

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Child and Family Services Agency



Public Hearing on
Bill 23-402, the “Standby Guardian Amendment Act of 2019”

Testimony of
Robert L. Matthews
Principal Deputy Director

Before the
Committee on Human Services
The Honorable Brianne K. Nadeau, Chairperson

Council of the District of Columbia
Room 412
John A. Wilson Building,
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

October 28, 2019
10:00 a.m.

Good morning, Chairwoman Nadeau, councilmembers, and staff. I am Robert L. Matthews, Principal Deputy Director for the District of Columbia's Child and Family Services Agency (CFSA). I appreciate the opportunity to testify in support of Bill 23-402, the "Standby Guardian Amendment Act of 2019." This bill will allow immigrant parents and guardians subject to an adverse immigration action to identify a caretaker for the child so he or she does not have to enter foster care.

Existing law in the District only allows a parent who has a debilitation (terminal or mental illness), or is incapable of caring for a child due to illness, to designate a standby guardian for his or her child. The guardianship petition must be filed with the court either before the triggering event or 90 days after the event. However, it immediately goes into effect upon the triggering event. The "Standby Guardian Amendment Act of 2019" will expand the Standby Guardianship statute to allow immigrant parents who fear detention or deportation to designate a standby guardian. The bill adds an immigration matter provision as a triggering event that would initiate a standby guardianship.

Parents in the District also have the option of creating a custodial power of attorney pursuant to D.C. Code § 21-2301. The custodial power of attorney will grant the parent's rights and responsibilities regarding the care, physical custody, and control of the child to another person. It is an agreement between the parent and the temporary custodian, and, unlike standby guardianship, it does not need to be filed with the court. Immigration advocacy groups have been educating families about this process, so they can protect their children, if they are deported or detained.

CFSA is committed to serving families and promoting the safety, permanency, and well-being of all District residents, irrespective of immigration status. No person or family is denied access to CFSA and its resources solely based on immigration status or because the person or family has committed a civil immigration violation.

CFSA's priority is always keeping children safe with family members, rather than placing children into foster care. If a family comes to the attention of CFSA as the result of an immigration action, we would look for relatives (kin) who could provide care for the child. It is certainly not intentional neglect to leave a child behind if a parent is arrested and detained by the U.S. Immigration and Customs Enforcement (ICE), but the agency must ensure that children are not neglected, whether intentional or not.

In addition, the Immigrant Justice Legal Services (IJLS) program works with families at risk of deportation to make plans for their children. If immigrant families come to the attention of CFSA as a result of parental detainment or deportation, CFSA will coordinate with the IJLS program to share information and resources for the benefit of the families and those who work with them.

CFSA supports this bill because it will assist with reducing the number of children that may come into foster care as a result of a parent's immigration and detainment status. The protection and safety of children is essential to CFSA's mission. This bill's intent supports the child welfare safety net, and the tradition in the District of ensuring that undocumented residents and their children seeking services are treated equitably and supported in a nurturing family setting. Thank you for allowing me to testify. I am happy to answer any questions you may have at this time.