



## FREQUENTLY ASKED QUESTIONS

# Vulnerable Youth Guardianship Protection Amendment Act of 2023

## What does this bill do?

The Vulnerable Youth Guardianship Protection Amendment Act establishes equal access to DC's courts for all vulnerable youth and survivors of child abuse, neglect, or abandonment by allowing them to have a guardian appointed for them up until to the age of 21. This guardianship can ease integration into the community, cultural navigation, and pave a way for applying for a form of federal humanitarian relief called Special Immigrant Juvenile Status (SIJS). Currently, only youth up to 21 years of age who remain in Child and Family Services Administration (CFSA) custody have access to the District's courts to seek the determination necessary to apply for SIJS. With access to lawful status through SIJS, eligible young DC residents will be able to pursue higher education, qualify for certain federal benefits, seek employment in the District, and afford to live and remain active members of our community.

## Who are the primary beneficiaries of this legislation?

Youth up to 21 years of age living in DC are the primary beneficiaries of this legislation. In particular, youth without immigration status would benefit from guardians to aid in their integration to DC, such as enrolling in school or accessing health benefits.

## What is Special Immigrant Juvenile Status (SIJS)?

Under U.S. immigration law (8 CFR 204.11), a young person is eligible to seek SIJS if they are under 21 years old and unmarried, are physically present in the United States, and have obtained findings from a juvenile court determining that they cannot be reunited with their parent(s) due to abuse, abandonment, or neglect. The involvement of the DC Superior Court in the SIJS process reflects a judgment that the DC Superior Court, rather than the federal immigration service, is best suited to make findings relating to family law or child protection of its residents. Once granted, SIJS provides a pathway to seek legal permanent residency (a green card) and U.S. citizenship, provides work authorization, and allows youth to access additional federal benefits and services like healthcare, financial aid, and the ability to terminate deportation proceedings.

## What is Special Immigrant Juvenile Status?

SIJS is a form of immigration protection for children in the U.S. who have been abused, abandoned, or neglected by one, or both, parents. To receive SIJS, the child must appear before state family court to prove that it is unsafe for them to be returned to their home country.

### SIJS Process for a Child



#### Obtain a state predicate order

A state judge issues a written order finding that the child has been abused, abandoned, or neglected under state child welfare law and that it is not in their best interest to return to their country of origin. The order is called Predicate Order (PO).



#### Obtain approved I-360 from USCIS

The child then submits this PO to U.S. Citizenship and Immigration Services (USCIS) to be designated Special Immigrant Juvenile Status (SIJS). Once approved the child can apply for a green card and have their deportation proceedings terminated.



#### Adjusting status to obtain Green Card

An immigration judge must either adjudicate the child's adjustment of status or terminate their court case so USCIS can. Obtaining lawful permanent residency ensures a child can remain safely in the U.S. and not be deported to the country where they experienced the violence.

## Is the DC Superior Court making any immigration determinations?

No, the DC Superior Court will never make any immigration determinations, and cannot determine who is granted SIJS or a green card. The DC Superior Court uses its expertise in children's best interests to evaluate the youth's situation and determine the facts of their past abuse, neglect, or abandonment, and whether or not they should be placed with this guardian. The federal government has the sole discretion of reviewing and adjudicating immigration applications like SIJS and making immigration related decisions.

## Are DC superior courts already making SIJS factual findings?

Yes. But they are currently only doing so only for youth up to 21 years of age who remain in Child and Family Services Administration (CFSA) custody because of jurisdictional issues.

## Does this change the definition of a "child" in DC code?

No. The bill creates a new definition of "vulnerable youth" as an unmarried noncitizen up to 21 years of age.

## Does this bill change the rights, services, and resources available to children in foster care?

No. This bill creates provisions in the law designed to benefit vulnerable youth without altering, disturbing, or changing any existing rights, services, and resources to children in foster care or any other child in the care and custody of CFSA.

## Who is and what is the role of the guardian in a Vulnerable Youth Guardianship?

The guardian is most likely to be a relative or trusted adult, and in many cases, the youth may already be living with this guardian. In certain circumstances, an organization may be the most appropriate guardian. Examples include an organization that acts as a home-placing agency for the youth, or an organization caring for the youth while they are in federal custody. Organizations acting as guardians for this population are also allowed in other jurisdictions such as California and Washington.

## Does this bill take away any rights from youth or young adults?

No, this bill does not take away any rights from youth. This only extends the jurisdiction of the DC Superior Court as needed to make and issue an order of factual findings, which is needed to apply for SIJS. The guardianship automatically terminates at the age of 21. As the complainants, the youth have a right to modify, amend, and terminate the guardianship before they turn 21.

## Does this make more work for Guardian Ad Litem (GALs) or CFSA?

No. A GAL is not required for the court to issue an order containing these factual findings. Because this legislation would allow young people to secure appointment of a private guardian in DC courts, such as a family member or sponsor, CFSA is not a necessary party to these actions.

## How does this bill prevent further abuse, exploitation, and hardship for vulnerable youth?

This bill allows for a youth who may have experienced trauma and abuse to receive additional guidance and placement with a guardian, who can help them integrate, access resources and referrals, and navigate cultural and linguistic differences. For those who are able to apply for SIJS, it can provide relief for the youth, such as stable housing, work authorization, and increased financial resources. These protective factors can help prevent a youth's abuse, exploitation, and trafficking.

## What other jurisdictions allow juvenile courts to appoint guardians for young adults?

More than a dozen other states have taken action to permit juvenile courts to appoint guardians for immigrant youth up to 21 years old, such as Virginia, Maryland, California, Colorado, Connecticut, Hawaii, Maine, Massachusetts, Minnesota, Mississippi, Nevada, New Jersey, New York, and Washington state. Bringing the District of Columbia into alignment with our neighbors and other states will mean that DC residents will not be forced to relocate their families and lives in order to pursue humanitarian protection and stability.

## What will this bill cost the District government, courts, or CFSA?

Like in many other jurisdictions and states that have already passed legislation to protect these youth, this bill should not require any, or at most a limited appropriation of funds. Because this legislation would allow young people to secure appointment of a private guardian in DC courts, such as a family member or sponsor, CFSA is not a necessary party to these actions. The court system, which is already familiar with making SIJS factual findings, should be able to absorb the limited additional caseload created by the bill without overloading the docket or compromising the integrity of present services, resources, or staff.

### CONTACT

**Cindy Liou**, Kids in Need of Defense (KIND), [cliou@supportkind.org](mailto:cliou@supportkind.org)

**June K. Lee**, Legal Aid Society of the District of Columbia, [jkleee@legalaiddc.org](mailto:jkleee@legalaiddc.org)

### Bill 24-0044

introduced 1/19/2023 by Councilmembers Nadeau, Pinto, Gray, R. White, Bonds, and Allen, available at [ims.dccouncil.gov/Legislation/B25-0044](https://ims.dccouncil.gov/Legislation/B25-0044)