

Juvenile Law Case Summaries

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Prior history of offenses and on probation justified commitment to TYC [In re N.A.P.] (03-1-07).

On December 11, 2002, the San Antonio Court of Appeals held that the juvenile's prior offenses and history of probation violations justified the juvenile court's commitment to the TYC.

03-1-07. In the Matter of N.A.P., UNPUBLISHED, No. 04-02-00090-CV, 2002 WL 31761967, 2002 Tex.App.Lexis (Tex.App.-San Antonio 12/11/02) Texas Juvenile Law (5th Ed. 2000).

Facts: This is an appeal of a disposition order committing N.A.P., a juvenile, to the Texas Youth Commission for an indeterminate term. On appeal, N.A.P. claims the trial court abused its discretion in ordering her commitment. Based upon our review of the record, we hold the evidence supports the order of commitment and that the trial court did not abuse its discretion.

N.A.P. pleaded true to a charge that she engaged in delinquent conduct by assaulting a public servant a detention guard at a youth detention facility at which N.A.P. was placed. Based upon N.A.P.'s stipulation of testimony, the trial court had before it evidence of the instant offense, as well as evidence of prior delinquent conduct, including another assault on a public servant, criminal mischief, truancy, and curfew violations. N.A.P. had previously been placed on regular probation, and on probation with placement at Coastal Bend Youth City. After N.A.P. ran away from Coastal Bend Youth City, she was placed at Southton Juvenile Treatment Center. It was during her placement at Southton that N.A.P. assaulted a public servant.

Held: Affirmed.

Opinion Text: STANDARD OF REVIEW

A juvenile judge has broad discretion to determine the proper disposition of a child who has been adjudicated as engaging in delinquent behavior. In re K.L.C., 972 S.W.2d 203, 206 (Tex.App. Beaumont 1998, no pet.). Absent an abuse of discretion by the trial court, a reviewing court will not disturb the juvenile court's determination. Id. An abuse of discretion occurs when the trial court acts unreasonably or arbitrarily and without reference to guiding rules and principles. In re S.B.C., 952 S.W.2d 15, 17 (Tex.App. San Antonio 1997, no writ). The guiding rules and principles in juvenile cases involving commitment outside the child's home are found in the Family Code. The Family Code permits a trial judge to commit a child to the Texas Youth Commission if: (1) it is in the child's best interest to be placed outside the home; (2) reasonable efforts have been taken to prevent or eliminate the need for the child's removal from home; and (3) while in the home, the child cannot receive the quality of care and level of support and supervision needed to meet the conditions of probation. Tex. Fam.Code Ann. § 54.04(i) (Vernon 2002). Under an abuse of discretion standard, legal and factual sufficiency are relevant factors in determining whether the trial court abused its discretion. Doyle v. Doyle, 955 S.W.2d 478, 479 (Tex.App. Austin 1997, no pet.).

N.A.P. claims there is insufficient evidence to support the conclusion that N.A.P. constitutes a threat to society or that her rehabilitative needs could not be addressed in her family home. We review N.A.P.'s evidentiary challenge under traditional standards of review. When a juvenile challenges the legal sufficiency of the evidence by a no evidence point, the appellate court is required to consider only the evidence and inferences tending to support the findings under attack. In re S.A.M., 933 S.W.2d 744, 745 (Tex.App. San Antonio 1996, no writ). In reviewing a factual insufficiency point, we consider and weigh all the evidence in the case and set aside the judgment only if the finding is so against the great weight and preponderance of the evidence as to be manifestly unjust. In re J.J., 916 S.W.2d 532, 535 36 (Tex.App. Dallas 1995, no writ).

We disagree with N.A.P.'s claim that the trial court abused its discretion. The record reveals that N.A.P. has a significant prior history of juvenile conduct. She was placed on probation and allowed to stay in her home with her family, but continued to engage in juvenile

conduct. She was then placed on probation with placement in two different juvenile facilities, and still her conduct did not improve. While we appreciate the plea of N.A.P.'s mother to allow N.A.P. to stay home because she was only getting worse while in juvenile facilities, the trial judge had legally and factually sufficient evidence from which to conclude that N.A.P.'s aggressive behavior constitutes a threat to the public and that her home does not provide her with the quality of care and level of support and supervision needed. N.A.P.'s sole issue on appeal is overruled.

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