

**Subject** Maintaining ten years of age as the minimum age of delinquency

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## Overview

The juvenile court system addresses acts by juveniles that violate the law in two ways. If the juvenile is identified as being in need of protection or services, the juvenile's behavior may be addressed through the child protection system. If the juvenile is identified as a delinquent child, the behavior may be addressed through the delinquency process. A child in the delinquency process may also be treated as a child in need of protection or services.

Delinquency is similar to the adult criminal system and a juvenile must be competent in order to proceed through that system. There are 23 states that do not set a minimum age of delinquency and instead rely on a case-by-case competency determination. The remainder of the states establish a minimum age below which a juvenile cannot be considered delinquent and must only be treated as a child in need of protection or services. The lowest minimum age established by a state is seven (Florida) while the highest minimum age is 13 (New Hampshire and Maryland). A juvenile over the minimum age must still be competent to proceed in the delinquency process, but a juvenile under that age cannot be treated as a delinquent child.

Currently, Minnesota law sets ten years of age as the minimum age of delinquency. There are 15 other states that use that age (Arkansas, Arizona, Colorado, Connecticut, Kansas, Louisiana, Mississippi, Nevada, North Carolina, North Dakota, Pennsylvania, South Dakota, Texas, Vermont, and Wisconsin). In 2024, the legislature amended Minnesota law. The change will increase the minimum age of delinquency to 13 on August 1, 2026. This bill would repeal that change.

## Summary

Section	Description
1	<b>Delinquent child.</b> Eliminates the change to the definition of “delinquent child” that is currently scheduled to go into effect on August 1, 2026. The change would increase the minimum age of delinquency from ten years old to 13 years old.
2	<b>Juvenile petty offender; juvenile petty offense.</b> Eliminates the change to the definition of “juvenile petty offense” that is currently scheduled to go into effect on August 1, 2026. The change reflects the increase the minimum age of delinquency from ten years old to 13 years old.
3	<b>Child in need of protection or services.</b> Eliminates the changes to the definition of “child in need of protection or services” that is currently scheduled to go into effect on August 1, 2026. The change would increase the maximum age at which a child could only be considered to be in need of services, as opposed to also being considered a delinquent, from ten years old to 13 years old.



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