



Vulnerable Youth Guardianship Protection Amendment Act - DC Law L25-188

The Vulnerable Youth Guardianship Protection Act is a new Washington, DC law that took effect on July 19, 2024 and will provide more protections for unaccompanied and undocumented immigrant youth ages 18-21 in Washington, DC.¹

Why was this law passed?

Washington, DC is home to a growing number of immigrants, including immigrant youth who are settling into local neighborhoods, schools, and communities. DC thrives when the community welcomes its new neighbors and supports their successful integration into the fabric of DC. The Vulnerable Youth Guardianship Protection Act contributes to that work in two important ways: first, by giving youth assistance in adjusting to a new culture and community through the appointment of an adult guardian; and second, by aligning DC and federal law to allow those youth to pursue lawful immigration status through Special Immigrant Juvenile Status (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 the community.

What does the law do?

This Act establishes equal access to DC 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 the age of 21. An appointed guardian can mitigate the effects of past abuse, neglect, or abandonment and ease integration into the community by assisting with tasks like school enrollment, accessing health care, and general cultural navigation.

The Act creates a new class of legal guardianship for vulnerable youth, a category defined as unmarried noncitizens under age 21. It does not change the definition of a child in DC law. The Act gives the Family Division of the DC Superior Court jurisdiction to appoint, modify, and terminate vulnerable youth guardianships.

The law does not change the definition of a child in DC law and it does not take away any existing rights from youth. vulnerable youth guardianship orders issued under this statute automatically terminate at the age of 21. The youth have the right to modify, amend, and terminate the guardianship before they turn 21.

This law is effective as of July 19, 2024. Temporary versions of the legislation have been in effect since September 2023. The DC Superior Court has already begun considering vulnerable youth guardianship cases.

¹ Vulnerable Youth Guardianship Protection Amendment Act of 2024, L25-188, 71 DCR 6688. <https://code.dccouncil.gov/us/dc/council/laws/25-188>.

What does a vulnerable youth guardian do?

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, including for example, 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.

What are the benefits of a vulnerable youth guardianship?

The DC Council explains in its introductory statement that this law was passed to promote stability and provide protection for all vulnerable youth up to age 21 who have been subject to parental abuse, abandonment, neglect, or similar mistreatment.² This law is similar to laws passed in other states that create guardianships for vulnerable youth to reduce the risk of further harm of trafficking and abuse and to provide critical stability and support during the transition to young adulthood and integration into their new community.³

The new law centers the best interests of the youth, recognizing that guardianship by a responsible adult has benefits for certain youth due to their particular vulnerabilities related to special language, educational, and health care needs. Guardians can ease integration into the community, help with cultural navigation by assisting youth with school enrollment, accessing health care and health insurance, and generally supporting stability and integration for young people. This guardianship can also pave a way to apply for a form of federal humanitarian relief called SIJS, a pathway to lawful immigration status and other benefits like access to federal financial aid for higher education and work authorization.

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 as a juvenile court 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 a guardian. The federal government has the sole authority to review and adjudicate immigration applications like SIJS and make immigration related decisions.

Is it free to file for a vulnerable youth guardianship?

Yes, it is free of cost to file a vulnerable youth guardianship petition, and there is no requirement to file a fee waiver with the petition.

For questions regarding the content of this advisory, please contact:

Emma Israel, eisrael@supportkind.org | **Cindy Liou**, cliou@supportkind.org | **Deepa Bijpuria**, dbijpuria@legalaiddc.org

This resource is for general informational purposes only. This does not, and is not intended to, constitute legal advice. Consult with your own legal counsel on your situation and specific legal questions.

² Statement of Introduction, Vulnerable Youth Guardianship Protection Amendment Act of 2023, (Jan. 18, 2023), <https://lirms.dccouncil.gov/downloads/LIMS/52104/Introduction/B25-0044-Introduction.pdf?id=154177>.

³ *Ibid.* See also e.g., Wa. Dept. of Comm., Vulnerable Youth Guardianships, (Jan. 2019), <http://www.commerce.wa.gov/wpcontent/uploads/2019/03/Commerce-Vulnerable-Youth-Guardianship.pdf>; CT Gen. Assembly, Joint Favorable Report: An Act Concerning Guardianship Appointments for Individuals Seeking Special Immigrant Juvenile Status (Mar. 23, 2018), <https://www.cga.ct.gov/2018/JFR/h/2018HB-05185-R00KID-JFR.htm>. *Ibid.* See also e.g., Wa. Dept. of Comm., Vulnerable Youth Guardianships, (Jan. 2019), <http://www.commerce.wa.gov/wpcontent/uploads/2019/03/Commerce-Vulnerable-Youth-Guardianship.pdf>; CT Gen. Assembly, Joint Favorable Report: An Act Concerning Guardianship Appointments for Individuals Seeking Special Immigrant Juvenile Status (Mar. 23, 2018), <https://www.cga.ct.gov/2018/JFR/h/2018HB-05185-R00KID-JFR.htm>.