

Year 2003 Case Summaries

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In modification proceedings, the juvenile court considered the full range of options before committing the juvenile to the TYC [In re C.S.C.] (04-1-12).

On December 31, 2003, the San Antonio Court of Appeals held that the juvenile court did not abuse its discretion in revoking probation and committing the juvenile to the TYC. The court considered its full range of options in the case.

04-1-12. In the Matter of C.S.C., UNPUBLISHED, No. 04-03-00363-CV, 2003 WL 23092999, 2003 Tex.App.Lexis ____ (Tex.App.-San Antonio 12/31/03) Texas Juvenile Law (5th Ed. 2000).

Facts: C.S.C. appeals the trial court's modified order of disposition committing C.S.C. to the Texas Youth Commission ("TYC"). As grounds for this appeal, C.S.C. contends that other options for placement were available but not explored by the trial court in the modification hearing.

Held: Affirmed.

Opinion Text: STANDARD OF REVIEW

A juvenile judge has broad discretion in determining a suitable disposition for a juvenile that has been adjudicated delinquent. In re K.J.N., 103 S.W.3d 465, 465 66 (Tex.App. San Antonio 2003, no pet.); In re H.G., 993 S.W.2d 211, 213 (Tex.App. San Antonio 1999, no pet.). A trial court may modify its prior disposition if it finds by a preponderance of the evidence "that a child violated a reasonable and lawful order of the court." Tex. Fam.Code Ann. § 54.05(f) (Vernon 2002). Absent an abuse of discretion, a reviewing court will not disturb the juvenile court's determination. In re H.G., 993 S.W.2d at 213. Accordingly, when reviewing a juvenile disposition order, we view the evidence in the light most favorable to the trial court's ruling, affording almost total deference to findings of historical fact that are supported by the record. In re K.T., 107 S.W.3d 65, 75 (Tex.App. San Antonio 2003, no pet.). A trial court abuses its discretion when it acts arbitrarily or unreasonably, without reference to guiding rules or principles. In re H.G., 993 S.W.2d at 213.

DISCUSSION

On September 5, 2002, C.S.C. was adjudicated for engaging in delinquent conduct, and the trial court placed C.S.C. on probation. However, C.S.C. continued to engage in delinquent behavior, and on March 24, 2003, after C.S.C. plead true to all but one of the five charges against him, the trial court issued an order modifying disposition and ordering C.S.C. committed to TYC. C.S.C. contends that the trial court erred in committing him to TYC because the trial court had other options for placement. C.S.C. asserts that one of these other options would have been in his best interest given his multiple psychiatric disorders, the reduction of his medication while he was at the Kerr County Juvenile Detention Facility, his failure to receive therapy as prescribed by his treatment plan, and his acceptance into several alternative juvenile facilities.

In reviewing the record, we find that the trial court considered all of the placement options available. The trial court heard testimony from the residential service supervisor and C.S.C.'s therapist at the Kerr County Juvenile Facility, the director of the Hill Country Court-Appointed Special Advocate program, the Kerr County Probation Department, C.S.C.'s physician, and C.S.C.'s mother. However, based on this testimony, the court determined that C.S.C. had engaged in the delinquent conduct by choice and that his conduct was not related to his medications or illness. C.S.C. was given multiple opportunities to modify his behavior and to obtain adequate supervision at home, but he had failed to do so. Additionally, C.S.C.'s therapist testified that C.S.C. identified with the criminal subculture and wanted to go to TYC.

With regard to the alternative facilities, the trial court recognized that TYC had the broadest range of therapeutic options for juveniles with the difficulties ascribed to C.S.C. by his doctor. Moreover, the trial court heard testimony that C.S.C. would not likely behave any differently at other facilities than he did at the Kerr County Juvenile Detention Facility. Thus, the trial court concluded that a more

relaxed environment would not provide the kind of structured environment that C.S.C. requires. It was within the trial court's discretion to make such a determination, and the record demonstrates that the trial court did not act arbitrarily or unreasonably.

CONCLUSION

In light of the evidence considered by the trial court, we conclude that the trial court did not abuse its discretion in committing C.S.C. to TYC. The trial court's judgment is affirmed.

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