

1. Child's name: Breidy Paola Osorio Rivas Date of birth: 12/27/2011
2. ☒ The petition or request for Special Immigrant Juvenile (SIJ) findings was heard
- a. Date of hearing: 10/17/2023 Time: 8:30 AM Dept.: ST83 Room:
- b. Judicial officer (*name*): Hon. Joseph Lipner
- c. Persons and attorneys present (*names*):
Minor Petitioner: Breidy Paola Osorio Rivas
Respondent: Ramona Rivas Osorio
Minor Petitioner's Attorney; Joseph D. Lee; Harry Hochman (Attorney/Guardian Ad Litem)

3. Notice of the underlying proceeding was given as required by law.

4. a. ☐ The child was declared a dependent of the juvenile court of the county of (specify):
on (date): and remains under the court's jurisdiction.

b. ☒ The child was

(1) ☒ placed under the custody of an individual (*name, unless confidential*): Ramona Rivas Osorio

(2) ☐ placed under the custody of an entity (*name*):

(3) ☐ committed to a state agency or department (*name*):
appointed by this court or another California court on (*date*):

The custody or commitment order remains in effect.

THE COURT FINDS that in accordance with California Family Code, Section 3048:

1. This Court has jurisdiction with regard to custody of Breidy Paola Osorio Rivas pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act.
 2. The responding party was given notice and an opportunity to be heard, as provided by the laws of the State of California.
 3. The country of current habitual residence of Breidy Paola Osorio Rivas is the United States.
 4. This order creates legal and physical custody rights and the parties are advised that a violation of this order may subject the party in violation to civil or criminal penalties, or both.
- Additionally, THE COURT FINDS that it is in the best interest of Breidy Paola Osorio Rivas, as provided in California Family Code, Section 3020, to award sole legal and physical custody to her mother, Ramona Rivas Osorio. The Court finds that the minor's mother is Ramona Rivas Osorio and that her father is Juan Carlos Osorio Manzanares.

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5. Reunification of the child with ☐ the mother ☒ the father ☐ the other legal parent is not viable under California law because of parental ☐ abuse, ☐ neglect, ☒ abandonment, or ☐ a similar legal basis (*specify*):

as established on (*date*): 10/17/2023, for the following reasons (*for each parent with whom reunification is not viable, state the reasons that apply to that parent*):

Under California law, a parent has abandoned his or her child upon leaving the child "without provision for reasonable and necessary care or supervision." (Cal. Family Code Section 3402(a).) Likewise, Welfare & Institutions Code section 300(g) echoes Family Code § 3402 in providing that a finding of abandonment can be issued if "[t]he child has been left without any provision for support." (Id., § 300(g)), and Family Code, section 7822(a)(1) authorizes proceedings if "the child has been left without provision for the child's identification by the child's parent or parents."

The death of Breidy's father, Juan Carlos Osorio Manzanares, left Breidy without financial or emotional support, and without "provision for reasonable and necessary care or supervision." (Cal. Family Code Section 3402(a).) This failure to provide for Breidy's care and support constitutes abandonment under the aforementioned code provisions and therefore reunification is not viable. (See *Eddie E. v. Super. Ct.* (2105) 234 Cal.App.4th 319, 322).

Breidy Paola Osorio Rivas last saw her father in March of 2018. Breidy's father was brutally murdered in Honduras by gang members. Accordingly, he has not provided her with any material or emotional support for over five years.

☐ Continued on Attachment 5.

6. It is not in the child's best interest to be returned to the child's or parent's country of nationality or country of last habitual residence (*specify country or countries*): Honduras
for the following reasons:

Pursuant to section 155(a) of the California Code of Civil Procedure and section 3011(a) of the California Family Code, it is not in Breidy Paola Osorio Rivas' best interest to return to Honduras because Breidy's health, safety, and welfare will be jeopardized in Honduras. In Honduras, Breidy's family was threatened by gang members. Gang members murdered her father in March 2018. Her father's brutal murder still frightens her. Thus, she is not able to reunite with her father. Breidy does not have anyone who can protect her in Honduras. Breidy's mother lives in the United States.

Conversely, here in the United States, Breidy lives in a neighborhood that is safe and free from violence. She is able to attend school and has been successful both academically and socially. She is making rapid progress in her study of English. She has received several achievement awards in school. Breidy is safe and is supported by her mother, who is focused on ensuring her continued health, safety and success. See Cal. Fam. Code § 3011(a).

☐ Continued on Attachment 6.

Date:

JUDICIAL OFFICER

☐ SIGNATURE FOLLOWS LAST ATTACHMENT