

March 14, 2024

Re: House File 3671

To Whom It May Concern,

We are a group of professionals who have represented children facing juvenile delinquency proceedings and youth with disabilities in Minnesota. Our experiences range from 20-36 years in our respective practices. We are writing in support of House File 3671.

Minnesota youth aged 10-12 subject to juvenile delinquency proceedings are frequently incompetent to stand trial. Put simply, they are developmentally immature at that age and are unable to understand and navigate the legal process. Additionally, many such youth are diagnosed with other special needs, often a mental health or a behavioral condition, that additionally impair their ability to work with an attorney and/or understand their charges.

The juvenile court competency process requires significant resources on the parts of the courts, psychological assessors, and attorneys. At the time a child is found incompetent, as youth in this age range substantially are, the case is paused. Whether children are offered and receive social services mental health services varies greatly case by case and county by county. These children are then subject to reassessment for competency approximately every six months, which often goes on for years. The reassessment process becomes the case's sole focus.

House File 3671 presents an intelligent and much-needed solution to this problem. Youth aged 10-12 will be offered necessary interventions and services from human services agencies from the very start. Instead of charging youth who will inevitably be found incompetent, social services will be swiftly deployed to families. Instead of the child and family being focused on the reassessment cycle, they will be able to obtain necessary services to address the problem-behavior that prompted the social service interventions.

We see this as a critical and welcome change in the Minnesota juvenile justice community.

Sincerely,

Andre Morant, Attorney 30 years  
Lisa McNaughton, Attorney 36 years  
Tracy Reid, Attorney 20 years  
Diana Wilkie, LISW 24 years