

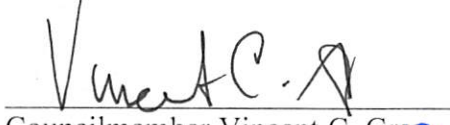


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2 Chairman Phil Mendelson

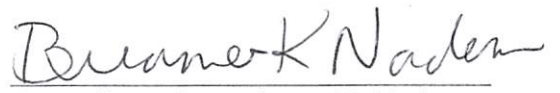
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6 Councilmember Trayon White, Sr.

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10 Councilmember Jack Evans


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13 Councilmember Elissa Silverman

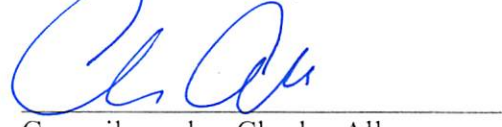
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17 Councilmember Vincent C. Gray

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21 Councilmember Kenyan R. McDuffie

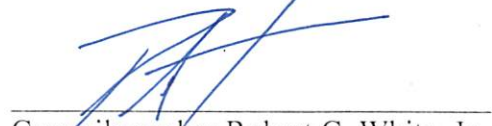
  
Councilmember Brianne K. Nadeau

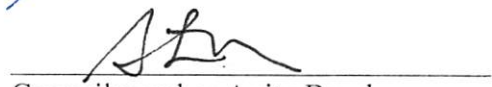
  
Councilmember Brandon T. Todd

  
Councilmember Mary M. Cheh

  
Councilmember Charles Allen

  
Councilmember David Grosso

  
Councilmember Robert C. White, Jr.

  
Councilmember Anita Bonds

30 A BILL

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34 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
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39 To amend, on an emergency basis, Chapter 48 of Title 16 of the District of Columbia Official  
40 Code to expand the standby guardianship law to enable a parent, legal guardian, or legal  
41 custodian who is, or may be subject to an adverse immigration action, to make short-term  
42 plans for a child without terminating or limiting that person's parental or custodial rights.  
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44 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
45 act may be cited as the "Standby Guardian Emergency Amendment Act of 2019".

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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).

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

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

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

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

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

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

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

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

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

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

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

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

83                   “(B) The designator has been diagnosed, in writing, by a licensed clinician  
84 to suffer from a chronic condition caused by injury, disease, or illness from which, to a  
85 reasonable degree of probability, the designator may not recover and the designator:

86                   “(1) Becomes debilitated, with the designator's written  
87 acknowledgement of debilitation and consent to commencement of the standby guardianship;

88                   “(2) Becomes incapacitated as determined by an attending  
89 clinician; or

90                   “(3) Dies.”.

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

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

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

95 (A) Subparagraph (B) is amended by striking the phrase “; or” and  
96 inserting a semicolon in its place;

97 (B) Subparagraph (C) is amended by striking the semicolon and inserting  
98 the phrase “; or” in its place; and

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

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

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

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

105 “(7A) If an adverse immigration action is the triggering event, documentation  
106 demonstrating that an adverse immigration action occurred;”.

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

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

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

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

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

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

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

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

121 Sec. 3. Fiscal impact statement.

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

125 Sec. 4. Effective date.

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




**OFFICE OF THE GENERAL COUNSEL**

Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 4  
Washington, DC 20004  
(202) 724-8026

**MEMORANDUM**

**TO:** Councilmember Brianne K. Nadeau

**FROM:** Nicole L. Streeter, General Counsel 

**DATE:** July 9, 2019

**RE:** Legal sufficiency determination for B23-XXX, the  
Standby Guardian Emergency Amendment Act of 2019

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This measure is legally and technically sufficient for Council consideration.

This bill would amend Chapter 48 of Title 16 to expand the circumstances in which a standby guardian may be designated for a minor child to include when a parent is subject to an adverse immigration action.

I am available if you have any questions.

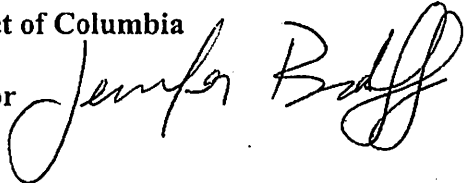
**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Office of the Budget Director**



Jennifer Budoff  
Budget Director

**FISCAL IMPACT STATEMENT**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jennifer Budoff - Budget Director 

**DATE:** July 2, 2019

**SHORT TITLE:** "Standby Guardianship Emergency/Temporary Amendment Act of 2019"

**TYPE:** Emergency/Temporary

**REQUESTING OFFICE:** Councilmember Brianne Nadeau

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**Conclusion**

This emergency/temporary does not have an impact on the District's budget or the financial plan, because there are no costs associated with implementing this legislation.

**Background**

Currently the District has a standby guardian law, which allows for guardianship rights and responsibilities to be assumed by a standby guardian in the event a guardian faces a "triggering event" such as a serious health condition. This emergency/temporary would amend that law to extend the ability to utilize standby guardianship to families impacted by an adverse immigration action.

**Analysis of Impact on Spending**

This emergency has no impact on spending.

**Analysis of Impact on Revenue**

This emergency has no impact on revenue.