

# SENATE BILL REPORT

## SB 5559

---

As of February 6, 2017

**Title:** An act relating to implementing a vulnerable youth guardianship program.

**Brief Description:** Implementing a vulnerable youth guardianship program.

**Sponsors:** Senators Darneille, Saldaña, Hasegawa, Wellman, Cleveland, Palumbo, Keiser, McCoy, Chase and Kuderer.

**Brief History:**

**Committee Activity:** Human Services, Mental Health & Housing: 2/06/17.

**Brief Summary of Bill**

- Creates a vulnerable youth guardianship as new legal action, without a filing fee, authorizing the court to appoint a guardian for a consenting vulnerable youth for purposes of Special Immigrant Juvenile (SIJ) status and an application for a green card.
- Authorizes Washington's juvenile courts to find that the vulnerable youth is abandoned, neglected, or abused, unmarried, and unable to reunite with their parents, and qualified by age for SIJ status.
- Retains all legal rights afforded an adult under Washington's laws for the vulnerable youth and does not consider the vulnerable youth as a child for any state law purpose.
- Authorizes the right to counsel on a self-paid basis for the potential guardian and the youth during special youth guardianship proceedings.

---

**SENATE COMMITTEE ON HUMAN SERVICES, MENTAL HEALTH & HOUSING**

**Staff:** Melissa Burke-Cain (786-7755)

**Background:** In 1990, Congress created the SIJ status. In 2008, the Trafficking Victims Protection and Reauthorization Act made changes to the eligibility requirements for SIJ status and streamlined certain SIJ procedures. The SIJ status is designed for non-U.S. citizen children in the United States who do not have a permanent residence. The program protects

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

an undocumented, unmarried immigrant under 21 years of age from deportation if specific state court action occurs and a state court order makes specific findings regarding the child.

Foreign born children in the United States under 21 years of age, who are abused, abandoned, or neglected, are unmarried, and are unable to reunite with a parent, qualify for the federal SIJ program. The SIJ program authorizes the child to get a green card and permanent resident status in the United States. A child who gets a green card through the SIJ program can never petition for a green card for their parents and cannot petition for a green card for a sibling until the SIJ child becomes a U.S. citizen. A foreign born child is not eligible for the SIJ program without an order from a state court with jurisdiction over the care and custody of children. In its order, the state court must find:

- the child a dependent of the court, or must place the child in a state agency's custody or the custody of a private agency or private person;
- it is not in the child's best interests to be returned to their home country or their last country of residence; and
- the child cannot be reunited with a parent because of any of the following reasons: abuse, abandonment, neglect, or a similar state law-specific reason.

The federal SIJ law allows a person under 21 years of age to qualify for SIJ status. However, immigrant children in Washington State have not been able to qualify for the SIJ program because Washington's juvenile courts have generally been unable to take jurisdiction of these children since Washington's jurisdiction over dependent children is very limited after a child turns 18 years of age. Therefore, children who may otherwise qualify for SIJ status under the federal law have not been able to obtain this status in Washington.

**Summary of Bill:** The juvenile division of Washington's superior court is authorized to appoint a guardian upon the petition of a consenting undocumented vulnerable youth between 18 and 21 years of age. A vulnerable youth guardian is not a dependency guardian appointed pursuant to a dependency case under state dependency laws. A vulnerable youth is a person who is eligible for SIJ status and defined by the federal SIJ law as a child, but is not otherwise considered a child under any Washington State law or for any other state law purpose. The potential guardian must receive notice of the petition, must agree to join the petition as a party, and must agree to their appointment as guardian of a vulnerable youth. The proposed guardian must be over 21 years of age, capable of performing guardianship duties, and suitable to act as guardian. The court must make findings that the petitioner has been abused, neglected, or abandoned, is unmarried, and is unable to reunite with a parent in order to appoint a guardian. The Washington court is authorized to make findings and determinations regarding the custody and care of the vulnerable youth petitioning for a guardian upon prima facie evidence that the petitioner qualifies as a neglected, abused, or abandoned child under the federal Immigration and Nationality Act and the SIJ program. Filing the petition does not require payment of a filing fee.

**Appropriation:** None.

**Fiscal Note:** Requested on February 3, 2017.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.