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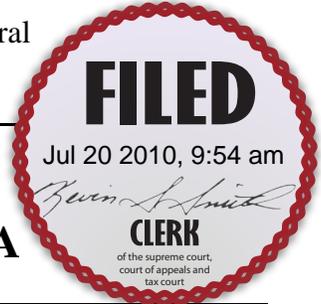
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**IN THE  
COURT OF APPEALS OF INDIANA**

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S.T.P., )  
 )  
Appellant-Defendant, )  
 )  
vs. )  
 )  
STATE OF INDIANA, )  
 )  
Appellee-Plaintiff. )

No. 71A04-0912-JV-729

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APPEAL FROM THE SAINT JOSEPH PROBATE COURT  
The Honorable Peter J. Nemeth, Judge  
The Honorable Harold E. Brueseke, Magistrate  
Cause No. 71J01-0809-JD-669

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**July 20, 2010**

**MEMORANDUM DECISION - NOT FOR PUBLICATION**

**FRIEDLANDER, Judge**

Pursuant to a plea agreement, S.T.P. admitted the truth of three theft allegations, and the State dismissed a number of other allegations. The juvenile court, therefore, adjudicated S.T.P. a delinquent child and entered a dispositional order awarding him to the Department of Correction (the DOC). Following S.T.P.'s release from the DOC, the juvenile court reinstated its jurisdiction over S.T.P. and entered a restitution order. On appeal, S.T.P. argues that the juvenile court erred in reinstating jurisdiction over him.

We affirm.

Pursuant to Ind. Code Ann. § 31-30-2-3 (West, Westlaw through 2010 Public Laws approved and effective through 3/25/2010), a juvenile court may within thirty days after receiving notification from the DOC of the juvenile's release from custody reinstate jurisdiction<sup>1</sup> over the juvenile for the purpose of modifying the court's original dispositional decree. In the instant case, S.T.P. was released from the DOC on May 12, 2009, and the juvenile court received notice of his release on or shortly before that date.

On June 3, 2009, S.T.P.'s probation officer filed a verified petition for modification specifically "requesting that [the juvenile] court regain jurisdiction in this case for the purpose of establishing restitution in the amount of \$916.66." *Appellant's Appendix* at 22. The court scheduled the matter to be heard on June 10. Upon S.T.P.'s motion, the hearing was continued and rescheduled for July 15, 2009. On July 7, the State and the probation department filed a motion for the court to reinstate jurisdiction pursuant to I.C. § 31-30-2-3. Following an additional continuance and a number of hearings, the juvenile court issued an

order of restitution on December 1, 2009.

The sole basis of S.T.P.'s appeal is his contention that the request to reinstate jurisdiction was untimely because it was not filed until July 7, 2009, more than thirty days after notification of his release. S.T.P. wholly disregards the initial verified petition filed by the probation department on June 3, which expressly asked the court to regain jurisdiction.<sup>2</sup> In light of this timely request and the juvenile court's setting of a hearing on that request within the thirty days allotted by statute, the juvenile court properly reinstated its jurisdiction in this matter.

Judgment affirmed.

KIRSCH, J., and ROBB, J., concur.

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<sup>1</sup> As a general matter, a juvenile court's jurisdiction over a juvenile terminates upon the award guardianship of the child to the DOC. See I.C. § 31-30-2-1 (West, Westlaw through 2010 Public Laws approved and effective through 3/25/2010).

<sup>2</sup> In *W.L. v. State*, 707 N.E.2d 812 (Ind. Ct. App. 1999), a case cited by S.T.P., we observed "there is a distinction between a petition to reinstate jurisdiction and a petition to reopen a case for a specific purpose." *Id.* at 814. There, the State filed a motion asking the court to reopen the cause so that a claim for restitution could be presented. Unlike the case at hand, where the State specifically requested the court to "regain jurisdiction", there was no request in *W.L.* for the court to reacquire jurisdiction. *Appellant's Appendix* at 22. Therefore, *W.L.* is distinguishable.