

# In re Interest of Jeremy U.

**Case Number**

S-19-0215

**Case Audio**

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**Call Date**

November 1, 2019

**Case Time**

10:00 AM

**Court Number**

Douglas

**Case Location**

South Sioux City High School

**Court Type**

Separate Juvenile Court

**Extended Case Summary**

S-19-0215 [In re Interest of Jeremy U.](#)

Douglas County Separate Juvenile Court, Judge Chad Brown

Attorneys: Anthony M. Hernandez, Alexander T. Kelly, Senior Certified Law Clerk (Douglas County Attorney's Office, for Appellant); Reginald Young (Young & Young, for Appellee)

Juvenile: Insufficient evidence

Proceedings below: The trial court found that there was insufficient evidence to support a finding that the juveniles came within the meaning of Neb. Rev. Stat. 43-247(3)(a), stating that the evidence did not support a finding that the children were at risk of harm due to Appellees use of alcohol and/or controlled substances. The juvenile court dismissed the State's petition for lack of evidence.

Issues: Whether the trial court erred when it found 1) that the Appellee's use of controlled substances did not place the juveniles at risk of harm due to insufficient evidence; and 2) that the Appellant did not fail to provide the minor child with safe, stable housing.

Facts: On October 22, 2018, the State filed a petition alleging that the minor children came within the meaning of Neb. Rev. Stat. 43-247(3)(a)(3) in that the children lacked proper parental care by reason of the faults or habits of their parents due to their use of controlled substances, and that they failed to provide the children with proper parental care, support, supervision, and/or protection, and that they failed to provide the children with safe, stable housing.

On February 14, 2019, a formal adjudicative proceeding began. Witnesses were called and evidence was adduced. There was some testimony provided from the caseworker working with the family that the youngest of the minor children was born testing positive for methamphetamine and the mother had admitted to using methamphetamine during the week that he was born. There was also testimony presented that the children's father did not have

contact with the minor children. The trial court found that there was insufficient evidence to support a finding that the children came within the meaning of Neb. Rev. Stat. 43-247(3)(a).

Both sides submitted written briefs to the Supreme Court. After hearing arguments from both sides at an oral argument before the Supreme Court, the Court will submit the case for disposition, and will issue an opinion in the coming months.

**Schedule Code**

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