

By: Rodríguez

S.B. No. 1403

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of a court to hear and determine issues regarding a child seeking special immigrant juvenile status.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 24, Government Code, is amended by adding Section 24.0105 to read as follows:

Sec. 24.0105. JURISDICTION REGARDING SPECIAL IMMIGRANT JUVENILE STATUS. (a) In this section:

(1) "Abandonment" means leaving a child at a location without providing for the child's reasonable and necessary care or supervision.

(2) "Abuse" has the meaning assigned by Section 261.001, Family Code.

(3) "Child" means an unmarried person who is younger than 21 years of age.

(4) "Dependent on the court" means a child who does not have available a parent or guardian to provide custody and care of the child due to abuse, neglect, abandonment, or similar treatment by at least one parent of the child.

(5) "Neglect" has the meaning assigned by Section 261.001, Family Code.

(b) A district court may hear and determine issues and make findings relating to a child seeking special immigrant juvenile status as defined by Section 1101(a)(27)(J) of the federal

1 Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.).

2 (c) In a suit under Title 3, 4, or 5, Family Code, a child
3 who is a party to the suit may file a petition or motion asking the
4 court to make the findings described by Subsection (d) to enable the
5 child to apply for special immigrant juvenile status with the
6 United States Citizenship and Immigration Services.

7 (d) The court, on presentation of proper evidence,
8 including a declaration by the child who is the subject of the
9 petition or motion, shall render an order declaring that:

10 (1) the child is dependent on the court or has been
11 legally committed to, or placed under the custody of, a state agency
12 or person appointed by the court;

13 (2) reunification of the child with one or both of the
14 child's parents is not viable due to abuse, neglect, or
15 abandonment, or similar treatment under the laws of this state; and

16 (3) it is not in the child's best interest to be
17 returned to the child's or the parent's previous country of
18 nationality or country of last habitual residence.

19 (e) The court shall include in the order the date on which:

20 (1) the child's dependency, commitment, or custody is
21 ordered; and

22 (2) the court determines that reunification of the
23 child with one or both of the child's parents is not viable.

24 (f) A district court may not:

25 (1) make any additional findings regarding:

26 (A) the child's asserted, purported, or
27 perceived motivation in seeking special immigrant juvenile status;

1 or

2 (B) the asserted, purported, or perceived
3 motivation of the person filing the petition or motion on the
4 child's behalf; or

5 (2) include or reference any asserted, purported, or
6 perceived motivation as a part of its findings under this section.

7 (g) The court shall seal records concerning an order issued
8 under this section and ensure that the court's records are not open
9 for inspection by any person except:

10 (1) the court;

11 (2) the child who is the subject of the proceeding and
12 the child's attorney and guardian; and

13 (3) a party to the proceeding and the party's attorney.

14 (h) The supreme court may adopt rules necessary to implement
15 this section.

16 SECTION 2. This Act takes effect September 1, 2019.