**Secure Custody**

**Evie**

Evie is a 12-year-old boy who lives with his grandma. Mom suffers from a substance use disorder and, while she comes to her mother’s apartment occasionally, she is often homeless. Evie has never known his father. He is supposed to be in seventh grade, but he was held back in third grade and is in sixth grade instead. He has a history of in-school suspensions and has been diagnosed with ADHD and dyslexia.

Evie was taken into custody by the police at school today. He was in the school cafeteria when a teacher told him it was his turn to sweep the floor. Evie was busy laughing with friends and did not respond to the teacher. The teacher approached Evie from behind and touched his shoulder to get his attention. Evie immediately threw his arm backwards to push the teacher off of him. He pushed so hard that the teacher fell to the ground and hit her head on a chair at the table behind her. Evie then screamed at the teacher, using expletives, and ran from the cafeteria.

The School Resource Officer chased Evie, took him into custody, and brought a complaint to the court counselor alleging assault on a government employee (Class A1 misdemeanor).

Evie was not new to the court counselor, as that same court counselor had previously diverted complaints against Evie for disorderly conduct at school. Evie’s grandma refused to come and get Evie, stating, “he needs to finally learn his lesson, take him to jail.” The court counselor approves the filing of the petition and seeks a secure custody order.

* Are there grounds to issue a secure custody order?
* If there are grounds, are there alternatives to a secure custody order that you would consider?
* Is there any additional information you would want in order to decide whether to issue a secure custody order?

**Mal**

Mal is a 15-year-old girl who has been in and out of foster care three times since the age of 2. She is currently in DSS custody and she is placed with a foster family. Mal has a history of mental health struggles, including bouts of depression and a previous diagnosis of PTSD. She also has a history of engaging in self-harm behavior. You are aware that all of Mal’s four siblings are also in foster care and that both of her parents are unemployed and struggling with addiction.

The magistrate calls you at home on a Friday night and tells you that Mal is in her office with officers who took her into temporary custody. The officers report that they picked her up for possession of a stolen vehicle (Class H felony), felony fleeing to elude arrest (Class H felony) , assault with a deadly weapon causing serious injury (by driving the car into a pedestrian – Class E felony), hit and run (Class H felony), driving without a license (Class 3 MDM), and driving by a person less than 21 years old after consuming alcohol or drugs (Class 2 MDM). She blew .10 on the breathalyzer. Mal told the police that her boyfriend got violent with her and so she took his keys and drove off in what she thoughts was his car. The court counselor has prepared a secure custody order and wants the magistrate to sign it.

* Are there grounds to issue a secure custody order?
* If there are grounds, are there alternatives to a secure custody order that you would consider?
* Is there any additional information you would want in order to decide whether to issue a secure custody order?

**Ben**

Ben is 17-years-old. He dropped out of school at age 16 and lives with his mother who works during the daytime cleaning houses and second shift at a gas station. He is the oldest of three children and the family lives in a small, one-bedroom apartment. From time to time the power and water have been shut off due to large arrears owed. Ben is interested in joining the military, but his mother insists that he needs to remain in the home so he can watch his younger siblings while she works. Ben was adjudicated delinquent for breaking into cars at age 13 and he successfully completed a twelve-month period of probation. The court terminated juvenile jurisdiction in that matter when Ben turned 15.

Ben was taken into custody over the weekend and a petition alleging second degree burglary (Class G felony) was filed. A secure custody order was also entered by the juvenile court counselor. It is Monday morning and Ben is appearing in your court for his initial secure custody hearing.

* Are there grounds to issue a secure custody order?
* If there are grounds, are there alternatives to a secure custody order that you would consider?
* Is there any additional information you would want in order to decide whether to issue a secure custody order?

\*Bonus – what do all the names in these scenarios (Evie, Mal, and Ben) have in common?