effectuate disposition in both cases. T.M. requested an additional continuance to explore guardianship and noted that since the last hearing, he had completed group therapy at Deaconess Outpatient Youth. The State objected. The court denied the continuance and asked for the opinions of everyone involved, including Mother, Coates, and Kilps.[6]

[8] Mother believed T.M. should be placed in the DOC because the level of help he required was beyond her capabilities. Coates recommended continuing placement with her or placing him on probation and "get[ting] him in some kind of educational center" to address his untreated learning disability. *Id.* at 100. At that point, the juvenile court asked Mother if she would agree to Coates having guardianship of T.M., to which she said no. Kilps recommended the DOC and again noted she had tried to find residential

[6] The opinions given here and all updates and recommendations given in the prior dispositional hearings—except for Kilps' testimony on October 24—were all unsworn statements.

placement for T.M. but his "mental health was so severely compromised that they wouldn't take him[.]" *Id.* at 102.

[9] In closing, the State acknowledged Coates' efforts to help T.M. but argued placing him with Coates would put him in "legal limbo" since she wasn't his guardian or a party to the proceedings. *Id.* at 105. Ultimately, the State recommended placement in the DOC. In response, T.M. requested placement with Coates, whom he believed provided enough structure to meet his needs. The juvenile court reasoned that Coates did not have legal standing—guardianship or custody of T.M.—and the court did not have jurisdiction over Coates. The court concluded Coates was not a "legal, viable option" and placed T.M. in DOC custody. *Id.* at 110. T.M. now appeals.

Discussion and Decision

[10] T.M. argues the juvenile court abused its discretion when it made him a ward of the DOC instead of placing him with Coates. A juvenile court has broad discretion when determining the disposition of a juvenile delinquency adjudication. *A.F. v. State*, 247 N.E.3d 841, 843 (Ind. Ct. App. 2024). This discretion is "subject to the statutory considerations of the child's welfare, community safety, and the policy favoring the least harsh disposition." *Id.* (quoting *Q.H. v. State*, 216 N.E.3d 1197, 1200 (Ind. Ct. App. 2023)). We will reverse the court's judgment only if it abused its discretion "by misinterpreting the law or 'if its decision clearly contravenes the logic and effect of the facts and circumstances before it.'" *G.W. v. State*, 231 N.E.3d 184, 188 (Ind. 2024)

(quoting *T.D. v. State*, 219 N.E.3d 719, 724 (Ind. 2023)). In our review, we neither judge witness credibility nor reweigh the evidence. *A.F.*, 247 N.E.3d at 843.

[11] Here, we find that the juvenile court abused its discretion by misinterpreting the disposition options available to it under Indiana Code section 31-37-19-6. Under that statue, a dispositional decree may, among other things:

> (D) Remove the child from the child's home and place the child in another home . . . [; and]
>
> (E) Award wardship to a:
>
> (i) person, other than the department . . . .

Ind. Code § 31-37-19-6(b)(2)(D), (b)(2)(E)(i) (2023).[7] When presented with the option of placing T.M. with Coates, the court determined it could not do so because she did not have guardianship or custody of T.M. and the court did not have jurisdiction over her as a non-party. But section 31-37-19-6 plainly authorizes the court to place T.M. in Coates' home and grant wardship to her, provided that placement was "consistent with the safety of the community and the best interest of the child."[8] *J.T. v. State*, 111 N.E.3d 1019, 1026 (Ind. Ct.

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[7] T.M. points to this same language in Indiana Code section 31-37-19-1 (2023). But that section applies to adjudications under 31-37-2. T.M. was adjudicated delinquent under 31-37-1.

[8] Placement with Coates would also be subject to other statutory prerequisites, such as criminal background check requirements under Indiana Code section 31-37-19-6.5. We express no opinion on whether Coates

App. 2018) (quoting *D.S. v. State*, 829 N.E.2d 1081, 1085 (Ind. Ct. App. 2005)), *trans. denied*; *see also* Ind. Code 31-37-18-6 (1997). Coates is a person, and her home constitutes "another home." I.C. § 31-37-19-6(b)(2)(D). Not only does the State offer no legal authority indicating that placing T.M. with Coates would run afoul of the statute, but it offers no argument whatsoever on this subject.

[12] As a result of its incorrect interpretation of the juvenile code, the court did not explore placing T.M. with Coates and instead concluded the only viable disposition was placement in the DOC. We are not confident, however, that the court would have made the same decision had it correctly interpreted section 31-37-19-6. Indeed, T.M. lived with Coates from at least October 24, 2025, until February 11, 2026. At each of the four dispositional hearings, T.M. provided the court with positive updates, all stemming from his stay with Coates, including volunteering at the Evansville Rescue Mission and completion of skills workbooks, makeup schoolwork, and group therapy at Deaconess Outpatient Youth. In addition, T.M. was actively volunteering with Coates and seeking employment. Due in part to this progress and hoping to prolong it, the court continued the dispositional hearing three times.[9]

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satisfies these requirements, as that is beyond the scope of the issues presented on appeal and should be addressed by the court on remand.

[9] We acknowledge the continuances also stemmed in part from Kilps' determination to secure T.M.'s placement in a residential treatment facility, which ultimately did not come to fruition.

[13] In sum, the juvenile court's decision was significantly impacted by its misunderstanding of the law, which constitutes an abuse of discretion.

Conclusion

[14] For these reasons, we reverse the juvenile court's commitment of T.M. to the DOC and remand to consider whether placement with Coates is consistent with the safety of the community and in T.M.'s best interest.

[15] Reversed and remanded.

Foley, J., and Felix, J., concur.

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