

In Re Interest of Reality W.

Caselaw No.

No. S-18-629

Filed on

Friday, April 12, 2019

Summary:

In this case the State filed a truancy petition on April 12, 2018, alleging Reality was habitually truant from school between September 1, 2017, and March 7, 2018. Reality denied the petition, the adjudication was held on May 8, 2018. The State called two employees from Lincoln Public Schools, who testified regarding the school district's attendance policy and practices, Reality's attendance record, and the steps that were taken to address Reality's attendance issues before referring the matter to the county attorney's office. The juvenile court entered an order adjudicating Reality under § 43-247(3)(b), finding that the evidence given established by proof beyond a reasonable doubt that Reality was habitually truant. Per the evidence provided in court the juvenile court found that the school followed the requirements set out in section 79-209(2)(b) (multiple attempts to schedule a collaborative plan meeting), section 79-209(3) (documentation of efforts by the school) and that the county attorney made reasonable efforts to refer Reality and her family to community-based resources. Reality perfected an appeal to this court.

Reality argued that the school failed in its obligation to address barriers to attendance under section 79-209(2)(b) and that there was not sufficient evidence that the county attorney made reasonable efforts to refer Reality and her family to community-based resources as required under section 79-276(2). The Supreme Court disagreed holding that 1) the juvenile court correctly concluded that Reality did not have a defense to adjudication under section 79-209; and 2) Reality did not have a defense to adjudication under section 43-276(2).
