

Minnesota Juvenile Justice Advisory Committee (JJAC) 2026 Policy and Legislative Recommendations

Recommendation #1

The Juvenile Justice Advisory Committee recommends postponing raising the minimum age of juvenile delinquency jurisdiction for one year to August 1, 2027, to allow for critical engagement, data gathering, multi-level coordination and planning, and collective creation of recommendations.

Under Minnesota law a "delinquent child" is defined as a child who has violated any state or local law. (*Minn. Stat §260B.007, subd. 6*). Currently, children under the age of 10 are excluded from this definition of "delinquent child." These children fall within the definition of a Child in Need of Protection or Services. (*Minn. Stat. §260C.007, subd. 6 (12)*).

During the 2023 Legislative Session, two changes were made to Minnesota's Juvenile Code. The first added to the Delinquency Code the following language:

(d) Effective August 1, 2026, and applied to acts committed on or after that date, the term delinquent child does not include a child alleged to have committed a delinquent act before becoming 13 years old.

Minn. Stat §260B.007, subd. 6 (2024).

The second change added a clause within the Child Protection Code to define a Child in Need of Protection or Services as one who:

(17) effective August 1, 2026, has committed a delinquent act or a juvenile petty offense before becoming 13 years old.

Minn. Stat §260C.007, subd.6(17) (2024)

Thus, as it stands right now, starting on August 1, 2026 any child under 13 who is alleged to have committed a delinquent act will be referred to the Child Protection system.

While JJAC champions raising the minimum age of juvenile court jurisdiction in Minnesota to age 13, we recognize that significant work needs to be done prior to the change if we are to create a system that will adequately address the complex needs of children under the age of 13 who commit serious delinquent acts.

One of the primary challenges to simply referring these cases to Child Protection is that the child's needs will not be met, because the Child Protection system focuses on the caregiver's needs and conduct. Because of the limitations imposed in statute and case law, the Child Protection system is focused on the parents/caregivers and has few legal tools to intervene when the parent is cooperative. Moreover, the Child Protection system lacks the resources and expertise to address the needs of adolescents who engage in serious and dangerous behavior.

Since the law was passed in 2023, several cases involving youth, age 10, 11 and 12 who have engaged in serious, violent behavior have received a great deal of public attention. As a result, some are calling for the repeal of the 2023 statutory changes. JJAC does not support repealing the 2023 legislative changes. Instead JJAC proposes postponing enactment of the changes for one year, making the effective date of the statutes August 1, 2027.

This additional year will provide JJAC the opportunity to convene forums across the state, to bring together professionals from human services, corrections, schools, child-serving agencies, as well as community members to design and implement responses that will improve outcomes for these youth, connect them to services, and reduce the likelihood of these children entering the juvenile justice system.

Stakeholders need time to meet, determine the extent of the need for programming and then develop appropriate programs to support the youth who will no longer be referred to the delinquency system but will now be referred to the Child Protection system. How many children this change in the law impacts is currently unknown because many youth under 13 are referred to pre-charge diversion programs either by law enforcement directly or by County Attorney's Offices. These diversion programs typically include education and support for the child and their parents, if applicable. However, Statewide diversion data, especially pre-court diversion data, is unavailable.

In addition, time is needed to determine how, given the tools and resources within that system, Child Protection can best meet the needs of youth under the age of 13 who are currently under delinquency jurisdiction. If appropriate interventions and supports are not developed and in place prior to changing the age of delinquency, these youth will not have the programming that diversion and court-ordered services offer. Instead, they will receive little to no services and are likely to continue engaging in serious and risky behaviors until reaching age 13.

JJAC is concerned that this will lead to an influx of youth entering the system at age 13 who have unmanaged mental health issues, ingrained patterns of delinquent behavior leading to the commission of more serious crimes, thus resulting in more youth being

placed out of the home or placed on formal probation. This is clearly not the desired outcome of the law.

JJAC believes postponing the effective date of the statute change that raises the minimum age of juvenile delinquency jurisdiction for one year will provide the critical time needed to gather data, develop appropriate systems responses and determine if additional legislative action is needed. Moreover, the additional year will allow JJAC to take the important engagement steps necessary before this significant system change is implemented.

Recommendation #2

The Juvenile Justice Advisory Committee supports the recommendations of the Minnesota Juvenile Detention Association regarding immediate measures to address the Child Boarding Crisis in Juvenile Correctional Facilities in Minnesota.

As the Minnesota Juvenile Detention Association (MNJDA) and JJAC have identified, there is a crisis in available services and placement for youth with significant mental health issues and lengthy trauma histories. There are children with chronic mental health needs that are boarding in Juvenile Correctional Facilities because no alternative placements or services exist or because the placement will not accept them. These youth are waiting months and even years for placements that meet their mental health needs.

Untreated mental health needs can lead to unsafe behaviors, unsafe behaviors can lead to contact with law enforcement and repeated contact with law enforcement can lead to involvement in the juvenile justice system and placement in detention facilities.

JJAC recognizes that this is a short-term solution as we believe youth with persistent, and significant mental health issues should not be housed in detention facilities. However, the reality is that they currently are because often these children are placed in detention facilities, waiting months – or even years – for an appropriate placement. As a result, many of these youth are being housed without proper care in the only facilities that cannot refuse them: Correctional Facilities.

MNJDA has identified the critical need for increased mental health services in their facilities to best serve these youth. The Juvenile Corrections system and detention facilities were not designed to meet the needs of youth with persistent and significant mental health issues. Crisis funding will enable youth in detention facilities to receive increased mental health services from qualified mental health professionals.

Recommendation #3

The Juvenile Justice Advisory Committee supports the Minnesota Department of Children, Youth, and Families in establishing a statewide youth justice data hub.

JJAC values making swift and substantial efforts to uplift and center the humanity of our Black, Brown, and Indigenous Youth. Meaningful, fundamental systems change must be governed and measured by reliable and current data. Minnesota has no statewide data system that gathers data consistently, using the same definitions, data points and measures. Thus, a statewide juvenile justice data hub is necessary to implement changes and measure the impact of these changes.

JJAC recommends policy and practice changes that will require:

- Data transparency: stakeholders will be mandated to report data on a regular basis so that information can be shared not only among professional fields, but the community, as well.
- Real-time tracking and timely reporting of numbers and demographics of youth in detention facilities and correctional out-of-home placements
- Resources to support and maintain a statewide data hub that provides consistent definitions and data points for all reported data so that data can be gathered and compared in a meaningful way
- Prosecutors' offices to report on: cases charged, diverted, declined, designated Extended Juvenile Jurisdiction (EJJ), motioned EJJ, motioned adult certification, and certified to adult court; based on race, gender, age, and offense

Recommendation #4

The Juvenile Justice Advisory Committee supports and encourages the State of Minnesota to enhance and develop efforts that protect children from the harmful effects of parental/caregiver incarceration.

JJAC supports the implementation of family-friendly prison practices, financial assistance, parenting programs, and sentencing options that are less stigmatizing for offenders and their families.

The Juvenile Justice Advisory Committee (JJAC) aims to improve outcomes for children of incarcerated parents and reduce disparities by supporting intentional policy changes at both state and local levels. Parental incarceration is a well-recognized Adverse Childhood Experience (ACE). In Minnesota, one in every six children reports having

experienced parental incarceration. This experience disproportionately impacts children of color, particularly African American and Native American children.

Having an incarcerated parent significantly increases the likelihood that a child will enter foster care, with long-term developmental and behavioral consequences. Studies consistently show that parental incarceration is linked to higher rates of behavioral issues, learning disabilities, language challenges, developmental delays, and ADD/ADHD. These effects on child development often persist into adulthood.

- a. **Promising Strategy – Family Focused Probation:** The Juvenile Justice Advisory Committee supports the recommendations of the Children of Incarcerated Caregivers (CIC) to create and fund pilot programs to implement Intensive Family Focused Probation and thereby improve outcomes for children of incarcerated parents and reduce disparities by supporting intentional policy changes at both state and local levels. Minnesota should consider minimizing the impact and trauma of parental incarceration on young children by developing and piloting a family sentencing alternative modeled after successful programs like those in Oregon and Washington.

The Oregon Family Sentencing Alternative Pilot Program (FSAPP) aims to reduce recidivism, support children's well-being, lessen the foster care burden, and prevent future criminal justice involvement for children affected by parental incarceration. Oregon's FSAPP has been operational for ten years in five counties. The program offers intensive community supervision as an alternative to incarceration for eligible parents with young children. The Oregon Criminal Justice Commission found that FSAPP participation is linked to lower recidivism and fewer revocations. Additionally, the Oregon Department of Corrections (DOC) and Department of Human Services (DHS) reported cost savings from diverting parents from prison and reducing recidivism-related expenses. FSAPP has also shown potential to reduce foster care placements, resulting in further savings. While anticipated, the program's long-term developmental benefits for children remain to be fully documented.

Minnesota's Children of Incarcerated Caregivers (CIC) is proposing Minnesota create pilot sites within several counties to develop Intensive Family Focused Probation programs based on the Oregon model. JJAC believes this initiative aligns with the state's new Department of Children, Youth, and Families (DCYF), which adopted a whole-family approach and philosophy.

JJAC believes that Minnesota is well-positioned to implement an Intensive Family Focused Probation program that minimizes the trauma of parental incarceration for children while ensuring accountability for offenders. The time is right for this initiative, and JJAC believes Minnesota is poised to lead the way on this important issue.

b. Successful Ongoing Initiative - Minnesota Model Jail Practices

Learning Community: JJAC supports the continued work of the Minnesota Model Jail Practices Learning Community. Led in partnership by the Minnesota Department of Health and the University of Minnesota, this learning community aims to improve parent-child relationships, reduce recidivism, increase child wellbeing, and improve public safety across more than 14 counties.

The goals of the Minnesota model jail learning community are to:

- Establish a statewide network of jails to enhance and scale model jail practices that strengthen families until these practices become standard statewide.
- For children and families to increase the quantity and quality of parent-child interactions during and after incarceration.
- Improve the social, emotional, and mental wellbeing of children and youth with an incarcerated parent.

Key funding that supports this learning community ends in 2026. JJAC supports a state appropriation of funding to continue this research and introduce best practices at additional jails throughout the state.

Continued Commitment to JJAC's 2024 and 2025 Legislative Recommendations:

JJAC's members are also dedicated to continuing our work on past legislative recommendations. These priorities, like our 2026 legislative priorities, are important to Minnesota's youth as we work to advance a more fair, balanced, and equitable juvenile justice system.

Past recommendations:

1. Modify or eliminate predatory offender registration for youth under standard juvenile court jurisdiction (e.g. end automatic registration, create presumption of no registration)
2. Make children's mental health services mandatory in delinquency cases and establish a continuum of care for youth that addresses their mental and behavioral health needs.