Pursuant to Indiana Appellate Rule 65(E), the trial court and parties shall not take any action in reliance upon this memorandum decision until it is certified.

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision is not binding precedent for any court and may be cited only for persuasive value or to establish res judicata, collateral estoppel, or law of the case.

FILED
Oct 28 2026, 8:51 am
CLERK
Indiana Supreme Court
Court of Appeals
and Tax Court

IN THE

Court of Appeals of Indiana

A.D.,

Appellant-Respondent

v.

State of Indiana,

Appellee-Petitioner

October 28, 2026

Court of Appeals Case No.
26A-JV-1346

Appeal from the Greene Circuit Court

The Honorable Erik C. Allen, Judge

Trial Court Cause No.
28C01-2601-JD-8

Memorandum Decision by Judge Foley
Judges Vaidik and Altice concur.

Foley, Judge.

[1] A.D. appeals from his adjudication as a delinquent child for committing battery,[1] which would be a Class A misdemeanor if committed by an adult. He raises one issue for our review: whether the juvenile court abused its discretion by requiring A.D. or his parents to pay court costs and probation fees without conducting an indigency inquiry. We reverse and remand.

Facts and Procedural History

[2] On January 8, 2026, Victim, who was a freshman in high school at the time, was walking home from school when a white truck drove slowly past him and then stopped a short distance away. A.D. got out and walked quickly toward Victim, at which point, Victim asked A.D., "what did I do to you[?]" Tr. Vol. 2 p. 9. A.D. responded, "I will show you what you did to me" and hit Victim in the back of the head. *Id*. As Victim turned his head, A.D. hit him again with a closed fist, punching him in the side of the face. As a result, Victim had redness and swelling on his left cheek. Victim went home and contacted the police.

[3] On January 23, 2026, the State filed a delinquency petition against A.D., alleging that he committed battery, which would be a Class A misdemeanor if committed by an adult. A fact-finding hearing was held on April 8, 2026, and at the conclusion, the juvenile court found Victim's testimony to be credible and

[1] Ind. Code § 35-42-2-1(c)(1), (d)(1) (2024).

that the State had met its burden. The juvenile court adjudicated A.D. as a delinquent child. At the dispositional hearing, the juvenile court ordered A.D. to be placed on supervised probation until his eighteenth birthday and noted that A.D. would be subject to standard terms of probation that included, among other things, "[s]tandard costs and fees." *Id*. at 35. The dispositional order and rules of probation ordered A.D. or his parents to pay the probation administrative fee of $100, the initial probation fee of $25, probation user fees in the amount of $20 per month, and $171 in court costs. The juvenile court did not conduct any inquiry into the financial status of either A.D. or his parents prior to issuing the dispositional order. A.D. now appeals.

Discussion and Decision

[4] A.D. argues, and the State agrees, that the juvenile court abused its discretion when it ordered him or his parents to pay probation fees and court costs without inquiring into their ability to pay those fees and costs. We review a juvenile court's order requiring payment of such costs and fees for an abuse of discretion. *F.A. v. State*, 148 N.E.3d 328, 330 (Ind. Ct. App. 2020). "An abuse of discretion occurs if the decision is clearly against the logic and effect of the facts and circumstances before the court." *Id.* at 330–31. A juvenile court also abuses its discretion if it misapplies or misinterprets the law. *J.T. v. State*, 111 N.E.3d 1019, 1024 (Ind. Ct. App. 2018), *trans. denied*.

[5] Indiana Code section 31-40-2-1(a) allows a juvenile court to order a juvenile or the juvenile's parents to pay probation fees, subject to section 31-40-1-3.

Indiana Code section 31-40-1-3(a) provides that a parent of a child adjudicated a delinquent child "is financially responsible . . . for any services" ordered by the juvenile court. However, the statute further provides that at a dispositional hearing, "the juvenile court may not order the child's parents . . . to pay for . . . the cost of services provided to the child or the parent or guardian unless the court makes a specific finding that the parent or guardian is able to pay." Ind. Code § 31-40-1-3(c). Further, "[a] parent is presumed indigent unless a court makes a specific finding that states otherwise." I.C. § 31-40-1-3(f).

[6] A.D. asserts, and the State concedes, that the juvenile court's failure to properly inquire into A.D.'s and his parents' ability to pay requires remand. We agree. Here, the juvenile court ordered A.D. or his parents to pay both probation fees and court costs but did not conduct any inquiry into the ability of him or his parents to pay those fees and costs as Indiana Code section 31-40-1-3 requires. The juvenile court also made no specific finding about their ability to pay probation fees or court costs. Accordingly, we reverse the portion of the order concerning costs and fees and remand for the juvenile court to conduct an indigency hearing and determine whether A.D. or his parents are able to pay. *See, e.g., E.M. v. State*, 128 N.E.3d 1, 7 (Ind. Ct. App. 2019) (reversing the imposition of costs and remanding for a hearing to inquire as to parents' ability to pay and whether reimbursement served the interest of justice); *M.Q.M. v. State*, 840 N.E.2d 441, 449 (Ind. Ct. App. 2006) (remanding the case for the juvenile court to conduct an indigency hearing).

[7] Reversed and remanded.

Vaidik, J., and Altice, J., concur.

ATTORNEY FOR APPELLANT

Lisa M. Johnson
Law Office of Lisa M. Johnson
Brownsburg, Indiana

ATTORNEYS FOR APPELLEE

Theodore E. Rokita
Attorney General of Indiana

Rebekah D. Bennett
Deputy Attorney General

Caroline G. Templeton
Assistant Section Chief, Criminal Appeals
Indianapolis, Indiana