

2025 -- H 6120

LC002539

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
FAMILY COURT

Introduced By: Representative Jose F. Batista

Date Introduced: March 21, 2025

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 14-1 of the General Laws entitled "Proceedings in Family Court" is
2 hereby amended by adding thereto the following section:

3 **14-1-5.2. Expanded jurisdiction for special immigrant juvenile status findings.** (a)

4 The family court shall have jurisdiction to make factual findings under this section to be used in
5 conjunction with a petition to the United States Citizenship and Immigration Services for
6 designation of the minor child as having special immigrant juvenile status (herein this section
7 referred to as "SIJS") under 8 U.S.C. § 1101(a)(27)(J) including, but not limited to, determinations
8 regarding the following:

9 (1) Whether the child has been declared dependent on the court, or legally placed under the
10 custody of an individual or entity appointed by the court;

11 (2) Whether reunification with one or both parents is not viable due to abuse, neglect,
12 abandonment, or a similar basis under state law; and

13 (3) Whether it is not in the best interest of the child to be returned to the child's country of
14 nationality or last habitual residence.

15 (b) For purposes of this section, the term "child" shall include any unmarried person under
16 twenty-one (21) years of age who files a petition for relief under this section.

17 (c) The family court shall have continuing jurisdiction to make the findings set forth in
18 subsection (a) of this section for any petitioner who is under the age of twenty-one (21) at the time

1 of filing, regardless of whether they have reached the age of eighteen (18) before the court issues
2 its findings.

3 (d) A petition for factual findings under this section may be filed as an independent action
4 or in conjunction with any other proceeding over which the family court has jurisdiction including,
5 but not limited to, guardianship, child custody, adoption, and dependency matters.

6 (e) The court's jurisdiction to issue findings under this section shall be solely for the
7 purposes of making the necessary factual determinations to support a petition for SIJS and shall not
8 confer any independent immigration status.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO DELINQUENT AND DEPENDENT CHILDREN -- PROCEEDINGS IN
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1 This act would grant Rhode Island's family court jurisdiction to make findings for Special
2 Immigrant Juvenile Status petitions, including determinations about dependency, parental
3 reunification, and the child's best interest, for minors under twenty-one (21) years.

4 This act would take effect upon passage.

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