



June 15, 2010

The Honorable Ellen Cogen Lipton
House of Representatives
P.O. Box 30014
Lansing, MI 48909-7514

Dear Representative Lipton:

The Michigan Coalition for Children and Families (MCCF) fully supports legislative action during this 95th legislative session that establishes a definition and creates guidelines for evaluating juvenile competency to proceed in delinquency hearings. MCCF is a statewide, non-partisan network of child-focused organizations and individuals with a shared mission of improving the quality of life for Michigan children and families. Since 1983 MCCF has advocated on behalf of the health, education, safety, and security of children.

The juvenile justice system was founded on the principles of rehabilitation, providing guidance for wayward youth and stepping in as a surrogate parent when needed. As the system matured, it became clear that core protections were required in order to navigate the fine line between service provision and punishment.

Advances in adolescent development research have reinforced the need for protections for kids facing charges. The MacArthur Foundation's Research Network on Adolescent Development and Juvenile Justice documented significant differences in the way that younger children process information about court proceedings. According to the most robust study on juvenile competency to date, 30 percent of 11-13 year olds and nearly 20 percent of 14- and 15-years olds are found incompetent to proceed in delinquency hearings. Emerging research indicates a necessity to consider a child's lesser capacities owing to biological, emotional, and psychological immaturity.

Michigan's county-based juvenile justice systems need guidelines about determining juvenile competency so that standards are applied consistently across county lines.

MCCF encourages the Legislature to use research as a guide for enacting legislation that:

- 1.) Establishes a definition for juvenile competency that recognizes that kids are different than adults;
- 2.) Acknowledges that very young children should be presumed incompetent and should not be prosecuted;
- 3.) Requires that the qualified examiner has the expertise and experience of working with children and adolescents in a court setting;
- 4.) Outlines the content of the examination such that a child's ability to comprehend court procedures is based on developmentally-appropriate criteria.

Legislation to address juvenile competency to proceed in delinquency hearings will provide courts the guidance to effectively protect kids. MCCF is happy to serve as a resource as the legislation is developed.

Sincerely,

Jane Zehnder-Merrell, Chair

Scott Dzurka, Vice-Chair

Organizational Members

Association for Children's Mental Health
Catholic Charities West Michigan
Center for Civil Justice
Child Abuse Prevention Services
Child Care Network
Coalition for Adoption Rights Equality
Comp. School Health Coordinators Assoc.
4C Child Care Unlimited
Detroit Wayne County Health Authority
Eagle Village, Inc.
Fight Crime: Invest in Kids Michigan
HighScope Educational Research Foundation
Kent Regional 4C
Learning Disabilities Association of MI
MDS Community Action Agency
Mecosta-Osceola Intermediate School District
MI Assoc. for the Educ. of Young Children
MI Association for Infant Mental Health
Michigan Association of CMH Boards
MI Assoc. of Intermediate School Adm.
Michigan Assoc. of School Administrators
Michigan Association of School Nurses
Michigan Association of United Ways
MI Coalition Against Dom./Sexual Violence
Michigan 4C Association
Michigan Children's Trust Fund
MI Council for Maternal and Child Health
Michigan Council on Crime and Delinquency
Michigan County Social Services Association
Michigan Environmental Council
MI Federation for Children and Families
Michigan League for Human Services
MI Network for Children's Environ. Health
MI Parent, Teacher & Student Association
Michigan Primary Care Association
MI Protection and Advocacy Service, Inc.
Michigan's Children
National Association of Social Workers - MI
Prevention Network
School-Community Health Alliance of MI
Vista Maria

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