

SUPPORT HOUSE BILL 19-1042

EXTEND COURT JURISDICTION TO PROTECT VULNERABLE YOUTH

What is House Bill 19-1042?

- **Discrepancies between federal and state laws make it difficult for vulnerable youth to access federal protection.** Though federal law permits unmarried youth under 21 to apply for Special Immigration Juvenile Status (SIJS), Colorado courts do not generally have jurisdiction to make custody decisions over a child once they turn 18 and cannot make the findings necessary for kids age 18 to 21 to apply for SIJS.
- This misalignment between federal and state law means vulnerable youth between the ages of 18 and 21 are denied the relief SIJS was intended to afford them, solely because Colorado state courts do not have jurisdiction under current state law.
- Recently, the Colorado Court of Appeals stated that while other states have closed this loophole, “Colorado has not yet addressed this issue with legislation.” **House Bill 19-1042 will fix this issue by extending the jurisdiction of Colorado courts in certain limited custody and guardianship proceedings to include youth under 21.**

What is Special Immigrant Juvenile Status (SIJS)?

- Congress created SIJS to provide a path to lawful permanent residency for children who have suffered parental abandonment, abuse or neglect.
- To apply for SIJS, a youth must obtain an order from a state court containing several findings: (1) reunification with one or both parent is not viable due to abuse, abandonment, or neglect; (2) the child is dependent upon the court or is placed under the custody of an individual or government agency; (3) it is not in the child’s best interest to be removed from the United States; and (4) the child is under the jurisdiction of the court.

Why support House Bill 19-1042?

- **It aligns state law with federal statutes on eligibility in SIJS cases.**
 - Five states have passed laws extending court jurisdiction so that there is no conflict between state and federal laws. Colorado is not one of them. A child’s ability to apply for SIJS should not depend on where they live. A vulnerable 18-year-old in Colorado should have the same access to crucial protections as a vulnerable 18-year-old in Nevada.
- **It allows state courts to appoint a guardian for certain vulnerable youth over 18.**
 - 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 experience homelessness.
- **It protects vulnerable youth from human trafficking.**
 - Vulnerable youth who have been subject to parental abuse, neglect, or abandonment are particularly susceptible to becoming victims of human trafficking. 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.

How does House Bill 19-1042 help Colorado?

- **Extending court jurisdiction for SIJS applicants serves the state's interest in combating human trafficking, preventing the further abuse of youth, decreasing reliance on public resources and reducing youth homelessness.** Rather than leaving youth in potentially dangerous conditions, the legislature can support their transition to safe housing and foster their future success.

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.

Who supports House Bill 19-1042? Colorado Coalition for the Homeless * Colorado Office of the Child’s Representative * Rocky Mountain Children’s Law Center