

SB1239/168276/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 1239
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert “EMERGENCY BILL”; strike beginning with “Immigration” in line 2 down through “Parent” in line 3 and substitute “Adverse Immigration Action”; strike beginning with “authorizing” in line 4 down through “actions;” in line 19; strike beginning with “case” in line 23 down through “of” in line 25 and substitute “event of an adverse immigration action against”; in line 26, strike “that” and substitute “of an adverse immigration action against”; strike beginning with “is” in line 26 down through “States” in line 28; and in line 28, after “circumstances;” insert “providing that a standby guardian may file a petition without the consent of certain persons under certain circumstances;”.

On pages 1 and 2, strike beginning with “notice” in line 30 on page 1 down through “issued” in line 1 on page 2 and substitute “there is evidence of an adverse immigration action”.

On page 2, in line 3, after “rights;” insert “providing for the construction of this Act;”; in line 4, after “definitions;” insert “defining a certain term; making this Act an emergency measure;”; in line 4, strike “official” and substitute “adverse”; in line 5, strike “taken against a parent”; strike in their entirety lines 7 through 11, inclusive; in line 14, strike “13-901(e)” and substitute “13-901”; in the same line, strike “13-903;” and after line 16, insert:

“BY repealing and reenacting, without amendments,

Article – Estates and Trusts

Section 13-902

Annotated Code of Maryland

(2017 Replacement Volume)”.

(Over)

AMENDMENT NO. 2

On page 2, after line 21, insert:

“(b) “ADVERSE IMMIGRATION ACTION” INCLUDES:

(1) ARREST OR APPREHENSION BY A LAW ENFORCEMENT OFFICER FOR AN ALLEGED VIOLATION OF FEDERAL IMMIGRATION LAW;

(2) DETENTION OR CUSTODY BY THE DEPARTMENT OF HOMELAND SECURITY OR A FEDERAL, STATE, OR LOCAL AGENCY AUTHORIZED OR ACTING ON BEHALF OF THE DEPARTMENT OF HOMELAND SECURITY;

(3) DEPARTURE FROM THE UNITED STATES UNDER AN ORDER OF REMOVAL, DEPORTATION, EXCLUSION, VOLUNTARY DEPARTURE, OR EXPEDITED REMOVAL, OR A STIPULATION OF VOLUNTARY DEPARTURE;

(4) THE DENIAL, REVOCATION, OR DELAY OF THE ISSUANCE OF A VISA OR TRANSPORTATION LETTER BY THE DEPARTMENT OF STATE;

(5) THE DENIAL, REVOCATION, OR DELAY OF THE ISSUANCE OF A PAROLE DOCUMENT OR REENTRY PERMIT BY THE DEPARTMENT OF HOMELAND SECURITY; OR

(6) THE DENIAL OF ADMISSION OR ENTRY INTO THE UNITED STATES BY THE DEPARTMENT OF HOMELAND SECURITY.

(c) (1) “Attending physician” means a physician who has primary responsibility for the treatment and care of a parent described under this subtitle.

SB1239/168276/1 Judicial Proceedings Committee
Amendments to SB 1239
Page 3 of 5

(2) If more than one physician shares the responsibility for the treatment and care of a parent or if another physician is acting on the attending physician's behalf, any physician described in this paragraph may act as the attending physician under this subtitle.

(3) If no physician has responsibility for the treatment and care of a parent, any physician who is familiar with the parent's medical condition may act as the attending physician under this subtitle.

~~[(c)]~~ **(D)** (1) "Debilitation" means a person's chronic and substantial inability, as a result of a physically incapacitating illness, disease, or injury, to care for the person's dependent minor child.

(2) "Debilitated" means the state of having a debilitation.

~~[(d)]~~ **(E)** (1) "Incapacity" means a person's chronic and substantial inability, as a result of mental impairment, to understand the nature and consequences of decisions concerning the care of the person's dependent minor child, and a consequent inability to care for the child.

(2) "Incapacitated" means the state of having an incapacity."

in line 22, strike "(e)" and substitute "**(F)**"; strike beginning with the first comma in line 25 down through "**STATES,**" in line 27; strike beginning with "**ON**" in line 30 down through "**OR**" in line 33; and in line 34, after "parent" insert "**, OR IN THE EVENT OF AN ADVERSE IMMIGRATION ACTION AGAINST THE PARENT AND THE CONSENT OF THE PARENT**".

On pages 3 through 6, strike in their entirety the lines beginning with line 3 on page 3 through line 9 on page 6, inclusive.

(Over)

**SB1239/168276/1 Judicial Proceedings Committee
Amendments to SB 1239
Page 4 of 5**

On pages 6 and 7, strike beginning with “(II)” in line 29 on page 6 down through “OR” in line 1 on page 7.

On page 7, in line 2, strike the brackets; in the same line, strike “(III)”; in line 3, after “authority” insert “; OR”

**(III) IS SUBJECT TO AN ADVERSE IMMIGRATION ACTION AND
CONSENTS TO THE BEGINNING OF THE STANDBY GUARDIAN’S AUTHORITY**”;

and strike beginning with “HAVE” in line 20 down through “STATES” in line 22 and substitute “AM SUBJECT TO AN ADVERSE IMMIGRATION ACTION”.

On page 9, strike in their entirety lines 5 through 9, inclusive, and substitute:

**“(I) EVIDENCE OF AN ADVERSE IMMIGRATION ACTION
AGAINST THE PARENT; AND**”;

and strike beginning with the semicolon in line 13 down through “DESIGNATED” in line 15.

On page 10, strike in their entirety lines 7 through 11, inclusive, and substitute:

**“(III) 1. EVIDENCE OF AN ADVERSE IMMIGRATION ACTION
AGAINST THE PARENT; AND**”;

in line 12, strike “THE” and substitute “COPIES OF THE”; in line 18, after “(ii)” insert “1.”; in lines 19 and 20, strike “1.” and “2.”, respectively, and substitute “A.” and “B.”, respectively; in line 19, strike the brackets; in line 22, strike “3.” and substitute “2.”; strike beginning with “THE” in line 22 down through “GUARDIANSHIP” in line 27 and substitute “EVIDENCE OF AN ADVERSE IMMIGRATION ACTION AGAINST THE”

PARENT, THE PARENTAL CONSENT TO THE BEGINNING OF THE GUARDIANSHIP, AND A COPY OF THE BIRTH CERTIFICATE OR OTHER EVIDENCE OF PARENTAGE FOR EACH CHILD FOR WHOM THE STANDBY GUARDIAN IS DESIGNATED"; and in line 31, after "(3)" insert **(I)**.

On page 11, after line 2, insert:

"(II) IF A PETITION INVOLVES AN ADVERSE IMMIGRATION ACTION AGAINST A PARENT AND A PERSON WHO HAS PARENTAL RIGHTS RESIDES OUTSIDE THE UNITED STATES, THE STANDBY GUARDIAN MAY FILE A PETITION UNDER THIS SECTION WITHOUT THE CONSENT OF THE PERSON WHO HAS PARENTAL RIGHTS TO THE DESIGNATION OF THE STANDBY GUARDIAN.";

and strike beginning with "NOTICE" in line 12 down through "ISSUED" in line 15 and substitute **"THERE IS EVIDENCE OF AN ADVERSE IMMIGRATION ACTION"**.

On page 12, after line 11, insert:

"(C) THE APPOINTMENT OF A STANDBY GUARDIAN OF A MINOR UNDER THIS SUBTITLE MAY NOT BE CONSTRUED TO REQUIRE THE TERMINATION OF PARENTAL RIGHTS WITH RESPECT TO THE MINOR UNDER TITLE 5 OF THE FAMILY LAW ARTICLE.";

and strike in their entirety lines 12 and 13 and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.".