

THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2216 Session of  
2026

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INTRODUCED BY PROBST, HILL-EVANS, MAYES, WAXMAN, KINKEAD,  
HOWARD, RIVERA, SANCHEZ, HOHENSTEIN, D. WILLIAMS, BELLMON,  
GREEN AND BOYD, FEBRUARY 11, 2026

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 12, 2026

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in juvenile matters,  
3 providing for special immigrant juvenile status predicate  
4 orders.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. The General Assembly finds and declares as  
8 follows:

9 (1) In 1990, the Congress of the United States created  
10 an immigration visa category known as Special Immigrant  
11 Juvenile Status, which extends protections to certain  
12 vulnerable youth.

13 (2) Prior to seeking this Federal immigration visa, an  
14 applicant must first be in possession of a state court order  
15 containing certain factual determinations.

16 (3) Under the Federal statutory scheme, state courts do  
17 not determine a youth's eligibility for Special Immigrant  
18 Juvenile Status.

(4) Instead, state courts are tasked with making the following predicate factual findings regarding a juvenile:

(i) Whether reunification of the juvenile with one or both of the juvenile's parents is not viable due to abuse, abandonment, neglect or similar basis under state law.

(ii) Whether it would not be in the best interest of the juvenile to be returned to the country of nationality or last habitual residence of the juvenile or juvenile's parent.

(5) Orders containing the factual determinations under paragraph (4) are referred to as Special Immigrant Juvenile Status Predicate Orders.

14       Section 2. Chapter 63 of Title 42 of the Pennsylvania  
15 Consolidated Statutes is amended by adding a subchapter to read:

## SUBCHAPTER H

SPECIAL IMMIGRANT JUVENILE STATUS PREDICATE ORDERS

Sec.

### 6391. Definitions.

20 6392. Jurisdiction.

## 21 6393. Nonviability of reunification.

22 6394. Best interest presumption.

23 6395. Burden of proof and production.

24 6396. Confidentiality.

25 6397. Sua sponte authority.

26 6398. Abuse of discretion.

27 6399. Service or notice.

## § 6391. Definitions.

29       The following words and phrases when used in this subchapter  
30       shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Juvenile." An individual under 21 years of age.

3 "Juvenile court." Orphans' court, custody court, juvenile  
4 court or any other court having jurisdiction under the laws of  
5 this Commonwealth to make determinations relevant to the well-  
6 being, welfare or best interest of a juvenile.

7 "Predicate factual findings." The factual determinations  
8 made by a juvenile court regarding a juvenile as to:

9 (1) Whether reunification of the juvenile with one or  
10 both of the juvenile's parents is not viable due to abuse,  
11 abandonment, neglect or similar basis under State law.

12 (2) Whether it would not be in the best interest of the  
13 juvenile to be returned to the country of nationality or last  
14 habitual residence of the juvenile or juvenile's parent.

15 "Predicate order." An order issued in connection with a  
16 juvenile court proceeding containing the predicate factual  
17 findings necessary to enable an immigrant juvenile to apply for  
18 Special Immigrant Juvenile Status.

19 § 6392. Jurisdiction.

20 (a) Juvenile court authority.--A juvenile court shall have  
21 jurisdiction to enter a predicate order regarding an individual  
22 but only if the individual is a juvenile.

23 (b) Predicate factual findings.--

24 (1) The predicate factual findings regarding a juvenile  
25 need not be made at the same time or contained in the same  
26 order awarding custody, appointing a guardian, adjudicating a  
27 juvenile dependent or delinquent or granting any other form  
28 of protection to safeguard the well-being, welfare or best  
29 interests of the juvenile.

30 (2) In making predicate factual findings, a juvenile

1       court shall use the definitions of abandonment, abuse,  
2       neglect and best interest routinely applied under the  
3       relevant law of this Commonwealth.

4       § 6393. Nonviability of reunification.

5       If a juvenile court finds that a juvenile has been abandoned,  
6       abused or neglected by one or both of the juvenile's parents,  
7       the juvenile court shall issue a predicate order finding that  
8       reunification of the juvenile with the juvenile's offending  
9       parent or parents is not viable due to the abandonment, abuse or  
10      neglect.

11      § 6394. Best interest presumption.

12      If a juvenile court awards custody, appoints a guardian,  
13      adjudicates a juvenile dependent or delinquent or grants any  
14      other form of protection to safeguard the well-being, welfare or  
15      best interests of an immigrant juvenile, it shall be presumed  
16      that it is not in the best interest of the juvenile to be  
17      returned to the country of nationality or last habitual  
18      residence of the juvenile or juvenile's parent.

19      § 6395. Burden of proof and production.

20      (a)   Predicate orders.--The burden of proof for proving  
21      necessary facts for predicate orders is preponderance of  
22      evidence.

23      (b)   Testimony of juvenile.--The testimony of a juvenile  
24      standing alone, if deemed credible, is sufficient proof upon  
25      which to issue a predicate order. The testimony of the juvenile  
26      need not be supported by other evidence.

27      (c)   Construction.--Nothing in this subchapter shall be  
28      construed to create an increased burden of proof or production.

29      § 6396. Confidentiality.

30      Information regarding the immigration status of a juvenile

1 and any parties involved in a juvenile court proceeding under  
2 this subchapter shall be confidential to the extent not  
3 otherwise protected by State confidentiality law.

4 § 6397. Sua sponte authority.

5 Nothing in this subchapter shall prevent a juvenile court  
6 from issuing a predicate order sua sponte if there is a factual  
7 basis for the predicate order.

8 § 6398. Abuse of discretion.

9 A juvenile court commits an abuse of discretion if the  
10 juvenile court denies a party a meaningful opportunity to seek a  
11 predicate order or refuses to issue a predicate order if there  
12 is a factual basis for the predicate order.

13 § 6399. Service or notice.

14 In a case involving an allegation of abandonment of a  
15 juvenile by a parent of the juvenile, the juvenile court may  
16 excuse the necessity of effectuating service on or other notice  
17 to the parent if the parent has abandoned the juvenile for a  
18 period of at least six months.

19 Section 3. This act shall take effect in 60 days.