

Commonwealth Of Kentucky

Court of Appeals

NO. 2003-CA-000404-DG

T.A., A CHILD UNDER EIGHTEEN

APPELLANT

ON DISCRETIONARY REVIEW FROM JEFFERSON CIRCUIT COURT
v. HONORABLE JAMES M. SHAKE, JUDGE
ACTION NO. 02-XX-000118

COMMONWEALTH OF KENTUCKY

APPELLEE

OPINION
DISMISSING AS MOOT
** **

BEFORE: BARBER, KNOPF, AND TACKETT, JUDGES.

TACKETT, JUDGE: T.A., who was a child under eighteen at the time of the filing of this appeal but is now an adult, appeals from the order of the Jefferson Circuit Court, which affirmed the Jefferson District Court's order denying his motion to terminate his commitment to the Department of Juvenile Justice (DJJ) under Kentucky Revised Statute (KRS) 610.120. As the Appellant is now an adult and not in the custody of DJJ, our decision will not affect his substantial rights, and we hold

that this case is now moot for lack of a justiciable controversy.

This appeal centered on whether, under the Unified Juvenile Code, the courts are authorized to alter a disposition from one of probation to one of commitment. T.A. was placed on probation in 1999 and committed to DJJ for placement in 2001. In September 2002, T.A. filed the motion to terminate his commitment. The circuit court affirmed in December, 2002, and this Court granted discretionary review. By the time this case was briefed and assigned for decision on the merits, T.A. was already an adult, and is now nineteen.

Recently, KRS 635.060 was amended to specifically allow commitment to DJJ as a consequence of violation of probation. Since T.A. is now an adult, and since the General Assembly has now explicitly stated that the courts are authorized to commit a child who violates his probation to DJJ, we see no reason to resolve the question of whether, under the law as it existed at the time of T.A.'s commitment, it was permissible to commit a child who had violated his probation. We therefore dismiss this appeal as moot.

For the foregoing reasons, this appeal is dismissed as moot.

ALL CONCUR.

BRIEF FOR APPELLANT/ORAL
ARGUMENT:

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ARGUMENT:

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