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05/27/2025

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 25-0196

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 25-0196

FILED

MAY 27 2025

Bowen Greenwood
Clerk of Supreme Court
State of Montana

Z.M.L., a Youth,

Petitioner,

v.

MONTANA YOUTH COURT OF THE FOURTH
JUDICIAL DISTRICT COURT, MISSOULA
COUNTY, HONORABLE JOHN W. LARSON,
Presiding,

ORDER

Respondent.

Petitioner Z.M.L., via counsel, seeks a writ of supervisory control over the Montana Youth Court of the Fourth Judicial District Court, Missoula County, Cause No. DJ-24-91, in which Z.M.L. is the subject Youth. Z.M.L. asks this Court to vacate the March 4, 2025 Order Suspending Proceedings Pursuant to Mont. Code Ann. §41-5-1501(1(a); and Order to be Screened for Youth Treatment Court and to direct the Youth Court to dismiss the State's formal delinquency petition without prejudice. At our request and pursuant to M. R. App. P. 14(7), Hon. John W. Larson, Youth Court Judge, responded in opposition to the petition. The State responded in agreement with the relief Z.M.L. requests.

On September 20, 2024, Z.M.L. entered into a Consent Adjustment without Petition, or consent decree. In part, the consent decree provided that the State could file a formal delinquency petition if Z.M.L. violated the terms of the consent decree.

On November 26, 2024, the State moved for leave to file a petition, alleging Z.M.L. had committed acts which, if committed by an adult, would constitute the misdemeanors of partner or family member assault, criminal mischief, and obstructing a peace officer or other public servant. The State alleged Z.M.L. had violated the consent decree by failing

to maintain contact with the Youth Court and missing classes at school. The State filed the petition with leave of court the following day.

On January 23, 2025, Judge Larson conducted a hearing on the matter. He advised the parties that he was ordering Z.M.L. to participate in treatment court. Z.M.L., via counsel, objected, asserting none of the alleged offenses concerned drug or alcohol use or included allegations that drug or alcohol contributed to their commission. Z.M.L.'s counsel further advised the court that Z.M.L., the County Attorney, and Youth Probation had agreed to send the case back to informal probation and dismiss the petition because the parties had resolved the issues that led the State to file the petition.

The court responded that informal probation is no longer available after a petition has been filed. The court further advised the parties that, if Z.M.L. filed a written motion to dismiss, it would consider any authority Z.M.L. offered; but it was currently not aware of authority that would require it to dismiss the petition.

At the next hearing on January 30, 2025, Z.M.L.'s counsel responded that the parties were seeking to dismiss the case without prejudice so Z.M.L. could return to informal probation. She again advised the court that the parties had resolved the issues that had led the State to file the petition, which had occurred because of "a breakdown in communications between the probation officer and [Z.M.L.'s] mother." However, the court advised the parties that, under § 41-5-1501, MCA, "only the judge is involved in formal petitions [and the] prosecutor doesn't get to make decisions, other than filing and dismissing with prejudice."

At the hearing, the court also asked Z.M.L. to submit to a drug test. Z.M.L. objected, arguing that § 41-5-1503(4), MCA, provides that a Youth Court may order or request urinalysis (UA) drug testing only if a finding has been made that the offense was related to alcohol or illegal drugs and, in this case, no such finding had been made. The court overruled the objection, stating it was ordering a UA as "part of the process to determine the need for possible treatment."

On February 18, 2025, the parties filed a Joint Stipulation and Motion to Dismiss in the Youth Court. The parties first explained that M. R. Civ. P. 41 may apply since actions

under the Youth Court Act are civil actions. The parties further explained that, if Rule 41 applies, their filing is a stipulation for dismissal, signed by all parties who have appeared, under Rule 41(a)(1)(A)(ii).

Alternatively, the parties argued that dismissal was warranted under § 41-5-205(1), MCA, because good cause, the interests of justice, and Z.M.L.'s interests support dismissal. Reiterating that the circumstances that led the State to file the formal petition had been abated, they further asserted, "The Youth has no intention of admitting guilt or otherwise making a valid admission in this case, and the State has no intention of proceeding to a contested trial."

The Youth Court held another hearing on February 27, 2025. At the outset, the court requested a copy of the consent decree. Z.M.L.'s counsel objected, asserting the decree was an informal proceeding that did not involve the Youth Court. The court ordered it to be produced over objection. The court further ordered, over objection, that Z.M.L. sign a waiver and release and that her medical information, mental health evaluation, and school information be provided to the court.

The court noted it was not ruling on the motion to dismiss at that time because it found the motion "cryptic" and did not specify whether the parties wanted the case dismissed with or without prejudice. The State advised the court that the parties wanted the case dismissed without prejudice. The court responded that the authority the parties cited did not provide for dismissals without prejudice and the Youth Court's practice was not to dismiss cases without prejudice after a formal petition was filed. Instead, the court ordered the matter would be stayed pursuant to § 41-5-1501, MCA, to allow for continued supervision by the Youth Court. The court further ruled, over Z.M.L.'s objection, that it would require Z.M.L. to be screened for treatment court.

On March 4, 2025, the Youth Court issued an Order Suspending Proceedings Pursuant to [§ 41-5-1501(1)(a), MCA]; and Order to be Screened for Youth Treatment Court. It suspended the proceedings and ordered that, as conditions of release, Z.M.L. must: participate in regular school attendance; enroll and participate in the Youth Crisis Diversion Project; and screen for Youth Treatment Court. It further ordered that the court

be provided with releases for certain medical and mental health information.

Z.M.L. then petitioned this Court for writ of supervisory control. Supervisory control is an extraordinary remedy that may be invoked when the case involves purely legal questions and urgent or emergency factors make the normal appeal process inadequate. M. R. App. P. 14(3). The case must meet one of three additional criteria: (a) the other court is proceeding under a mistake of law and is causing a gross injustice; (b) constitutional issues of state-wide importance are involved; or (c) the other court has granted or denied a motion for substitution of a judge in a criminal case. M. R. App. P. 14(3)(a)-(c). Whether supervisory control is appropriate is a case-by-case decision. *Stokes v. Mont. Thirteenth Judicial Dist. Court*, 2011 MT 182, ¶ 5, 361 Mont. 279, 259 P.3d 754 (citations omitted).

In this case, the legal question is whether the Youth Court erred in denying dismissal of the State's petition without prejudice. As to whether an adequate remedy exists on appeal, Z.M.L. asserts appeal would not afford her a timely remedy because she is currently compelled to comply with Youth Court rulings she alleges were issued without authority. The Youth Court does not dispute the normal appeal process would be inadequate here. However, Z.M.L. and the Youth Court disagree as to whether supervisory control is necessary because they disagree as to whether the court is proceeding under a mistake of law and causing a gross injustice.

Z.M.L. maintains the Youth Court exceeded its authority by ordering the case "suspended" and requiring Z.M.L. to participate in treatment court and to sign releases to allow the disclosure of confidential medical information to the Youth Court. Z.M.L. argues the interests of justice are not served where she has been forced to participate in a case that "all of the parties agree should be over."

Z.M.L. offers two bases in support of her argument. First, she argues the District Court erred in denying dismissal under § 41-5-205, MCA, and that no legal authority supports the Youth Court's practice to refuse to dismiss petitions without prejudice. Z.M.L. argues the authority to dismiss the matter without prejudice lies in § 41-5-205, MCA, which provides, in relevant part, "The court may dismiss a petition . . . on the motion or petition of any interested party at any time." Z.M.L. argues, and the State agrees, that

the statute does not limit these dismissals to only dismissals with prejudice. Section 1-4-101, MCA (“In the construction of an instrument, the office of the judge is simply to ascertain and declare what is in terms or in substance contained therein, not to insert what has been omitted or to omit what has been inserted.”).

Second, Z.M.L. argues the Youth Court was obligated to grant dismissal pursuant to M. R. Civ. P. 41(a)(1)(A)(ii) because the parties stipulated to dismissal. Z.M.L. asserts that youth court proceedings are civil proceedings, *In re D.A.T.*, 2022 MT 174, ¶ 11, 410 Mont. 1, 517 P.3d 157, and therefore subject to the Montana Rules of Civil Procedure. M. R. Civ. P. 1 (“These rules govern the procedure in all civil actions and proceedings in the district courts of the state of Montana . . .”). Z.M.L. points out that Rule 41(a)(1)(A)(ii) allows a plaintiff to dismiss an action by filing a stipulation of dismissal signed by all parties who have appeared. M. R. Civ. P. 41(a)(1)(B) provides that, unless the stipulation states otherwise, a dismissal effectuated under Rule 41(a)(1)(A)(ii) is without prejudice.

The Youth Court responds that it acted appropriately in furthering the purposes of the Youth Court Act found in § 41-5-102, MCA, because Z.M.L. needs a plan to address her mental health and school attendance issues. The Youth Court argues its involvement is necessary to provide accountability and flexibility in the proceedings, which the court asserts the parties’ Joint Stipulation and Motion to Dismiss fails to provide. The Youth Court states, “Justice requires the case be retained in the Youth Court for the safety of the Youth, her family, and public safety.” It asserts dismissal is not warranted, nor required, by § 41-5-205, MCA, and it acted within its discretion in declining to dismiss the petition. It further asserts that, if granted, dismissal should be with prejudice so as not to leave Z.M.L. vulnerable to the State’s future unilateral revival of the case.

The Youth Court’s concerns notwithstanding, however, the issue before this Court is not whether continued involvement of the Youth Court might benefit Z.M.L., but whether the Youth Court had the authority to exert control over the case when the parties stipulated to dismissal. In its response, the Youth Court does not address Z.M.L.’s argument that Rule 41(a)(1)(A)(ii) allows the parties to dismiss the State’s petition without prejudice. As the parties explained in their Joint Stipulation and Motion to Dismiss filed

in the Youth Court, Rule 41 may apply 'since actions under the Youth Court Act are civil actions. And, if Rule 41 applies, their Joint Stipulation requires dismissal under Rule 41(a)(1)(A)(ii).

While the parties appear somewhat hesitant to apply the Rules of Civil Procedure to Youth Court cases, neither they nor the Youth Court offer authority to suggest that proceedings arising under the Youth Court Act, which are civil in nature, are excepted from the application of those Rules. We thus see no reason why Rule 41 should not apply in this instance.

Voluntary dismissal under Rule 41(a)(1) automatically terminates the action upon the filing of the notice of dismissal with the clerk of court and thus no court order is required. *Johnston v. Centennial Log Homes & Furnishings, Inc.*, 2013 MT 179, ¶ 47, 370 Mont. 529, 305 P.3d 781 (citing *U.S. Fidelity & Guar. Co. v. Rodgers*, 267 Mont. 178, 184, 882 P.2d 1040-41 (1994)) (internal quotations omitted). In this case, the parties need only to have filed their stipulated notice of dismissal with the Clerk of Court; no motion to dismiss was warranted. Upon the filing of the Joint Stipulation, the petition should have been dismissed pursuant to M. R. Civ. P. 41(a)(1)(A)(ii), and without prejudice pursuant to M. R. Civ. P. 41(a)(1)(B).

Having considered the petition and responses filed, we conclude the District Court erred as a matter of law in considering, and ultimately denying, the parties' motion to dismiss the petition. Upon the filing of the stipulated notice of dismissal with the Clerk of Court, this action automatically terminated, and no court order was required. Therefore, supervisory control is warranted pursuant to M. R. App. P. 14(3).


IT IS THEREFORE ORDERED that this Petition for a Writ of Supervisory Control is ACCEPTED and GRANTED.

IT IS FURTHER ORDERED that all Youth Court orders and rulings subsequent to the filing of the February 18, 2025 Joint Stipulation and Motion to Dismiss are VACATED.

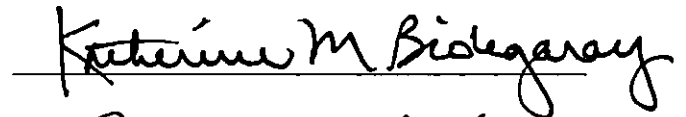
IT IS FURTHER ORDERED that this matter is REMANDED to the District Court for the purpose of dismissing this action in accordance with M. R. Civ. P. 41(a)(1)(A)(ii) and M. R. Civ. P. 41(a)(1)(B).

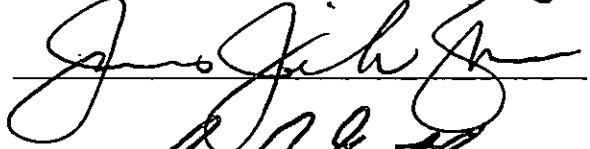
The Clerk is directed to provide immediate notice of this Order to counsel for Petitioner, all counsel of record in the Montana Youth Court of the Fourth Judicial District Court, Missoula County, Cause No. DJ-24-91, and the Honorable John W. Larson, presiding.

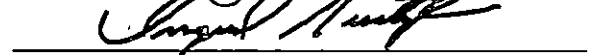
DATED this 27th day of May, 2025.



Chief Justice







Justices