
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Counsel without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 98 (S. 163). Judiciary; guardianship; juveniles; immigration status

An act relating to State court petitions for vulnerable noncitizen youth

This act expands the jurisdiction of a State court that can, upon a petition, issue special findings to a noncitizen child who is dependent on the court or under the custody and care of a State agency or department; has suffered abandonment, abuse, neglect, or similar circumstances; and may not be viably reunified with one or both parents due to abuse, neglect, abandonment, or a similar circumstance. The definition of “court” is amended to include any court that has jurisdiction over a noncitizen child, including the Probate Division and the Family Division of the Superior Court. The act also permits a child who is less than 21 years of age to consent to an appointment or continuation of a guardianship after 18 years of age to petition for special findings. Finally, the act also authorizes the Family Division to retain jurisdiction over a noncitizen child who is at least 18 years of age but has not yet attained 21 years of age for the sole purpose of adjudicating a petition for special findings.

This act also makes various amendments to the procedure for vulnerable noncitizen youth to petition for special findings to State courts with jurisdiction over the custody and care of children, including: (1) directing the court to take the child’s health, safety, and welfare into consideration; (2) allowing the court to waive the notice requirement for the petition; (3) requiring the court to adjudicate and issue findings on any petition expeditiously when it is in the best interests of the child; and (4) authorizing the noncitizen child who is the subject to be voluntarily referred to other services or protection.

Effective Date: July 1, 2022