



## State of Connecticut

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### TESTIMONY OF CHRISTINE PERRA RAPILLO CHIEF PUBLIC DEFENDER

#### COMMITTEE ON CHILDREN FEBRUARY 27, 2018

#### H.B. No. 5185 (RAISED) AAC SPECIAL IMMIGRANT JUVENILE STATUS

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The Office of the Chief Public Defender (OCPD) supports **H.B. 5185 – AAC Special Immigrant Juvenile Status**. As this Committee is aware, special immigrant juvenile (SIJ) status provides certain children who have been subject to state juvenile and probate court proceedings related to abuse, neglect or abandonment the ability to seek lawful permanent residence in the United States pursuant to 8 USC 1101(a)(27)(J). This status is critically important for children and youth who have been the victims of abuse and neglect and for whom return to their country of origin is not in their best interests.

This bill would clarify that for the sole purpose of seeking SIJ status, a “minor” or “minor child” includes an unmarried person under the age of twenty-one who is dependent on a competent caregiver and consents to the appointment or continuation of a guardian after turning eighteen. This is an important and necessary change for this limited purpose because the federal SIJ statutes allow petitions for such status to be filed for a youth up to the age of twenty-one *only* if state law defines a “minor” to include such youth.

In addition to representing children accused of delinquency offenses, OCPD contracts, trains, and oversees the private attorneys who represent the majority of children in child protection cases in Connecticut, and public defenders also represent some of these children. As such, OCPD is well-placed to have insight into the conditions and challenges affecting undocumented immigrant children who are the victims of abuse and neglect. This bill would help those children.

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The experience of OCPD's attorneys and the attorneys contracted by the agency to represent children in child protection matters demonstrates that undocumented immigrant children are frequently the least likely to obtain help when they are the victims of neglect, abuse or abandonment. Unaccompanied minors hesitate to seek help from DCF or other state agencies when they are in need, and the professionals who would refer immigrant children to the appropriate services are sometimes unaware of how a child's immigration status may affect his or her eligibility. As such, undocumented children face inordinate barriers to obtaining protection from abuse and neglect, which can frequently cause delays in their obtaining the court orders that qualify them for SIJ status under federal law.

The General Assembly has recognized that the effects of neglect and abuse frequently last beyond children's eighteenth birthdays and has sought to provide additional support for committed children by allowing them to remain voluntarily in the care of the Department of Children and Families under certain circumstances. This bill, while not creating any additional burdens on state government, would be in keeping with the spirit of those provisions, providing neglected children every opportunity under federal law to remain in the United States when that is in their best interest.