

February 25, 2024

Members of the Senate Judiciary and Public Safety Committee:

On behalf of NAMI Minnesota, we are writing in support of SF 3694. 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.

SF 3694 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 SF 3964.

Sincerely,

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Executive Director

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Senior Policy Coordinator