

[Cite as *In re D.K.*, 2010-Ohio-1147.]

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

In re: [D.K.], : No. 09AP-761
 : (C.P.C. No. 09JU-03-3992)
Appellant. :
 : No. 09AP-762
 : (C.P.C. No. 09JU-02-1858)
 : (REGULAR CALENDAR)

D E C I S I O N

Rendered on March 23, 2010

Paula J. Copeland, for appellant.

Ron O'Brien, Prosecuting Attorney, and *Katherine J. Press*,
for appellee State of Ohio.

APPEALS from the Franklin County Court of Common Pleas,
Division of Domestic Relations, Juvenile Branch.

FRENCH, J.

{¶1} Appellant, "D.K.," appeals the judgments of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch, which committed D.K. to the department of youth services ("DYS").

{¶2} D.K. is a minor who was charged with two separate offenses relating to receiving stolen property, i.e., receipt of an automobile on two separate occasions. D.K. committed these offenses while on parole from a prior commitment to DHS. After a hearing, a magistrate recommended that D.K. be committed to DHS for consecutive,

indefinite terms. The magistrate also recommended that DYS assess D.K. for appropriate medications.

{¶3} D.K. filed objections to the magistrate's decision. Following a hearing, the trial court overruled D.K.'s objections and adopted the magistrate's decision.

{¶4} D.K. filed a timely appeal, and he raises the following assignment of error:

THE TRIAL COURT ERRED BY NOT ORDERING
TREATMENT FOR [D.K.'S] DIAGNOSIS OF BIPOLAR
DISORDER.

{¶5} A juvenile court holds broad discretion to determine the appropriate disposition for a child adjudicated delinquent. *In re D.S.*, 111 Ohio St.3d 361, 2006-Ohio-5851. We will reverse a juvenile court's disposition only upon finding an abuse of that discretion. *Id.* at ¶6; *In re J.P.*, 9th Dist. No. 24538, 2009-Ohio-3974, ¶9.

{¶6} D.K. contends that the trial court failed to comply with the overriding purposes of his disposition, which include the provision of "care, protection, and mental and physical development of children." R.C. 2152.01(A). Specifically, D.K. contends that the court should have ensured his treatment for bipolar disorder at a facility other than DYS.

{¶7} At the hearing before the magistrate, D.K.'s counsel contended that D.K.'s criminal behavior was the result of his mental health condition, which had not been treated during his prior commitment to DYS. Counsel specifically requested that D.K.'s case be referred to "Care Coordination Staffing" prior to disposition. (Apr. 21, 2009 Tr. 14.) The magistrate noted that Ms. Kee was the court's Care Coordination Staffer, and Ms. Kee spoke at the hearing. She stated that, in her opinion, Care Coordination could do nothing more for D.K.

{¶8} D.K.'s counsel also requested that he be evaluated for appropriate medication. His mother testified, however, that he had been prescribed medication, but did not take it as directed.

{¶9} Based on the seriousness of the offenses, as well as D.K.'s lack of progress while on parole, the magistrate recommended permanent custody to DYS. She specifically recommended that DYS "have him assessed for any medication needs." (Apr. 21, 2009 Tr. 24.)

{¶10} At the objection hearing before the court, D.K.'s counsel acknowledged that medication had been prescribed for D.K., but stated that treatment had never been ordered or attempted. By treatment, counsel meant "psychological counseling." (June 30, 2009 Tr. 3.) She specifically asked that D.K. be treated in the community or in a treatment facility.

{¶11} The prosecutor did not disagree with counsel's suggestion that D.K. had bipolar issues. Nevertheless, he argued that, given D.K.'s history, he should be treated in the most restrictive environment available.

{¶12} In its written decision overruling D.K.'s objection, the court noted the arguments and evidence concerning D.K.'s parole violations and his need for treatment, including the testimony of Ms. Kee. The court stated: "The presentation to the Magistrate suggested that [D.K.] may not be ripe for bipolar disorder treatment until he is on a routine administration of medications necessary to treat any existing mental health issues, but that commitment to D.Y.S. was necessary immediately." The court concluded that the magistrate had not abused her discretion in sentencing D.K. We agree.

{¶13} The juvenile court has broad discretion to take steps "necessary to fully and completely implement the rehabilitative disposition of a juvenile." *In re Caldwell* (1996), 76 Ohio St.3d 156, 159. The court holds this discretion because it has the "opportunity to see and hear the delinquent child, to assess the consequences of the child's delinquent behavior, and to evaluate all the circumstances involved. The statute authorizes the court to issue orders of disposition appropriate to each child." *Id.* at 160-61.

{¶14} Here, the circumstances include not only D.K.'s mental health needs, but his history of parole violations and serious offenses. By balancing these circumstances, the court complied with the underlying purposes of juvenile dispositions not only to provide for a child's mental development, but also to protect the public and hold the offender accountable for his actions. The trial court did not abuse its discretion by committing D.K. to DYS for assessment and treatment.

{¶15} For these reasons, we overrule D.K.'s assignment of error. We affirm the judgments of the Franklin County Court of Common Pleas, Division of Domestic Relations, Juvenile Branch.

Judgments affirmed.

TYACK, P.J., and BROWN, J., concur.
