

**TESTIMONY ON SB 572  
BEFORE THE HOUSE COMMITTEE ON JUDICIARY, CIVIL LAW SUBCOMMITTEE  
MAY 5, 2021**

**PRESENTED BY: HON. EVA TEMPLE, CIRCUIT COURT JUDGE  
UMATILLA COUNTY CIRCUIT COURT  
OREGON JUDICIAL DEPARTMENT**

Chair Power, Vice Chair Wallan, and Members of the Committee:

My name is Eva Temple and I am a judge in Oregon's Sixth Judicial District serving Morrow and Umatilla Counties. I frequently sit for the Hermiston court, a diverse, agricultural region with a thriving immigrant community. Together with the Oregon Judicial Department, I support Senate Bill 572 which will create a new category of guardianship for vulnerable youth, making available in Oregon the protections afforded by federal statutes in many of our neighboring states.

Congress has instituted forms of immigration relief designed to help and protect vulnerable, young immigrants as they pursue a path toward permanent residency and citizenship. One type of relief is called Special Immigrant Juvenile status, or SIJ. In 2008 Congress expanded the SIJ program to include vulnerable youth who are defined as youths between the age of 18 and 21 who "cannot be reunified with one or more of [their] parents due to abuse, neglect or abandonment, that occurred when the person was a minor."

Although the Federal law was enacted more than twelve years ago, Oregon law has a gap that prevents its full use here. Under current Oregon law, guardians may only be appointed for persons who are either minors or are incapacitated. There is no provision for the appointment of a guardian for the reasons outlined in Federal SIJ statutes, and therefore, no way to access this protection for youth.

SB 572 addresses this gap. It allows for the appointment of trusted adults as guardians for vulnerable youths and includes several additional provisions to comply with Federal law, and to protect the interest and safety of vulnerable young people:

- SB 572 requires that a qualifying petition for vulnerable youth guardianship include clear and convincing evidence that the person cannot be reunified with one or more parents due to abuse, neglect or abandonment.
- A signed declaration from the youth consenting to the guardianship must be included with the petition.
- The judge has discretion to appoint a Court Visitor, who is a qualified person who will investigate and report to the court whether the guardianship is needed, and if the person who will be guardian is appropriate for that youth.
- The statute would allow witnesses to appear remotely, although this has become a commonplace practice due to the COVID-19 pandemic.
- SB 572 also includes provisions that allow for modification or termination of the guardianship, if it is in the best interests of the protected youth.

Oregon law allows courts to appoint attorneys to represent the vulnerable youth. Also, under Oregon law, a guardian must file an annual report with the court, but SB 572 grants courts the discretion to require more frequent reports.

SB 572 will help Oregon join Washington, California, Colorado and other states that already provide pathways to protect young people who are vulnerable to further abuse.

Thank you for your time and consideration of this bill.