

SB 1568 A STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/19, 2/21

WHAT THE MEASURE DOES:

Creates new class of protected person for purposes of guardianship proceeding. Defines vulnerable youth as a person who is between 18 years and 21 years of age who is eligible for classification within the Special Immigrant Juvenile (SIJ) status and who cannot be reunified with one or more of the person's parents due to abuse, neglect, or abandonment that occurred when the person was a minor. Requires declaration signed by vulnerable youth showing consent to appointment of the guardian. Requires guardianship for vulnerable youth to be designed to encourage the development of maximum self-reliance and independence of the vulnerable youth and ordered only to the extent necessary for the circumstances and consented to by the youth. Allows termination of guardianship through motion of vulnerable youth. Terminates guardianship upon vulnerable youth reaching 21 years of age. Allows guardian to terminate guardianship if supported by a motion showing substantial change in circumstances and termination is in best interest of vulnerable youth. Gives court discretion to appoint visitor and require more frequent guardianship reports in vulnerable youth cases. Prohibits guardian from possessing and controlling vulnerable youth's identity documents. Prohibits court from charging fee for proceeding. Takes effect 91 days following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Guardianship is a protective proceeding created by state law in which a court gives a person or entity the duty and power to make decisions for another. The appointment of a guardian or conservator occurs after a petition is filed and a court finds that the person who is the subject of the proceedings lacks capacity to make decisions on their own behalf. This may be because of disability or because the person is a minor. There is no mechanism for creating a guardianship for a person who does not meet the standard of age or incapacity.

Special Immigrant Juvenile (SIJ) status is a type of lawful permanent residency for persons who meet the federal statutory requirements, which includes that the person be under age 21, not married, currently living in the U.S., and have a valid state court order that finds the person is a dependent of the court, or in the custody of a state agency, department, or individual or entity appointed by the court, who cannot be reunified with one or both parents because of abuse, abandonment, or neglect, and that it is not in the best interest of the person to be returned to the country of nationality or last residence.

Senate Bill 1568-A creates a new category of persons for whom a guardian may be appointed, called a "vulnerable youth." A vulnerable youth is a person between the ages of 18 and 21 who is eligible for classification as a special immigrant juvenile and who cannot be reunified with one or more parent due to abuse, neglect, or abandonment that occurred when the person was a minor. The vulnerable youth guardianship is only available until the youth turns 21, at which time it automatically terminates. Additionally, the youth must consent to the guardianship and it must be designed to encourage development of maximum self-reliance and independence of the youth. This guardianship may also serve as the state court order for juveniles pursuing SIJ status.