

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, 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 Congressional Review 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:

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

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

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

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

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

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

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

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

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

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

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

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

59 “(A) The designator is subject to an adverse immigration action; or

60 “(B) The designator has been diagnosed, in writing, by a licensed clinician

61 to suffer from a chronic condition caused by injury, disease, or illness from which, to a

62 reasonable degree of probability, the designator may not recover and the designator:

63 “(1) Becomes debilitated, with the designator's written

64 acknowledgement of debilitation and consent to commencement of the standby guardianship;

65 “(2) Becomes incapacitated as determined by an attending

66 clinician; or

67 “(3) Dies.”.

68 (c) Section 16-4804(a) is amended by striking the phrase “the designator’s health” and

69 inserting the phrase “the designator’s health or immigration status” in its place.

70 (d) Section 16-4805(b) is amended as follows:

71 (1) Paragraph (3) is amended as follows:

72 (A) Subparagraph (B) is amended by striking the phrase “; or” and

73 inserting a semicolon in its place;

74 (B) Subparagraph (C) is amended by striking the semicolon and inserting

75 the phrase “; or” in its place; and

76 (C) A new subparagraph (D) is added to read as follows:

77 “(D) An adverse immigration action against the designator.”.

78 (2) Paragraph (4) is amended by striking the phrase “that the designator suffers”

79 and inserting the phrase “that the designator experienced an adverse immigration action or

80 suffers”.

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

82 “(7A) If an adverse immigration action is the triggering event, documentation  
83 demonstrating that an adverse immigration action occurred;”.

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

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

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

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

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

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

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

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

98 Sec. 3. Fiscal impact statement.

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

102 Sec. 4. Effective date.

103           This act shall take effect following approval by the Mayor (or in the event of a veto by  
104 the Mayor, action by the Council to override the veto), and shall remain in effect for no longer  
105 than 90 days, as provided for emergency acts of the Council of the District of Columbia in  
106 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87  
107 Stat. 788; D.C. Official Code § 1-204.12(a)).