



A LAW FIRM OF AND FOR THE PEOPLE

March 5, 2024

Re: HF 3671 / SF 3694

Dear Chair Pinto and Committee Members,

The Legal Rights Center, and our partners in the MN Coalition for Youth Justice, submit this letter in strong support of HF 3671 / SF3694, which works to more effectively intervene with youth by raising the lower age of juvenile court jurisdiction from 10 to 13. Children in the 10-13 age range are better served by the child welfare system, which allows for interventions that are more timely, that minimize collateral consequences, and that are better aligned with their developmental stage.

As a nonprofit public defense corporation, the Legal Rights Center annually represents hundreds of indigent Minnesotans facing criminal charges. Through this work, our attorneys see firsthand how ineffective the youth justice system is at providing appropriate interventions for our youngest community members. Very often, the youth we represent who are 10, 11, and 12 years old are found incompetent to stand trial, delaying for years at times any meaningful accountability or intervention. In addition, the arrest and court records created, along with the mental and emotional stress of juvenile court proceedings, have ongoing impacts into adulthood for our clients.

When children in this age range make mistakes or poor choices, we need to provide support that includes and wraps around their family systems. The interventions of the child welfare system are designed to do this in a way that the juvenile justice system simply cannot.

The policy change outlined in this bill brings Minnesota in alignment with best practices nationwide and aligns with our value of being the best state in the country for a child to grow up. For these reasons, we are proud to support HF 3671 / SF3694.

Sincerely,

Malaika Eban
Executive Director



2024 YOUTH JUSTICE LEGISLATIVE PRIORITIES

RIGHT SIZING THE YOUTH JUSTICE SYSTEM

There is growing movement nationwide to right-size juvenile justice systems to better meet the developmental needs of youth and young adults by examining the parameters of juvenile court jurisdiction.

SF 3694 / HF 3671: RAISING THE LOWER AGE FROM 10 TO 13

In Minnesota, children as young as ten years old can be detained, prosecuted, and adjudicated through the juvenile court system. This practice is ineffective not only because many children this young aren't competent to stand trial, but also because the interventions of the juvenile court system are isolated primarily to the youth themselves, without the inclusion of their family systems, a critical ecosystem factor at this age. This proposal moves children in this age group from the youth justice system to the child welfare system.

WHY THIS MATTERS

The United States is an outlier internationally in the practice of trying young children and confining them in correctional facilities. The most common minimum age of criminal responsibility internationally is 14.

Raising the lower age of juvenile court aligns with recent advances in developmental science, efforts to reduce racial disparities in the youth justice system, and our values as a state.

Importantly:

- Young adolescents' brains often have not developed enough for them to fully understand risk and consequences, and regularly they are found incompetent to participate meaningfully in their defense.
- Early contact with the youth legal system has a negative impact on children's future behavior, increasing inversely with the age of the first contact.
- Younger children are at the greatest risk of being victims of violence when in custody.
- Locally and nationwide, less than 10% of juvenile court cases and detention admissions are children aged 13 and under.
- The Child Welfare & Children's Mental Health systems in Minnesota already respond to delinquency for children younger than 10.

QUESTIONS? CONTACT MALAIKA EBAN, LEGAL RIGHTS CENTER
MEBAN@LEGALRIGHTSCENTER.ORG



An association of resources and advocacy for children, youth and families
www.aspiremn.org

March 4, 2024

Dear Members of the Children and Families Finance and Policy Committee,

As a statewide association of children and family services AspireMN members support HF3671 as an important step forward in developing the continuum of services that children and families need.

Practice and research developments over the past decade reflect enhanced understandings of child and adolescent brain development that point to the importance of responding to behavioral needs from a developmental and treatment perspective instead of a youth justice perspective. We know that when children and families access needed treatment and support they do better – and we want to continue to design service responses that are increasingly family and child centered and research-driven.

Importantly, due to the crisis in access to mental health care, we also see youth justice services increasingly supporting children in mental health crisis due to an absence of appropriate treatment services. We must respond by developing appropriate treatment responses and halting the use of inappropriate service settings to respond to profound treatment needs for children and families.

In this critical time it is important that we continue to clarify by advancing policies like HF3671 that seek to understand and support children with behavioral needs instead of criminalizing their responses to trauma, illness and other causal factors. Our children are our most precious resource, we applaud this proposal as continuing the important work of developing the child and family centered continuum by responding to our increasing understanding of child development.

Sincerely,

Kirsten Anderson
Executive Director

AspireMN improves the lives of children, youth and families served by member organizations through support for quality service delivery, leadership development and policy advocacy.

March 5, 2024

Members of the Children and Families Finance and Policy Committee:

On behalf of NAMI Minnesota, we are writing in support of HF 3671. Upwards of 75% of children in America's juvenile justice system have a diagnosable mental illness. One thing we know about mental illnesses is that prevention and early intervention are hugely important factors for promoting recovery. The U.S. Supreme Court has been clear that children are to be treated differently than adults in the criminal court process. Moreover, the study of brain development in children has shown the significance of different stages in a child's growth, even from one year to another. We support this bill as it recognizes that significance and pushes our state toward prioritizing rehabilitation and recovery over punishment.

HF 3671 could improve the lives of children and families in a few different ways. Research is clear that any time spent in the juvenile delinquency system opens a child's future to negative outcomes academically, socially, physically, and mentally. We believe any effort to avoid interaction with the juvenile justice system is contributing to the wellness of our children. There is also a specific issue within the court system that strains resources and drags out the court process for families in Minnesota. Younger children are far more likely to be found incompetent to stand trial than teenagers and adults. Usually when people are talking about the legal standard of competency, it involves a mental illness or cognitive impairment. For many children who are found incompetent, a mental illness or cognitive impairment is in addition to simple developmental immaturity.

This means that young children can stay in the court system for years waiting to attain competency, leaving families in limbo, and increasing costs to all the parties involved, including taxpayers. Furthermore, when a child is found incompetent there is no mechanism to address justice when a child harms someone else. By opening the door to child protection *instead* of the delinquency court, we are providing a much nimbler response to children and families. When a child is found incompetent the current rules and statutes provide little to no support. We know that the child protection system has problems of its own, but at the end of the day, it is a system intended to support children *and* families – not a system intended to pit a defendant against the state.

NAMI Minnesota is committed to working with partners in our delinquency, child protection, and school systems to grow Minnesota's capacity for restorative and rehabilitative responses to harm. We know that a small language change can have large implications in systems, and we are happy to contribute to policy development however we can to improve the lives of children and families impacted by mental illnesses. Please support HF 3671.

Sincerely,

Sue Abderholden, MPH
Executive Director

Elliot Butay
Senior Policy Coordinator

Written Testimony in support of HF 3671

My name is Kara Beckman and I would like to express my support for HF 3671.

I am a mother of three, resident of South St. Paul, descendant of farmers, auctioneers, teachers, mental health providers and health care workers. I am an applied researcher at the University of Minnesota's Medical School, where I work with partners in education and juvenile justice to help them consider how the science of developmental psychology applies to their work responding to child and youth misbehavior. What I have come to learn is our accountability approaches with children and youth are ineffective and harmful. What I see in the criminal justice system as it applies to children is especially concerning. It is that concern that compels this testimony.

Let us be clear what we are saying with laws that indicate the criminal justice system is the best response we have to a 10, 11 or 12 year old who engages in illegal behavior. We are saying the most important question to address for this child is whether they are guilty of something, rather than whether they are in need of protection or services. We are saying children in elementary school can be held fully responsible for impulsive and rash behavior. Yet, other laws prohibit those same children from voting, driving or even being at the mall alone - precisely because we know they are not ready to have full responsibility for their behavior. Finally, we are saying that the state is better situated than this child's parents, families, teachers and others who know the children well to determine what accountability and healing look like. To remove this responsibility from that child's circle of support, I would want us to have very high expectations in our levels of success and confidence in our strategies.

And yet, behind the hypocrisy is the science that says we do not have strong strategies in place to address the behavior of children this age. In a young person's brain, if it feels like you are being punished for something by someone who doesn't know you, then you react with defiance or shame. Those feelings shut down the ability to feel empathy, remorse or to learn from the behavior. That is the opposite of what I want for my children, and it is the opposite of what I want for any child. I would invite each of you to reach out to your local elected county attorney and ask for 10 stories of children younger than 13 with whom their office came into contact. Ask them and ask yourself if, on average, the criminal justice system is the best solution for those situations. Ask whether what that child needs is a response from a system that is good at imposing consequences but has yet to demonstrate effectiveness in addressing the unmet needs of children. And then, on behalf of the people who have been hurt or harmed by those children, ask whether they are getting what they needed. What are outcomes in the criminal justice system for children younger than 13? Were victim's needs addressed so they didn't go on to hurt other people or themselves?

Further, ask if anyone can answer those questions at a systems level? Why, for example, can I get a "Minnesota Report Card" on my child's school district from the Minnesota Department of Education but there is no such transparency from the criminal justice system where I can compare one department to the other in terms of actual outcomes they are achieving?

Thus, I urge you to support HF 3671 which would raise the lower age of jurisdiction for juvenile court and detention from 10 to 13.

Sincerely,

Kara Beckman, beckm118@umn.edu