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SB 396

February 13, 2014

TO: Members of the Senate Judicial Proceedings Committee

FROM: Christina Wilkes, Esq., Grossman Law, LLC

RE: SENATE BILL 396 – Equity Court Jurisdiction – Immigrant Children – Custody or Guardianship Petitions

POSITION: SUPPORT

Chair Frosh, Vice-Chair Gladden, and Members of the Committee, please be advised that Christina Wilkes, Esq. of Grossman Law, LLC **supports** Senate Bill 396.

I am a Maryland-licensed attorney with nearly 10 years of experience. My office is in Rockville in Montgomery County and I have been a resident of Montgomery County for 10 years. I began my legal career with a two-year Legal Fellowship to serve vulnerable immigrant children in family and immigration law matters and continue to focus my work on this area. I have represented over 500 immigrant children before Maryland Circuit Courts and the US Immigration System and I have given over 50 presentations to Judges, attorneys, guardians *ad litem*, social workers, educators, medical professionals, law enforcement, and others on the intersection of family law and immigration law as it relates to children. My work has taken me to all corners of our state, including the following counties: Anne Arundel, Baltimore City, Baltimore County, Harford, Howard, Montgomery, Prince George's, and Somerset.

The abused, abandoned, and neglected children that I have represented have by-and-large achieved stability and permanency in Maryland through a federal law known as Special Immigrant Juvenile Status (SIJS), which protects children who would otherwise be deported to their home countries to face continued abuse, abandonment and/or neglect. To qualify for SIJS, a Circuit Court judge in the context of Custody, Guardianship, and certain other proceedings must first make certain factual findings that are a prerequisite to applying for SIJS. Maryland Circuit Courts regularly make these findings in cases of children under 18. Although federal Immigration law permits vulnerable immigrant children to apply for protection through SIJS up until the age of 21, Maryland Circuit Courts are prevented from making the requisite factual findings for youth between the ages of 18-21 due to the limitations of Equity Court Jurisdiction. Senate Bill 396 would close the gap between federal law and the Maryland jurisdictional statute, and in so doing would enable more well-deserving youth the opportunity to seek protection and permanent status in the United States and to become productive, tax-paying members of our communities.

This gap of three years can make all the difference in the life of an abused, abandoned, or neglected child in Maryland. To highlight this, 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 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.

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, Senate Bill 396 will meaningfully impact the lives of hundreds of vulnerable immigrant youth who will have the chance to permanently remain with their families and

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loved ones in Maryland and will have the opportunity to reach their full potentials as contributing, tax-paying members of our communities.

On behalf of the children and youth like Irene that we represent each year, we strongly support Senate Bill 396 and respectfully request that the Committee give it a **favorable** report.