

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to expand the standby guardianship law to enable a parent, legal guardian, or legal custodian who is, or may be subject to an adverse immigration action or exposure to COVID-19, to make short-term plans for a child without terminating or limiting that person’s parental or custodial rights.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Standby Guardian Emergency Declaration Resolution of 2020”.

Sec. 2. (a) In 2019, the Council enacted emergency and temporary legislation to extend the standby guardianship laws to enable a parent, legal guardian, or legal custodian to be able to make plans to protect the wellbeing of their children in advance of an adverse immigration action. The temporary legislation, the Standby Guardian Temporary Amendment Act of 2019, effective November 26, 2019 (D.C. Law 23-30; 66 DCR 13135) (“standby guardian temporary legislation”), became law on November 26, 2019, and is set to expire on July 8, 2020.

(b) In 2020, the Council enacted emergency and temporary legislation to enable a parent, legal guardian, or legal custodian to be able to make plans to protect the wellbeing of their children in the event that they are unable to do so as a result of COVID-19. In doing so, the Council added additional language to provisions that the standby guardian

1 temporary legislation had previously amended. The temporary legislation, section 504 of
2 the Coronavirus Support Temporary Amendment Act of 2020, passed on 2nd reading on
3 June 9, 2020 (Enrolled version of Bill 23-758) (“COVID-19 standby guardian
4 legislation), passed on its final reading on June 9, 2020.

5 (c) It is important that the provisions of the standby guardian temporary
6 legislation continue in effect, without interruption, until permanent legislation is in effect.

7 (d) Further, it is important that the provisions of the COVID-19 standby guardian
8 legislation do not expire before the provisions of the standby guardian temporary
9 legislation. Since the COVID-19 standby guardian legislation added language to
10 provisions previously amended by the standby guardian temporary legislation, if
11 provisions of the COVID-19 standby guardian legislation were to expire beforehand, it
12 would create unreconcilable ambiguities in the standby guardianship laws.

13 Sec. 3. The Council of the District of Columbia determines that the circumstances
14 enumerated in section 2 constitute emergency circumstances making it necessary that the
15 Standby Guardian Emergency Amendment Act of 2020 be adopted after a single reading.

16 Sec. 4. This resolution shall take effect immediately.