

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, Chapter 48 of Title 16 of the District of Columbia Official Code to expand the standby guardianship law to enable a parent, legal guardian, or legal custodian who is, or may be subject to an adverse immigration action, to make short-term plans for a child without terminating or limiting that person’s parental or custodial rights.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Standby Guardian Emergency Amendment Act of 2019”.

Sec. 2. Chapter 48 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-4801 is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “or who is periodically incapable of caring for the needs of a child due to the parent’s incapacity or debilitation resulting from illness,” and inserting the phrase “who is periodically incapable of caring for the needs of a child due to the parent’s incapacity or debilitation resulting from illness, or who may be subject to an adverse immigration action,” in its place.

(2) Paragraph (2) is amended by striking “ill parents” and inserting “parents who may be ill or subject to an adverse immigration action” in its place.

(b) Section 16-4802 is amended as follows:

(1) Paragraph (1) is redesignated as Paragraph (1A).

34 (2) A new paragraph (1) is added to read as follows:

35 “(1) “Adverse immigration action” includes any of the following:

36 “(A) Arrest or apprehension by any local, state, or federal law  
37 enforcement officer for an alleged violation of federal immigration law;

38 “(B) Arrest, detention, or custody by the Department of Homeland  
39 Security or a federal, state, or local agency authorized or acting on behalf of the Department of  
40 Homeland Security;

41 “(C) Departure from the United States under an order of removal,  
42 deportation, exclusion, voluntary departure, or expedited removal, or a stipulation of voluntary  
43 departure;

44 “(D) The denial, revocation, or delay of the issuance of a visa or  
45 transportation letter by the Department of State;

46 “(E) The denial, revocation, or delay of the issuance of a parole document  
47 or reentry permit by the Department of Homeland Security; or

48 “(F) The denial of admission or entry into the United States by the  
49 Department of Homeland Security or other local or state officer acting on behalf of the  
50 Department of Homeland Security.”.

51 (2) Paragraph (8) is amended by striking the phrase “, who has been diagnosed, in  
52 writing, by a licensed clinician to suffer from a chronic condition caused by injury, disease, or  
53 illness from which, to a reasonable degree of probability, the designator may not recover.” and  
54 inserting a period in its place.

55 (3) Paragraph (13) is amended to read as follows:

56 “(13) “Triggering event” means any of the following events:

57                           “(A) The designator is subject to an adverse immigration action; or  
58                           “(B) The designator has been diagnosed, in writing, by a licensed clinician  
59 to suffer from a chronic condition caused by injury, disease, or illness from which, to a  
60 reasonable degree of probability, the designator may not recover and the designator:  
61                           “(1) Becomes debilitated, with the designator's written  
62 acknowledgement of debilitation and consent to commencement of the standby guardianship;  
63                           “(2) Becomes incapacitated as determined by an attending  
64 clinician; or  
65                           “(3) Dies.”.

66           (c) Section 16-4804(a) is amended by striking the phrase “the designator’s health” and  
67 inserting the phrase “the designator’s health or immigration status” in its place.

68           (d) Section 16-4805(b) is amended as follows:  
69               (1) Paragraph (3) is amended as follows:  
70                           (A) Subparagraph (B) is amended by striking the phrase “; or” and  
71 inserting a semicolon in its place;  
72                           (B) Subparagraph (C) is amended by striking the semicolon and inserting  
73 the phrase “; or” in its place; and  
74                           (C) A new subparagraph (D) is added to read as follows:  
75                           “(D) An adverse immigration action against the designator.”.

76               (2) Paragraph (4) is amended by striking the phrase “that the designator suffers”  
77 and inserting the phrase “that the designator experienced an adverse immigration action or  
78 suffers”.

79               (3) A new paragraph (7A) is inserted to read as follows:

80                   “(7A) If an adverse immigration action is the triggering event, documentation  
81 demonstrating that an adverse immigration action occurred;”.

82                   (e) Section 16-4806 is amended as follows:

83                   (1) Subsection (b) is amended by striking the phrase “or dies.” and inserting the  
84 phrase “dies, or is subject to an adverse immigration action.” in its place.

85                   (2) Subsection (c) is amended as follows:

86                   (A) Paragraph (2) is amended by striking the phrase “; or” and inserting a  
87 semicolon in its place.

88                   (B) Paragraph (3) is amended by striking the period and inserting the  
89 phrase “; or” in its place.

90                   (C) A new paragraph (4) is added to read as follows:

91                   “(4) The documentation demonstrating that an adverse immigration action  
92 occurred against the designator.”.

93                   (3) Subsection (1) is amended by striking the phrase “medically unable to appear”  
94 and inserting the phrase “unable to appear for medical reasons or due to an adverse immigration  
95 action” in its place.

96                   Sec. 3. Fiscal impact statement.

97                   The Council adopts the fiscal impact statement in the committee report as the fiscal  
98 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
99 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

100                   Sec. 4. Effective date.

101                   This act shall take effect following approval by the Mayor (or in the event of a veto by  
102 the Mayor, action by the Council to override the veto), and shall remain in effect for no longer

103 than 90 days, as provided for emergency acts of the Council of the District of Columbia in  
104 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87  
105 Stat. 788; D.C. Official Code § 1-204.12(a)).

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