

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

SB24-136 be amended as follows:

1 Amend printed bill, page 32, line 5, strike "**minor.**" and substitute "**minor**
2 **- definitions.**".

3 Page 33, after line 26 insert:

4 "(7) (a) FOR PURPOSES OF THIS SUBSECTION (7) ONLY, "MINOR"
5 MEANS AN UNMARRIED INDIVIDUAL WHO HAS NOT ATTAINED TWENTY-ONE
6 YEARS OF AGE.

7 (b) THE COURT MAY ENTER AN ORDER APPOINTING A GUARDIAN OF
8 A MINOR, AS DEFINED IN SUBSECTION (7)(a) OF THIS SECTION, AND A
9 DETERMINATION OF WHETHER THE MINOR SHALL BE REUNIFIED WITH A
10 PARENT OR PARENTS, OF WHEN THE REQUIREMENTS OF SUBSECTION (2) OF
11 THIS SECTION ARE MET, OF WHETHER THE ORDER IS IN THE MINOR'S BEST
12 INTERESTS, AND:

13 (I) THE MINOR HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE;

14 (II) THE MINOR IS RESIDING WITH AND DEPENDENT UPON A
15 CAREGIVER; AND

16 (III) A REQUEST IS MADE FOR FINDINGS FROM THE COURT TO
17 ESTABLISH THE MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL
18 IMMIGRANT JUVENILE PURSUANT TO 8 U.S.C. SEC. 1101 (a)(27)(J).

19 (c) IF A REQUEST IS MADE FOR FINDINGS ESTABLISHING THE
20 MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT
21 JUVENILE UNDER FEDERAL LAW AND THE COURT DETERMINES THERE IS
22 SUFFICIENT EVIDENCE TO SUPPORT THE FINDINGS, THE COURT SHALL
23 ENTER AN ORDER, INCLUDING FACTUAL FINDINGS AND CONCLUSIONS OF
24 LAW, DETERMINING THAT:

25 (I) THE MINOR HAS BEEN PLACED UNDER THE CUSTODY OF AN
26 INDIVIDUAL APPOINTED BY THE COURT THROUGH THE APPOINTMENT OF A
27 GUARDIAN;

28 (II) REUNIFICATION OF THE MINOR WITH ONE OR BOTH PARENTS IS
29 NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS
30 FOUND PURSUANT TO STATE LAW. FOR PURPOSES OF THIS SUBSECTION
31 (7)(c)(II), "ABANDONMENT" INCLUDES, BUT IS NOT LIMITED TO, THE DEATH
32 OF ONE OR BOTH PARENTS.

33 (III) IT IS NOT IN THE BEST INTERESTS OF THE MINOR TO BE
34 RETURNED TO THE MINOR'S OR PARENTS' PREVIOUS COUNTRY OF
35 NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE."

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