



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: February 5, 2020
TO: Honorable Floyd Prozanski, Chair of the Senate Judiciary Committee
FROM: Kate Denison, Legislative Policy Analyst
SUBJECT: SB 1568: Vulnerable Youth Guardianships

This testimony is presented in support of SB 1568.

BACKGROUND

Special Immigrant Juvenile (SIJ) status under 8 USC Sec. 1101(a)(27)(J) is a humanitarian immigration classification for unmarried youths up to the age of twenty-one who are present in the United States without legal immigration status. Immigrant youth who are granted SIJ status by federal immigration authorities are protected from deportation and can apply for lawful permanent residence.

In order to qualify for SIJ status, an immigrant youth must first obtain an order from a competent state court that includes the following three findings: (1) reunification with one or both of the youth's parent's is not viable due to abuse, neglect or abandonment; (2) it would not be in the youth's best interest to be returned to their country of origin; and (3) the youth is legally committed to or placed under the custody of an individual or entity appointed by the state court or is a dependent of the court.

While Oregon law currently provides for guardianships under ORS Chapter 125, the statutes are not designed to provide the court instruction and structure for appointment of a guardian for SIJ status.

CONCEPT

This bill is designed to amend Chapter 125 to provide for more appropriate processes for the appointment of a guardian for SIJ status. It grants Oregon courts the authority to appoint a guardian for a "vulnerable youth," aged 18-21, and provides for notice, reporting, hearing, accountability and the necessary guidelines for a finding that the vulnerable youth would qualify for SIJ status. This concept would not apply to vulnerable youth who are in the custody of the State, as the State would be in a position to apply on behalf of the youth. This bill would provide Oregon courts with the clarity necessary to better navigate federal requirements and would enhance the ability of vulnerable youth to seek relief under this federal program.

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