

**CONFERENCE OF CHIEF JUSTICES
CONFERENCE OF STATE COURT ADMINISTRATORS**

Resolution 4

**To Urge Congress to Provide Funding for State Court Cases Involving
Unaccompanied Alien Children**

WHEREAS, over 57,500 unaccompanied alien children have been apprehended crossing the United States-Mexico border between October 2013 and June 30, 2014; and

WHEREAS, federal law provides a mechanism for unaccompanied alien children to seek Special Immigrant Juvenile Status (SIJS); and

WHEREAS, in order to obtain SIJS, federal law requires that a state court judge with juvenile jurisdiction first issue an order with certain required statutory findings that enable the juvenile to file for SIJS; and

WHEREAS, for eligibility for SIJS, there must be an order, signed by a state court judge with juvenile jurisdiction that includes the following findings:

- The juvenile is dependent on the court or is legally committed to or placed under the custody of an agency, the United States Department of State, or an individual or entity appointed by the state or a juvenile court located in the United States;
- Reunification with one or both parents is not viable due to abuse, neglect, or abandonment or a similar basis found under state law; and
- It would not be in the best interest of the juvenile to be returned to the juvenile's or parent's previous country of nationality or country of last habitual residence¹; and

WHEREAS, after a review of the evidence, the state court judge is required to issue an order with findings and the supporting factual basis for each finding; and

WHEREAS, these juveniles must remain under the state court's jurisdiction until the United States Citizenship and Immigration Services has made a determination on SIJS, subject to certain exceptions for age-related cases and other circumstances; and

WHEREAS, the state courts are experiencing an increase of cases seeking an order from a state court with these special findings; and

¹ See USCIS Guide: *Special Immigrant Juvenile Status: Information for Juvenile Courts* and 8 U.S.C. 11(a)(27)(J)

WHEREAS, while the federal government has provided additional immigration judges and other resources to assist with the unaccompanied alien children crossing the border, no additional resources for this purpose have been provided by the federal government to the state courts; and

WHEREAS, the influx of cases in state courts will significantly strain the budgets and resources of these courts; and

WHEREAS, Congress is currently considering an emergency supplemental appropriation request from the President for \$3.7 billion to provide funding and resources related to the unaccompanied alien children crisis;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators urge Congress to provide adequate funding to assist the state courts in appropriately addressing the unaccompanied alien children cases that enter the state court systems.

Adopted as proposed by the CCJ/COSCA Court Management Committee and the CCJ/COSCA Courts, Children and Families Committee at the 2014 Annual Meeting.