

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred Senate Bill No. 316
3 entitled “An act relating to special immigration juvenile status” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. 4 V.S.A. § 33 is amended to read:

8 § 33. JURISDICTION; FAMILY DIVISION

9 (a) Notwithstanding any other provision of law to the contrary, the Family
10 Division shall have exclusive jurisdiction to hear and dispose of the following
11 proceedings filed or pending on or after October 1, 1990:

12 * * *

13 (18) Concurrent with the Probate Division, special immigration judicial
14 determinations regarding the custody and care of children within the meaning
15 of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101(a)(27)(J)
16 and 8 C.F.R. Sec. 204.11) issued pursuant to 14 V.S.A. chapter 111,
17 subchapter 14.

18 * * *

19 Sec. 2. 4 V.S.A. § 35 is amended to read:

20 § 35. JURISDICTION; PROBATE DIVISION

21 The Probate Division shall have jurisdiction of:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

- (25) grandparent visitation proceedings under 15 V.S.A. chapter 18; ~~and~~
- (26) other matters as provided by law; and
- (27) concurrent with the Family Division, special immigration judicial determinations regarding the custody and care of children within the meaning of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101(a)(27)(J) and 8 C.F.R. Sec. 204.11) issued pursuant to 14 V.S.A. chapter 111, subchapter 14.

Sec. 3. 14 V.S.A. chapter 111, subchapter 14 is added to read:

Subchapter 14. Special Immigration Status

§ 3098. SPECIAL IMMIGRATION JUVENILE STATUS; JURISDICTION
AND FINDINGS

(a) Jurisdiction and Findings. The court has jurisdiction under Vermont law to make judicial determinations regarding the custody and care of children within the meaning of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101(a)(27)(J) and 8 C.F.R. Sec. 204.11). The court is authorized to make the findings necessary to enable a child to petition the U.S. Citizenship and Immigration Service for classification as a special immigrant juvenile pursuant to 8 U.S.C. Sec. 1101(a)(27)(J).

(b)(1) If an order is requested from the court making the necessary findings regarding special immigrant juvenile status as described in subsection (a) of

1 this section, the court shall issue an order if there is evidence to support those
2 findings, which may include a declaration by the child who is the subject of the
3 petition. The order issued by the court shall include all of the following
4 findings:

5 (A) The child was either of the following:

6 (i) Declared a dependent of the court.

7 (ii) Legally committed to or placed under the custody of a State
8 agency or department or an individual or entity appointed by the court. The
9 court shall indicate the date on which the dependency, commitment, or custody
10 was ordered.

11 (B) That reunification of the child with one or both of the child's
12 parents was determined not to be viable because of abuse, neglect,
13 abandonment, or a similar basis pursuant to Vermont law. The court shall
14 indicate the date on which reunification was determined not to be viable.

15 (C) That it is not in the best interests of the child to be returned to the
16 child's or his or her parent's previous country of nationality or country of last
17 habitual residence.

18 (2) If requested by a party, the court may make additional findings that
19 are supported by evidence.

20 (c) In any judicial proceedings in response to a request that the court make
21 the findings necessary to support a petition for classification as a special

1 immigrant juvenile, information regarding the child’s immigration status that is
2 not otherwise protected by State laws shall remain confidential. This
3 information shall also be exempt from public inspection and copying under the
4 Public Records Act and shall be kept confidential, except that the information
5 shall be available for inspection by the court, the child who is the subject of the
6 proceeding, the parties, the attorneys for the parties, the child’s counsel, and
7 the child’s guardian.

8 (d) As used in this section, “court” means the Probate Division and the
9 Family Division of the Superior Court.

10 Sec. 4. EFFECTIVE DATE

11 This act shall take effect on July 1, 2020.

12

13

14

15

16 (Committee vote: _____)

17

18

Senator _____

19

FOR THE COMMITTEE