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HB 315

February 6, 2014

TO: Members of the House Judiciary Committee
FROM: Christina Wilkes, Esq., Grossman Law, LLC
RE: HOUSE BILL 315 – Equity Court Jurisdiction – Immigrant Children – Custody or Guardianship Petitions
POSITION: SUPPORT

Chair Vallario, Vice-Chair Dumais, and Members of the Committee, please be advised that Christina Wilkes, Esq. of Grossman Law, LLC **supports** House Bill 315.

As a lawyer, working with the help and support of countless case managers, social workers, teachers, law enforcement officers, State’s Attorneys, guardians *ad litem*, and good Samaritans throughout the state of Maryland, I have helped hundreds of abused, abandoned, and neglected children obtain refuge and permanency in Maryland. The children have hailed from all corners of our state, including the following counties: Anne Arundel, Baltimore City, Baltimore County, Harford, Howard, Montgomery, Prince George’s, and Somerset. I have seen first-hand the tragic impact of the limitations on the jurisdiction of Maryland’s equity courts over custody and guardianship cases.

To highlight the potential of House Bill 315, please consider the story of a young lady from Washington County who I was nearly unable to help precisely because Maryland courts lack jurisdiction over guardianship matters once a child reaches age 18. “Irene,” who was born in the English-speaking Caribbean, was abandoned by her mother at birth and raised by her grandmother until she was 12, which is when she came to the United States as a tourist in order to join her dad. She did not arrive here intending to overstay her visa, or violate any law. Irene was simply following the orders of her elders.

During the five years that Irene lived with her dad, he subjected her to unimaginable cruelty. An alcoholic, drug addict, and womanizer who sold drugs to support his lifestyle, Irene’s father frequently physically and emotionally abused her. He even told her that she’d be better off dead and more than once choked her nearly to unconsciousness. Most days, subsidized school lunch was Irene’s only meal; due to this deprivation, Irene was hospitalized for severe dehydration. As Irene’s body began to develop, her father’s customers began to sexually abuse her; her father knew about the abuse and allowed it to happen.

When Irene’s father was arrested on drug charges and she was rendered homeless, one of Irene’s former teachers learned of her situation and kept her from entering foster

care or living on the streets. She promised to care for Irene until she graduated from high school. It was this teacher who brought Irene to my office just two weeks after Irene's 18th birthday. They believed that Irene had to be 18 in order to talk to a lawyer, and so they waited nearly a year to do so.

As a child who had been abused, neglected, *and* abandoned by her biological parents, Irene would have benefitted tremendously from a Petition for Guardianship filed by her former teacher, if only the Circuit Court for Washington County still had the authority to hear such a case. Although Irene had a fit and proper adult to care for her, due to this jurisdictional limitation, her teacher was deprived of the legal capacity to make decisions on Irene's behalf and to ease her transition into adulthood. Had the Court been empowered to accept jurisdiction, Irene also would have been able to seek the protections and permanent status offered by the US Immigration law through a benefit known as Special Immigrant Juvenile Status (SIJS). As a result, after graduating high school Irene had to put her dream of attending nursing school on hold for many years. This was to the detriment of not only Irene but also our larger community who certainly would have benefited from the talents of a young woman whose hope and dream was to assist the sick and elderly.

To be clear, it was Maryland law, and not federal immigration law that prevented Irene from qualifying for SIJS. Federal immigration law permits vulnerable immigrant children to apply for protection through SIJS up until the age of 21, so long as a state court with jurisdiction over the child makes certain requisite factual findings. Thus, by closing the gap between federal law and the Maryland jurisdictional statute, House Bill 315 would enable more well-deserving youth like Irene the opportunity to seek protection and permanent status in the United States and to become valuable members of our communities.

Based on my experience, I am confident that by expanding the jurisdiction of Maryland's courts to include certain custody and guardianship cases involving youth up to age 21, House Bill 315 will meaningfully impact the lives of hundreds of vulnerable immigrant youth who will have the chance to permanently remain with their families and loved ones in Maryland and will have the opportunity to reach their full potentials as valuable members of our communities.

As attorneys who represent dozens of abused, abandoned, and neglected children and youth like Irene each year, on behalf of our clients we welcome House Bill 315. For all these reasons, on behalf of Grossman Law, LLC, I respectfully request a **favorable** report on House Bill 315.