

MASSACHUSETTS SUPREME JUDICIAL COURT

Millis Public Schools v. M.P., 478 Mass. 767

89 N.E.3d 1170 (2018) · No. SJC-12384 · Decided February 6, 2018

SUMMARY

The Massachusetts Supreme Judicial Court interpreted the term "willfully" in the Massachusetts child requiring assistance statute's habitual truancy provision. The court held that the provision requires purposeful conduct by the child and concluded that the evidence did not support, beyond a reasonable doubt, a finding that M.P.'s failure to attend school was willful where it resulted from physical and mental disabilities.

CASE DETAILS

COURT	Massachusetts Supreme Judicial Court
WRITING FOR THE COURT	Lenk, J.; Gants, C.J.; Gaziano, J.; Lowy, J.; Budd, J.; Cypher, J.; Kafker, J.
JURISDICTION	Massachusetts
DECIDED	February 6, 2018
DOCKET	SJC-12384
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	M.P. appealed a Juvenile Court adjudication that she was a child requiring assistance based on habitual truancy. The Supreme Judicial Court transferred the case from the Appeals Court on its own initiative.
STANDARD OF REVIEW	Questions of statutory interpretation are reviewed de novo. The habitual-truancy allegations had to be proved beyond a reasonable doubt.
PRECEDENTIAL VALUE	Published, precedential Massachusetts Supreme Judicial Court opinion
PARTIES	M.P. v. Millis Public Schools

TOPICS

- statutory interpretation
- legislative history
- family law procedure
- family law

PRACTICE AREAS

- juvenile law
- education law
- statutory interpretation
- disability and special education

QUESTIONS PRESENTED

1. What does the phrase "willfully fails to attend school" mean under the habitual-truancy provision of Massachusetts's children requiring assistance statute, G. L. c. 119, § 21?
2. Whether the evidence proved beyond a reasonable doubt that M.P.'s school absences were willful and supported her adjudication as a child requiring assistance.

HOLDINGS

1. A child willfully fails to attend school when the child acts purposefully and the behavior arises from reasons portending delinquent behavior. The statutory inquiry requires examination of the child's purpose or reasons for the absences, not merely whether the absences were voluntary or intentional.
2. The evidence did not support beyond a reasonable doubt a finding that M.P. willfully failed to attend school because her absences were attributable to her bladder condition and associated mental and emotional impairments, and her conduct did not portend juvenile delinquency.

KEY QUOTATIONS

"The wilfulness requirement thus necessitates judicial inquiry into and assessment of the child's reasons for not attending school." (478 Mass. at 771)

"We conclude that a child "willfully fails to attend school" when he or she acts purposefully, such that his or her behavior arises from reasons portending delinquent behavior." (478 Mass. at 780-781)

"We emphasize that a finding of wilfulness is a fact-based inquiry that will depend on the circumstances of each case." (478 Mass. at 781)

"The evidence in the record does not support a finding beyond a reasonable doubt that M.P. "willfully fail[ed] to attend school."" (478 Mass. at 786)

FACTUAL BACKGROUND

M.P., a fifteen-year-old with a severe bladder condition, autism spectrum disorder, anxiety, obsessive-compulsive disorder, and posttraumatic stress disorder, had substantial difficulty leaving the bathroom and house and could not reliably attend school. She missed more than eight school days in each quarter, but the record showed that her absences resulted from medical, cognitive, and emotional impairments rather than a desire to avoid school or conduct portending delinquency. M.P. expressed a desire to attend school and was saddened by her inability to do so, while school and home-based providers attempted therapeutic and educational accommodations.

PROCEDURAL HISTORY

Millis Public Schools filed a CRA petition in the Norfolk County Division of the Juvenile Court Department on November 30, 2016. After accepting the petition, the Juvenile Court held a fact-finding hearing and adjudicated M.P. a child requiring assistance, although it did not alter her custody arrangements. M.P. appealed to a single justice of the Appeals Court, who referred the matter to a full panel; the Supreme Judicial Court then transferred the case on its own motion.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Vacate and set aside the CRA judgment and remand the matter to the Juvenile Court for entry of an order dismissing the CRA petition.

CASES CITED

- Commonwealth v. Florence F., 429 Mass. 523, 524-525 (1999)
- Chin v. Merriot, 470 Mass. 527, 529 (2015)
- Matter of Hilary, 450 Mass. 491, 493-494 (2008)
- Massachusetts Insurers Insolvency Fund v. Smith, 458 Mass. 561, 564-565 (2010)
- Commonwealth v. Mogelinski, 466 Mass. 627, 633 (2013)
- Wright v. Collector & Treasurer of Arlington, 422 Mass. 455, 457-458 (1996)
- Commonwealth v. Samuel S., 476 Mass. 497, 501 (2017)
- Adoption of a Minor, 343 Mass. 292, 297 (1961)
- Commonwealth v. Frith, 458 Mass. 434, 443 (2010)
- Commonwealth v. Schuchardt, 408 Mass. 347, 352 (1990)
- Commonwealth v. McDonald, 462 Mass. 236, 242 (2012)
- Franklin Office Park Realty Corp. v. Commissioner of the Department of Environmental Protection, 466 Mass. 454, 456, 463, 464 n.12 (2013)
- Care & Protection of Charles, 399 Mass. 324, 335 (1987)
- In re Ronald S., 69 Cal. App. 3d 866, 869 (1977)
- Matter of the Welfare of B.K.J., 451 N.W.2d 241, 243 (Minn. App. 1990)
- Matter of Simon v. Doe, 165 Misc. 2d 379, 380-381 (N.Y. Fam. Ct. 1995)
- Matter of the Welfare of L.Z., C.R.P., & S.L.P., 396 N.W.2d 214, 218 (Minn. 1986)
- Matter of A.V., S.T., A.C., & E.V., 176 Vt. 568, 571 (2003)
- Oscar F. v. County of Worcester, 412 Mass. 38, 41 (1992)
- Matter of Benjamin A., 2011 N.Y. Slip Op. 52217, at n.14 (N.Y. Fam. Ct. Oswego County Sept. 26, 2011)
- Care & Protection of Sam, 87 Mass. App. Ct. 1106 (2015)
- Adoption of Odessa, 76 Mass. App. Ct. 1118 (2010)

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