

MINNESOTA JUVENILE COURTS: PRINCIPLES OF EXCELLENCE FOR THE NEXT 100 YEARS¹

Juvenile court was established 100 years ago on the belief that children were different, that they were continuing to develop cognitively and emotionally, and that they could benefit from rehabilitation efforts and become productive citizens. Furthermore, because children were different from adults, they should not be placed with adults in detention or prisons. These core principles continue today to lie at the heart of the rationale for separate juvenile courts. Recent research confirms what juvenile court pioneers knew instinctively—100 years ago—that the adolescent brain is not fully developed until a child is in his/her early twenties, and that the part of the brain that controls judgment is the last part of the brain to fully develop. Similarly, the principle that children should not be confined with adult criminals continues to be expressed in Minnesota policy, laws, and rules.

With the above historical perspective in mind, the Centenary Committee has drafted Goals and Principles for continuing

1. These Principles of Excellence were drafted by the Minnesota Juvenile Court Centenary Planning Committee. The Committee was created by the Minnesota Supreme Court to help commemorate the 100th anniversary of the establishment of juvenile courts in Minnesota. The drafting of the Principles of Excellence was initially suggested by the Committee's first chair, retired Chief Justice Robert Sheran. The Committee was honored and grateful to have his guidance and participation. In addition to Justice Sheran, the members of the Committee are: Judge John Van de North, Chair, Ann Ahlstrom, Justice Paul H. Anderson, James Backstrom, Gail Chang Bohr, Emily Duke, Dean Allen Easley, Barbara Golden, Robert Horton, James Koppel, Daniel Lunde, William Mullin, James Reece, Judge Denise Reilly, John O. Sonsteng, John Stuart, Nancy Wiltgen, and Wendy Zeller.

In developing these Principles, the Committee has relied in part upon publications of the National Council of Juvenile and Family Court Judges including, but not limited to, *Juvenile Delinquency Guidelines: Improving Court Practice in Juvenile Delinquency Cases* (2005), *Adoption And Permanency Guidelines: Improving Court Practice in Child Abuse and Neglect Cases* (2000), *Effective Intervention in Domestic Violence and Child Maltreatment Cases: Guidelines for Policy and Practice* (1999), and *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases* (1995). These Principles of Excellence are the suggestions of the Committee and are aspirational where they do not currently exist. They do not constitute a directive or policy of the Minnesota Supreme Court.

excellence in Minnesota juvenile courts.

I. THE GOALS OF MINNESOTA JUVENILE COURTS SHOULD BE:

- To secure for each child in need of protection or services judicial procedures which offer meaningful help to families, including protection from physical and mental harm, and access to services that are respectful, culturally relevant, and responsive to the unique strengths and concerns of families; the paramount consideration for the court is the best interests of the child, with the ultimate goal of ensuring the child has a safe and stable home.
- To develop and utilize problem-solving courts that encourage law-abiding, sober, and productive lifestyles for all youth that appear before the court.
- To hold juvenile offenders accountable to their victims and to the community by imposing appropriate consequences for delinquent behavior.
- To increase public safety by supporting effective delinquency-prevention strategies and by creating alternatives to confinement that will reduce recidivism.

II. THE MINNESOTA JUVENILE COURT CENTENARY PLANNING COMMITTEE RECOMMENDS THAT THE ABOVE GOALS BE ADVANCED BY IMPLEMENTING THE FOLLOWING KEY PRINCIPLES OF EXCELLENCE:

- Juvenile courts should focus on identifying underlying causes of delinquency, on providing therapeutic interventions, and on finding ways to deter future delinquent behavior.

- Rehabilitation is the appropriate primary goal of juvenile courts because juveniles are different from adults for many reasons,² including the following:
 - Children have undeveloped cognitive abilities and personalities compared to most adults, as confirmed by recent scientific data (especially regarding brain development); and
 - Juveniles are more vulnerable than adults to negative influences and outside pressures, including peer pressure; and, because of their immaturity, lack the judgment to extricate themselves from crimogenic settings.
- Interventions in juvenile court that enhance understanding and skills are most effective in modifying behavior and in improving community safety. However, the juvenile court must impose confinement and implement adult certification or “extended juvenile jurisdiction” (blended sentencing) processes when less restrictive actions cannot protect the community.
- Juvenile court dispositions should take into account that many youth in the corrections system have previously been abused and neglected.
- Competent and adequately compensated legal counsel for children and parents are essential for the proper administration of justice in child protection, as well as delinquency matters. Minnesota must assure full and adequate funding for public defenders, and incentives must be developed to encourage the private bar to volunteer to represent children who critically need legal counsel.

2. See *Roper v. Simmons*, 543 U.S. 551 (2005).

- Problem-solving courts addressing underlying causes of child abuse and juvenile delinquency should continue to be utilized where appropriate, and exporting these concepts to other courts should be explored.
- The stigma of criminality associated with delinquency adjudications should not follow children to adulthood. The Minnesota Legislature and the Minnesota Supreme Court should undertake a thorough review of legal principles associated with the confidentiality and proper use of juvenile records.
- Juvenile courts should ensure that the distinction between status offenses (truancy, running away, curfew violations) and delinquent acts is preserved and that criminal sanctions for status offenders are not imposed.
- Juvenile courts must maintain a policy of zero tolerance for consideration of religious, racial, or ethnic differences of children or their parents in any decision made affecting the outcome of child protection or delinquency matters. However, juvenile court judges should learn about and be aware of opportunities to build on the cultural strengths of each child and his or her family.
- Juvenile courts should ensure that the parents of abused and neglected children receive a comprehensive, culturally competent assessment of the strengths and needs of the family, so that effective and appropriate services can be delivered to the child and family as soon as possible.
- Juvenile court should routinely inquire into the educational needs and status of children appearing in court and impose dispositions that are congruent with advancing educational opportunities of the juvenile offender or victim of abuse and neglect.

- “One judge/one family” should be the norm in delinquency and in child protection matters before the juvenile court.
- Juvenile court judges should take a leadership role to achieve cooperation among all participants in the juvenile justice and child protection process in order to insure the best outcomes for children and families.