



STATE OF WASHINGTON  
WASHINGTON STATE TASK FORCE  
AGAINST THE TRAFFICKING OF PERSONS

1011 Plum Street SE • PO Box 42525 • Olympia, Washington 98504-2525 • 360-725-2905

**Vulnerable Youth Guardianship Petition Requirements**

Under HB 1988 (2017), Juvenile Courts are authorized to appoint a guardian for a vulnerable youth between 18 and 21 years of age who files a petition with the court showing each of the following:

- both the vulnerable youth and the proposed guardian agree to the establishment of a guardianship;
- the youth is between 18 and 21 years of age;
- the youth is prima facie eligible to apply for federal Special Immigrant Juvenile status;
- the youth requests the support of a responsible adult; and
- the proposed guardian agrees to serve as a guardian and is a suitable adult over 21 years old who is capable of performing the specified duties of a guardian.

Proposed guardians may include, but are not limited to, parents, licensed foster parents, relatives, and suitable persons. "Suitable person" means a nonrelative who has completed all required criminal history background checks and otherwise appears to be suitable and competent to provide care for the youth.

**Vulnerable Youth Guardianship Orders**

If the necessary findings are made at the hearing, the court is required to issue an order establishing a vulnerable youth guardianship that:

- appoints a person to be the guardian for the vulnerable youth;
- provides that the guardian must ensure that the legal rights of the vulnerable youth are not violated;
- may specify the guardian's other rights and responsibilities concerning the care, custody, and nurturing of the vulnerable youth;
- specifies that the guardian may not have possession of any identity documents belonging to the vulnerable youth; and
- specifies the need for and scope of continued oversight by the court, if any.

**Federal Special Immigrant Juvenile Status**

The federal Special Immigrant Juvenile (SIJ) status provides a pathway for children who are not U.S. citizens, do not have permanent residence, and have been abused, neglected, or abandoned by one or both parents, to obtain lawful, permanent residence. The SIJ status allows a child to apply for a green card (lawful permanent residence). A state Juvenile Court order is necessary for a child to be eligible to petition for SIJ status. The order must declare that the child is dependent on the court or place the child under the legal custody of a state agency or other individual appointed by the state; declare that the child cannot be reunited with one or both of his or her parents due to abuse, abandonment, or neglect; and declare that it is not in the best interests of the child to be returned to his or her country of citizenship.

The issuance of a state court order making the required findings is a prerequisite for a child to apply for SIJ status; however, the decision about whether to grant the child's petition for SIJ status is ultimately up to the United States Citizen and Immigration Services (USCIS).



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**The Washington State Task Force Against the Trafficking of Persons is required to:**

- (1) Evaluate whether vulnerable youth guardianships where the guardian is a nonrelative suitable person have the unintended impact of placing youth at greater risk of being trafficked, and if so, research and identify ways to reduce this risk; and
- (2) Compile a list of service providers and available resources for survivors of human trafficking that a court issuing a vulnerable youth guardianship order can provide to a vulnerable youth applying for a guardian who is a nonrelative suitable person.

The Task Force is required to deliver this evaluation to the Legislature by January 1, 2019.

Questions? Contact:

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