

NINA MOINI: Under current law in Minnesota, kids have to be at least 10 years old to be prosecuted for a crime. On August 1, that bar will be raised to 13 years old. That's the result of legislation originally passed in 2024. And once it takes effect, Minnesota will become one of only three states with a minimum age of delinquency of 13, joining Maryland and New Hampshire.

But some county officials say their agencies are not prepared for this change. Our next two guests are among those raising concerns. Nicole Kern is director of Community Corrections in Morrison County in Central Minnesota. Thanks for being with us, Nicole.

NICOLE KERN: Thank you for having me.

NINA MOINI: We're also glad to have Anne Broskoff, who's director of Human Services in Brown County in Southern Minnesota. Thank you, as well, for being here, Anne.

**ANNE
BROSKOFF:** Thank you.

NINA MOINI: Nicole, I'd love to start with you and just get a perspective on how the current corrections process unfolds when a young person has violated the law and is, therefore, considered-- the term as delinquent. Could you walk us through what that might look like for a kid?

NICOLE KERN: Absolutely. Currently, if a juvenile age 10 to 13 commits a crime and is placed on probation, they are then supervised in the community. We try to maintain them in their home. And if that's not possible or they become a public safety risk, then we use short-term stays in secure or non-secure detention.

However, there is a large group of these kids who are age 10 to 12 who don't end up on probation. They go through a program called diversion. And diversion means that they receive programming and the charges dismissed off of their record so that their record remains clear. The programming can be everything from educational, cognitive, behavioral, or restorative justice.

NINA MOINI: Thank you for laying that groundwork. And Nicole, I bet a lot of people listening are thinking, well, how many children under 13 are going through the corrections system and in different counties? Can you give a sense for how many-- about how many children are in your county's correction system?

NICOLE KERN: It does vary. With diversion, we typically have between 35 to 50 juveniles between diversion and supervised probation in Morrison County.

NINA MOINI: And Anne, from your perspective with County Human Services, how are you involved in the juvenile delinquency cases?

**ANNE
BROSKOFF:** Well, we certainly are a partner to our probation colleagues in terms of sometimes, if the youth is needing children's mental health services, we want to be able to work together to find the appropriate resources for those, especially when it comes to maybe requiring residential treatments, placement facilities. We work together with our probation partners to figure out what that can look like, screening the child for placement, and making sure we're appropriately providing the least restrictive environment to meet their needs. But it's-- they've got their kids. And we've got our kids. And then there's a few that we share in between.

NINA MOINI: Thanks for illustrating how different departments and different agencies are all involved in the process of how it goes. And it sounds like when the law goes into effect August 1 that children ages 10, 11, or 12 who would before have been directed to the criminal corrections system will now instead be directed to Social Services because they'll be considered under the law as children in need of protection or services instead of delinquent. Is that correct? And then what are the concerns that you have about bringing all of this into effect by August 1? Anne, go ahead first.

ANNE BROSKOFF: Sure. Well, yes, it certainly does have us raising some level of concern. First and foremost, this is going to be a workload adjustment for Human Services and county child welfare systems. There's been no money that's been allocated from the state to take on this additional workload. And so we're having to dedicate staff who are pretty much already at capacity to take on more.

And then I think that the other thing that's going to be a struggle there are-- there is just some vagueness to the law in terms of how and ways in which we can respond. They've certainly dedicated and changed the definition of a juvenile delinquent and has indicated that we can use our most deep-end response, which is bringing a family to court in much the same way as we do some of our very deep-end child protection systems.

But in between there is a large way that counties can choose to respond and should respond. We don't want to push families into those deep-end systems if we don't have to. And like our corrections folks have said, we want to be able to serve them in their home and provide services. It's just something new that we're going to all be faced with here.

NINA MOINI: Nicole, I understand you're part of the Minnesota Juvenile Justice Advisory Committee, or JJAC, and the committee recommended a one-year delay so that the age of delinquency would not change to 13 until August 1 of next year, 2027. The legislature did not pass that proposal. But what do you think that extra year would have allowed for if it did? And why do you think it hasn't been done yet?

NICOLE KERN: Well, when the legislation originally passed, we actually requested that a work group or task force be created to make sure that we were mindful with how this process occurred so that we could set up a safety net. And when that didn't occur, JJAC then began attempting to gather information, gather data without funding for a project coordinator or anyone. But what we wanted to do was make sure that we were well aware of, statewide, what the concerns were of counties and what gaps might be there that we might be missing and what we could do to fill them, or what recommendations we could make.

The Minnesota Corrections Association also had those same concerns. We applaud the change. I love that Minnesota is doing this because we fully support that not all 10 to 12-year-olds belong in the criminal justice system. And as you stated, Minnesota is one of three states nationwide to have this age.

However, Minnesota is the only state with no carve-out language or language-- exception language for serious offenses. And that is our concern, that this is our area of expertise in corrections. And we're saying, yes, please do this, but do so in a careful, mindful way so that we can support public safety and all of these youth.

NINA MOINI: And there could always be adjustments made in the next legislative session to what's going to be currently on the books. But I wonder, Anne, when this law takes effect as scheduled, how are you preparing your staff right now for what to look ahead to? What is it looking like in your office?

ANNE Well, just trying to figure out which staff are going to be responsible for responding to these requests for services.
BROSKOFF: I think primarily, one of our first activities is really just gathering our partners in our community and making sure that we're adequately communicating to them what this change may mean.

So our law enforcement officers know if they encounter a youth at 2:00 AM who's committed a very violent crime that we are going to be challenged in terms of an appropriate place for that child to go. No longer can they be put in any kind of secure detention. Our options are going to be very limited.

And so we really want to make sure that we're communicating with law enforcement, county attorney, schools, other community providers, and the community at large, who may have some basic expectations of community safety that might look and feel different, for sure, and then also, just trying to figure out in those vague gray areas of the law where-- what can we do, what can't we do, and how we're going to act. And I think most counties are exploring the use of what we're calling a multidisciplinary team, all these partners together.

And when we receive a referral, we're talking with each other about the best way to serve that family. It may be a very low-touch situation. Maybe our public health partners can be a part of that process because this law also brings into our auspices those youth who commit petty crimes, like tobacco possession or curfew violations.

And so there may be a role for our public health partners to play in addressing those youth needs as opposed to our child welfare system. But also-- how to address those youth that are committing violent crimes? And what can we do with them? And how can we best respond to meet that youth needs, but also for public safety?

NINA MOINI: All right. We appreciate so much both of your perspectives and coming on the program. We hope that you'll come back on once we're a ways into the law change and it takes effect and keep us posted on how things are going. All right. Thank you both.

NICOLE KERN: Thank you.

ANNE You're welcome. Thank you.
BROSKOFF:

NINA MOINI: Nicole Kern is director of Community Corrections in Morrison County. And Anne Broskoff is director of Human Services in Brown County.