



Testimony in Support of Senate Bill 1568

Submitted by Courtney Helstein on behalf of ACLU of Oregon

Senate Judiciary Committee

February 5, 2020

Chair Prozanski and Members of the Committee:

The American Civil Liberties Union of Oregon supports House Bill 1568, which would address discrepancies between federal and state law that make it difficult for vulnerable youth to access federal protection. The bill creates a technical fix to ORS 125 so that vulnerable youth between the ages of 18 and 21 can ask an Oregon court to appoint a trusted adult as their guardian. The bill would help protect an estimated 70-100 vulnerable youth in Oregon each year.

Vulnerable youth are non-U.S. citizens without current permanent legal immigration status for whom reunification with one or both parents is not possible because they have been abandoned, abused, or neglected; and being returned to their country of origin is not in their best interest. Consistent with federal law, the bill also removes a barrier to vulnerable youths' ability to apply for Special Immigrant Juvenile status (SIJ Status), a legal status that prevents deportation of youths who have endured parental mistreatment to countries where they risk further harm.

By allowing courts to appoint a guardian to youth over 18, the legislature will provide protection for those who may otherwise be targets for traffickers. A guardian promotes the long-term well-being and stability of vulnerable youth as they adjust to a new cultural context, language, and educational system, and recover from the trauma of abuse, neglect, or abandonment. The benefits of guardianship do not expire when the youth turns 18. A responsible adult in the lives of teenagers helps keep them on the right track. For example, guardians can provide stable housing and support, thus decreasing the likelihood that these vulnerable youth will experience homelessness.

Oregon should join states like Washington, California, and Colorado that have addressed this misalignment between federal and state law. A child's ability to seek a protective guardianship or apply for SIJ status should not depend on where they live. The legislature should no longer allow youth between 18 and 21 to fall through the cracks, abandoning these vulnerable youth – who qualify for protection – without an appointed guardian or custodian.

Senate Bill 1568 serves the state's interest in combating human trafficking, preventing the further abuse of youth, decreasing reliance on public resources and reducing youth homelessness. For these reasons, we urge your support for SB 1568.