



GUIDANCE FOR SIJS STATE COURT PREDICATE ORDERS IN CALIFORNIA



What You Need to Know in 2021



By Katie Annand (KIND), Ashley Melwani (Legal Services for Children), & Rachel Prandini (ILRC)

I. What is Special Immigrant Juvenile Status (SIJS)?

Special Immigrant Juvenile Status is a unique, hybrid form of immigration relief that requires the involvement of state courts and a specific state court order before a child is eligible to apply for Special Immigrant Juvenile Status with U.S. Citizenship & Immigration Services (USCIS). It provides an avenue for undocumented children to obtain legal status when they cannot be reunified with one or both parents due to abuse, neglect, or abandonment and when it is not in their best interest to return to their home country.¹ Youth who are successful in obtaining SIJS are then eligible to apply for adjustment of status to that of a lawful permanent resident (a green card holder).² However, before a youth may apply for SIJS, a state court must make three specific findings (often referred to as the “state court predicate order” or “SIJS findings”). The three findings are:

1. That the child has been declared dependent on a juvenile court or legally committed to or placed under the custody of a state agency or department or an individual or entity appointed by a state or juvenile court;
2. That reunification with one or both of the child’s parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law; and
3. That it is not in the child’s best interest to be returned to their country of nationality or last habitual residence.

These three findings must be made before a child can even apply for SIJS before USCIS. In California, a young person may request these findings using the applicable Judicial Council Form in probate guardianship proceedings (GC-220), family court proceedings (FL-356), dependency proceedings (JV-356), or delinquency proceedings (JV-356). When filing a request for SIJS

findings in state court, it is best practice to also submit a declaration from the youth and/or others with personal knowledge of the facts supporting the findings, along with the proposed SIJS findings themselves (using Judicial Council Form FL-357/GC-224/JV-357, discussed in more detail below). This advisory focuses on the content of the predicate order, which is the most important document for immigration purposes.

II. What Should be Included in the State Court Predicate Order?

As stated above, the three eligibility findings for SIJS must be included in the state court predicate order. In addition, it is best practice to also include a short statement of the factual basis for each of the three findings within the predicate order itself. (If it is not possible to include the factual basis within the predicate order itself, petitioners for SIJS must submit other evidence of the factual basis in order to demonstrate eligibility for SIJS.³) The factual basis should include information regarding with whom or with what entity the child is placed, which of the grounds for non-viability of reunification exist for one or both parents, and each parent's name (if known), in addition to more general facts supporting each finding and aligning with the elements of state law.⁴ The state court predicate order must also include citations to state law provisions that the court relied upon in making each of the three findings.⁵ The state court predicate order should also highlight how the state court proceedings granted relief from parental maltreatment, including by placing the child in a custodial arrangement, and/or providing the child with services.⁶ This is a more recent requirement imposed by Administrative Appeals Office decisions that were "adopted" as official policy in October 2019⁷ and is now also incorporated into the USCIS Policy Manual.⁸

In California, a uniform Judicial Council Form is available and should be used for all SIJS findings made in state courts. Form FL-357 (family court)/GC-224 (probate court)/JV-357 (delinquency or dependency court) is available at no cost on the California Judicial Branch's website (<http://www.courts.ca.gov>). The form is appropriate for use in family court proceedings seeking custody (such as a parentage, petition for custody and support, dissolution, or domestic violence restraining order), probate guardianship proceedings, juvenile dependency proceedings, and juvenile delinquency proceedings. The form includes the three findings required to demonstrate eligibility for SIJS, and advocates are encouraged to use the space on the form to set forth the factual basis supporting each finding and the relevant state law. Examples of completed forms FL-357 from family court parentage proceedings, GC-224 from probate guardianship proceedings, and JV-357 from dependency and delinquency proceedings are provided as **Appendices**.

III. How Much Information Should be Included to Demonstrate the Factual Basis?

USCIS does not specify how much information must be included to demonstrate the factual basis for each finding. Many advocates have had success in providing two to four sentences of information to support each of the three required findings. The facts provided should mirror the elements in the relevant state law. Keep in mind that some sensitive information may be confidential under state law⁹ and should not be shared unless state law has been properly followed. See examples of predicate orders including this level of detail in the **Appendices**. We further recommend consulting with local practitioners in your jurisdiction to learn any specific state court judges' preferences.

IV. What Provisions of California Law Can Support a Request for SIJS Findings in State Court?

In order for a child to be eligible for SIJS, a juvenile court must find that they have been declared dependent on the court or that the court has legally committed the child to, or placed them under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court. In California, the following state law citations may support these findings:

- **Dependency on the court:** dependency proceedings (Welf. & Inst. Code § 300(a)–(j))
- **Commitment to or placement under the custody of a state agency or department:** youth justice/delinquency proceedings (Welf. & Inst. Code § 602)
- **Commitment to or placement under the custody of an individual or entity:** family court proceedings (Fam. Code §§ 3011, 3020); probate guardianship proceedings (Prob. Code § 1514)

Further, the court must find that reunification is not viable with one or both of the child's parents due to abuse, neglect, abandonment, or a similar basis under state law. Because state courts are tasked with making this determination, they must rely on state law definitions of abuse, neglect, abandonment, and any similar bases. In California, the following definitions may support these findings:¹⁰

- **Abuse:** Physical harm inflicted nonaccidentally (Welf. & Inst. Code § 300(a)); Victim of sexual trafficking (Welf. & Inst. Code § 300(b)(2)); Sexual abuse (Welf. & Inst. Code § 300(d)); Act of cruelty (Welf. & Inst. Code § 300(i)); Abuse defined – bodily injury, sexual assault, etc. (Fam. Code § 6203); History of abuse (Fam. Code § 3011(a)(2)); History of sexual abuse

(Fam. Code § 3030(a)); Domestic violence (Fam. Code § 6211); Criminal child abuse (Penal Code §§ 273.5, 11165.1, 11165.3, 1116.4, 11165.6,)

- **Neglect:** Conduct of parent resulting in serious emotional damage (Welf. & Inst. Code § 300(c)); Harm as a result of failure or inability to supervise or protect (Welf. & Inst. Code § 300(b)(1)); Neglect/cruel treatment (Fam. Code § 7823(a)); Criminal child neglect (Penal Code §§ 270, 11165.2)
- **Abandonment:** Child left without provision for support (Welf. & Inst. Code § 300(g)) [this includes death of parent(s)]; Child left in the care of one parent or non-parent, with failure by abandoning parent to provide support, or without communication from the other parent, with intent to abandon (Fam. Code § 7822(a)(3);(b)); “Abandoned” defined as child left without provision for reasonable and necessary care or supervision (Fam. Code § 3402(a)); Death, inability or refusal to take custody, or abandonment (Fam. Code § 3010(b)); Criminal child abandonment (Penal Code § 270)
- **Similar basis under state law**¹¹: Death¹² (leaves the child “without any provision for support” (Welf. & Inst. Code § 300(g)); Finding that placement with a parent would be detrimental to the child (Fam. Code § 3041); Inability to protect (Welf. & Inst. Code § 300(b))

Lastly, the juvenile court must find that it is not in the child’s best interest to be returned to their country of origin. Here again, the court must look to state law regarding what is in the child’s best interest, and may take into account factors such as conditions, safety, opportunities, and available caretakers in the country of origin. See Fam. Code § 3011. In California, the “best interest” of the child is defined by reference to the child’s health, safety, and welfare. See Fam. Code § 3020(a).

As mentioned above, advocates must include the state law provision(s) the court relied upon in making each finding in the predicate order,¹³ as demonstrated in the **Appendices**. Including citations to federal law is not recommended.

End Notes

¹ 8 U.S.C. § 1101(a)(27)(J).

² Note that a visa must be available in order for the child to adjust status. For further information, see ILRC, *Update on Special Immigrant Juvenile Status: What is Visa Availability* (Jan. 2021), https://www.ilrc.org/sites/default/files/resources/special_immigrant_juvenile_status Visa_availability.pdf.

³ See 6 USCIS-PM J.3(A)(3) (“If a petitioner cannot obtain a court order that includes facts that establish a factual basis for all of the required determinations, USCIS may request evidence of the factual basis for the court’s determinations. USCIS does not require specific documents to establish the factual basis or the entire record considered by the court. However, the burden is on the petitioner to provide the factual basis for the court’s determinations. Examples of documents that a petitioner may submit to USCIS that may support the factual basis for the court order include:

- Any supporting documents submitted to the juvenile court, if available;
- The petition for dependency or complaint for custody or other documents which initiated the juvenile court proceedings;
- Court transcripts;
- Affidavits summarizing the evidence presented to the court and records from the judicial proceedings; and
- Affidavits or records that are consistent with the determinations made by the court.”)

⁴ See 6 USCIS-PM J.3(A)(4).

⁵ See 6 USCIS-PM J.3 (A)(1) (“The order(s) should use language establishing that the specific judicial determinations were made under state law...This requirement may be met if the order(s) cite those state law(s), or if the petitioner submits supplemental evidence which could include, for example, a copy of the petition with state law citations, excerpts from relevant state statutes considered by the state court prior to issuing the order, or briefs or legal arguments submitted to the court. USCIS looks at the documents submitted in order to ascertain the role and actions of the court and to determine whether the proceedings provided relief to the child under the relevant state law(s). Mere copies of, or references to, state law(s), and/or briefs or legal arguments drafted in response to a request for evidence provided on their own, may not be sufficient unless supported by evidence that the court actually relied on those laws when making its determinations.”); see also *Matter of D-Y-S-C-*, Adopted Decision 2019-02 (AAO Oct. 11, 2019) (explaining that petitioners bear the burden of establishing the state law applied in the reunification, dependency or custody, and best-interest determinations.). If advocates encounter resistance from state courts to including state law citations, they can cite the 2019 Court of Appeals decision holding that a probate court is required to issue SIJS findings based on state law and to cite to state authority for those findings in its order. *O.C. v. Superior Court* (2019) 44 Cal. App. 5th 76.

⁶ 6 USCIS-PM J.3(A)(4) (stating that “[t]he order or supporting evidence should specifically indicate...[w]hat type of relief the court is providing, such as child welfare services or custodial placement”); *Matter of A-O-C-*, Adopted Decision 2019-03, at 8 (AAO Oct. 11, 2019) (finding that the state court granted relief from parental maltreatment where the court “explained that its findings were made due to the neglect and abandonment of the Petitioner’s father, to provide for the Petitioner’s safety and well-being, to establish his residence for the purposes of health care eligibility, and to protect the Petitioner from future harm, in accordance with Massachusetts law.”).

⁷ For more information about the adopted AAO decisions, see CLINIC & ILRC, *Practice Alert: SIJS Policy Updates and Proposed Regulations* (Nov. 2019), <https://www.ilrc.org/practice-alert-sijs-policy-updates-and-proposed-regulations-november-2019>.

⁸ 6 USCIS-PM J.3(A)(3) (“Where the factual basis for the court’s determinations demonstrates that the juvenile court order was sought to protect the child and the record shows the juvenile court actually provided relief from abuse, neglect, abandonment, or a similar basis under state law, USCIS generally consents to the grant of SIJ classification.”), citing *Matter of E-A-L-O-*, Adopted Decision 2019-04 (AAO Oct. 11, 2019).

⁹ For example, information and documents from the juvenile case file in juvenile dependency and delinquency proceedings are confidential under California law and cannot be shared with a third party without juvenile court permission. See Cal. Welf. & Inst. Code §§ 827, 831. For more information about confidentiality of juvenile records in California and its impact on immigration cases, see ILRC, *Confidentiality of Juvenile Records in California: Guidance for Immigration Practitioners in Light of California’s New Confidentiality Law* (Apr. 2017), <https://www.ilrc.org/confidentiality-juvenile-records-california-guidance-immigration-practitioners-light-california’s>.

¹⁰ In some cases, advocates may need to research and cite to case law in addition to the relevant statutes.

¹¹ Note that USCIS requires that if a juvenile court order finds that the child cannot reunify with a parent based on a “similar basis under state law,” the petitioner must “establish that the nature and elements of the state law are indeed similar to the nature and elements of laws on abuse, neglect, or abandonment.” 6 USCIS-PM J.3(A)(1).

¹² Under California law, death of a parent constitutes abandonment, and it is preferable to make that argument rather than similar basis under state law because of the additional showing that USCIS requires in “similar basis” cases. See *id.*

¹³ In the 2019 decision *O.C. v. Superior Court*, California’s Fourth District Court of Appeal held that a probate court is required to issue SIJS findings based on state law and to cite to state authority for those findings in its order. *O.C. v. Superior Court* (2019) 44 Cal. App. 5th 76.



San Francisco

1458 Howard Street
San Francisco, CA 94103
t: 415.255.9499
f: 415.255.9792

ilrc@ilrc.org www.ilrc.org

Washington D.C.

1015 15th Street, NW
Suite 600
Washington, DC 20005
t: 202.777.8999
f: 202.293.2849

Austin

6633 East Hwy 290
Suite 102
Austin, TX 78723
t: 512.879.1616

San Antonio

500 6th Street
Suite 204
San Antonio, TX 78215
t: 210.760.7368

About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC’s mission is to protect and defend the fundamental rights of immigrant families and communities.

Appendices

- A. Sample Family Court SIJS Findings
- B. Sample Probate Court SIJS Findings
- C. Sample Dependency Court SIJS Findings
- D. Sample Delinquency Court SIJS Findings

A

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 123456 NAME: ATTORNEY NAME FIRM NAME: FIRM NAME STREET ADDRESS: STREET CITY: CITY STATE: CA ZIP CODE: ZIP TELEPHONE NO.: PHONE FAX NO.: FAX E-MAIL ADDRESS: EMAIL ATTORNEY FOR (name): MINOR	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF COUNTY STREET ADDRESS: STREET MAILING ADDRESS: STREET CITY AND ZIP CODE: CITY AND ZIP BRANCH NAME: COUNTY County Family Court	
CASE NAME: MINOR v CUSTODIAL PARENT	
SPECIAL IMMIGRANT JUVENILE FINDINGS	CASE NUMBER: CASE NUMBER

1. Child's name: MINOR Date of birth: DOB

2. The petition or request for Special Immigrant Juvenile (SIJ) findings was heard:
 a. Date of hearing: DATE Time: TIME Dept.: DEPT. Room:
 b. Judicial officer (name): JUDGE'S NAME
 c. Persons and attorneys present (names):
 Minor Petitioner MINOR
 Petitioner's Attorney, ATTORNEY
 Respondent Parent, CUSTODIAL PARENT

The court has reviewed the evidence and finds the following:

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.

OR

b. The child was
 (1) placed under the custody of an individual (name, unless confidential): CUSTODIAL PARENT
 (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): DATE
 The custody or commitment order remains in effect.

Supporting legal conclusions or factual findings, if necessary:

The COUNTY County Family Court, a juvenile court within the United States, considering the evidence presented, finds that it is in MINOR'S best interest to be placed under the custody of CUSTODIAL PARENT NAME [See Cal. Fam. Code §§ 3011, 3020.] CUSTODIAL PARENT provides for the health, safety and welfare of the minor. MINOR's NON-CUSTODIAL PARENT NAME abandoned the minor a decade ago and has not provided any financial or emotional support since that time. It is in MINOR's best interest for his CUSTODIAL PARENT to have full legal and physical custody of MINOR.

Continued on Attachment 4.

CASE NAME: MINOR v CUSTODIAL PARENT	CASE NUMBER: CASE NUMBER
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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*): DATE _____, for the following reasons (*for each parent with whom reunification is not viable, state the reasons that apply to that parent*):

This Court finds that MINOR cannot be reunified with her NON-CUSTODIAL PARENT NAME due to abandonment. See Cal. Fam. Code § 3402(a); Cal. Welf. & Inst. Code § 300(g). MINOR'S NON-CUSTODIAL PARENT does not provide economically for MINOR, and he/she has not for over ten years. He/she does not communicate with MINOR, and NON-CUSTODIAL PARENT is not involved in MINOR's care. MINOR'S NON-CUSTODIAL PARENT has failed to pursue or foster a father-daughter relationship. Therefore, under California state law, NON-CUSTODIAL PARENT abandoned MINOR.

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*): HOME COUNTRY for the following reasons:

This Court finds that it is not in the best interest of MINOR to return to HOME COUNTRY under California law. See Cal. Fam. Code § 3011. MINOR's health, safety, and well-being are at risk in HOME COUNTRY. MINOR does not have a stable or reliable caretaker in HOME COUNTRY. NON-CUSTODIAL PARENT does not provide for MINOR's care, and MINOR has no other parent in HOME COUNTRY. MINOR fears widespread violence in HOME COUNTRY and has no one to protect her from this violence. In California, MINOR attends school and has access to medical care. MINOR lives with CUSTODIAL PARENT, and uprooting and separating MINOR from her CUSTODIAL PARENT, siblings, and her school would be detrimental to MINOR's emotional well-being and future. It is not in MINOR's best interest to return to HOME COUNTRY.

Continued on Attachment 6.

Date:

JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT

B

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NO.: 123456 NAME: Ann Attorney FIRM NAME: Law Offices of Pro Bono STREET ADDRESS: 12 Third St. CITY: San Francisco STATE: CA ZIP CODE: 94102 TELEPHONE NO.: 123-456-7890 FAX NO.: E-MAIL ADDRESS: Ann@probono.org ATTORNEY FOR (name): Kelly Kid <USE CLIENT'S FULL NAME>, minor petitioner	FOR COURT USE ONLY CONFIDENTIAL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 2120 Martin Luther King Jr. Way MAILING ADDRESS: CITY AND ZIP CODE: Berkeley, CA 94704 BRANCH NAME: Probate	
CASE NAME: Kelly Kid <USE CLIENT'S FULL NAME>, minor	
SPECIAL IMMIGRANT JUVENILE FINDINGS	CASE NUMBER: RP19000000

1. Child's name: Kelly Kid <USE CLIENT'S FULL NAME> Date of birth: 11/14/2002
2. The petition or request for Special Immigrant Juvenile (SIJ) findings was heard
 - a. Date of hearing: September 19, 2019 Time: 10:30AM Dept.: 201 Room:
 - b. Judicial officer (name): Commissioner Ruben Sundeen
 - c. Persons and attorneys present (names):
 Attorney for Petitioner/Minor: Ann Attorney
 Petitioner/Minor: Kelly Kid <USE CLIENT'S FULL NAME>
 Guardian: Greta Guardian

The court has reviewed the evidence and finds the following:

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.

OR

- b. The child was
 - (1) placed under the custody of an individual (name, unless confidential): Greta Guardian
 - (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): September 19, 2019
 The custody or commitment order remains in effect.

Supporting legal conclusions or factual findings, if necessary:

The Court has found it is necessary or convenient to place the ward under the custody of Greta Guardian ("guardian") and to remain under the guardian's care [Prob. Code § 1514]. The guardianship is in the best interest of the ward [Fam. Code §§ 3011, 3020] as further supported by facts contained in items 5 and 6 infra.

[Include only if the petitioner is over 18 years old] The proposed ward consents to appointment of the guardian [Prob. Code § 1510.1].

Continued on Attachment 4.

CASE NAME: Kelly Kid <USE CLIENT'S FULL NAME>, minor	CASE NUMBER: RP19000000
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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*): September 19, 2019, for the following reasons (*for each parent with whom reunification is not viable, state the reasons that apply to that parent*):

The Court finds there is evidence to support findings that the ward cannot reunify with her parents due to abuse, neglect, and abandonment under California law [SELECT THOSE THAT APPLY: Fam. Code §§ 7822, 3402(a); Welf. & Inst. Code § 300(a), (b), (g); Fam. Code §§ 3011(b), 6203].

The ward's father, FATHER NAME, abandoned the ward when the ward was four. Father left the home and never returned to care for her. The ward's father failed to provide emotional or financial support since that time. Father has not had contact with ward [since YEAR/in X YEARS]. <INCLUDE FACTS THAT SUPPORT A FINDING OF ABANDONMENT UNDER THE CODE.> Therefore, reunification with the ward's father is not viable due to abandonment under Welf. & Inst. Code § 300(g).

The ward endured physical abuse at the hands of her mother, MOTHER NAME, while growing up. Mother often hit the ward with a belt causing bruising, bleeding and scarring on the ward's back. She also slapped the ward as a form of punishment. <INCLUDE FACTS THAT SUPPORT A FINDING OF ABUSE UNDER THE CODE.> Additionally, the ward's mother neglected her as she was unable to adequately protect or supervise her. <INCLUDE FACTS SUPPORTING A FINDING OF NEGLECT UNDER THE CODE.> The ward's mother abandoned her at the age of 10 and has not had contact with the ward (since YEAR/in X YEARS). The ward has no information regarding her mother's whereabouts. The ward's mother has not provided emotional or financial support to her in the last seven years. The ward was left in the care of her paternal grandparents who neglected her and failed to provide for her basic needs (SUCH AS FOOD, CLOTHING, SHELTER, ETC). Therefore, under California law, reunification with the ward's mother is not viable due to abuse, abandonment, and neglect under Welf. & Inst. Code § 300(a), (b), and (g).

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*): Guatemala for the following reasons:

The Court finds there is evidence to support findings that it is not in the ward's best interest to return to Guatemala. See Cal. Fam. Code § 3011. In Guatemala, the ward's emotional and physical well-being are at serious risk because of the widespread violence in that country. She lacks a stable and reliable caretaker in Guatemala to protect her. Moreover, the ward does not have the support or access to resources and opportunities that she has in the United States, and returning the ward to Guatemala would be detrimental to her health, safety, and well being. In the United States she is able to continue her education and benefits from the guardian's support and guidance. <OTHER POSSIBLE FACTORS INCLUDE: MEDICAL/MENTAL HEALTH SERVICES, FAMILY IN THE U.S., STRONG SUPPORT SYSTEM IN THE U.S., ETC.> Accordingly, it is not in the ward's best interest to return to Guatemala, but rather to remain in the United States.

Continued on Attachment 6.

Date:

 JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

C

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NO.: 123456 NAME: Ann Attorney FIRM NAME: Law Offices of Pro Bono STREET ADDRESS: 12 Third St. CITY: San Francisco STATE: CA ZIP CODE: 94102 TELEPHONE NO.: 123-456-7890 FAX NO.: E-MAIL ADDRESS: Ann@probono.org ATTORNEY FOR (name): Kelly Kid <USE CLIENT'S FULL NAME>, minor petitioner	FOR COURT USE ONLY CONFIDENTIAL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: San Francisco Juvenile Dependency Court	
CASE NAME: Kelly Kid <USE CLIENT'S FULL NAME>, minor	
SPECIAL IMMIGRANT JUVENILE FINDINGS	CASE NUMBER: JD21-1234

1. Child's name: Kelly Kid <USE CLIENT'S FULL NAME> Date of birth: 11/14/2006
2. The petition or request for Special Immigrant Juvenile (SIJ) findings was heard
 - a. Date of hearing: September 10, 2020 Time: 10:30AM Dept.: 425 Room:
 - b. Judicial officer (name): Hon. Susan Breall
 - c. Persons and attorneys present (names):
 Attorney for Petitioner/Minor: Ann Attorney
 Petitioner/Minor: Kelly Kid <USE CLIENT'S FULL NAME>
 Deputy City Attorney: Carlo Counsel

The court has reviewed the evidence and finds the following:

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): San Francisco on (date): September 10, 2020 and remains under the court's jurisdiction.

OR

- b. The child was
 - (1) placed under the custody of an individual (name, unless confidential):
 - (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.

Supporting legal conclusions or factual findings, if necessary:
 The San Francisco Superior Court, Unified Family Court, Juvenile Division is a juvenile court within the United States that has jurisdiction under California law to make judicial determinations about the custody and care of juveniles. The Court has considered evidence presented and declares the minor child, Kelly Kid, to be a dependent of the Court pursuant to Welfare & Institutions Code §§ 300(a), (b) and (g) <SELECT THOSE THAT APPLY>. It is in the minor's best interest to be placed in the custody of the San Francisco Human Services Agency [Fam. Code §§ 3011, 3020] as supported by facts contained in items 5 and 6 infra.

The Court also finds there is evidence in support of findings that the minor is present in the United States and is unmarried.

Continued on Attachment 4.

CASE NAME: Kelly Kid <USE CLIENT'S FULL NAME>, minor	CASE NUMBER: JD21-1234
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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*): September 10, 2020, for the following reasons (*for each parent with whom reunification is not viable, state the reasons that apply to that parent*):

The Court finds there is evidence to support findings that the ward cannot reunify with her parents due to abuse, neglect, and abandonment under California law [Fam. Code §§ 7822, 3402(a); Welf. & Inst. Code § 300(a), (b), (g); Fam. Code §§ 3011(b), 6203] <SELECT THOSE THAT APPLY>.

The ward's father, FATHER NAME, abandoned the ward when the ward was four. Father left the home and never returned to care for her. The ward's father has failed to provide emotional or financial support since that time. Father has not had contact with the ward (since YEAR/in X YEARS] and the ward has no information regarding her father's whereabouts. <IF APPLICABLE, INCLUDE FACTS THAT SUPPORT A FINDING OF ABANDONMENT UNDER THE CODE.> Therefore, reunification with the ward's father is not viable due to abandonment under Welf. & Inst. Code § 300(g).

The ward endured physical abuse at the hands of her mother, MOTHER NAME, while growing up. Mother often hit the ward with a belt causing bruising, bleeding and scarring on the ward's back. She also slapped the ward as a form of punishment. <IF APPLICABLE, INCLUDE FACTS THAT SUPPORT A FINDING OF ABUSE UNDER THE CODE.> Additionally, the ward's mother neglected her, as she was unable to adequately protect or supervise her. The ward's mother failed to provide for her basic needs (SUCH AS FOOD, CLOTHING, SHELTER, ETC). The ward's mother was also unable to protect the ward from the gang violence in her community. <IF APPLICABLE, INCLUDE FACTS SUPPORTING A FINDING OF NEGLECT UNDER THE CODE.> Therefore, under California law, reunification with the ward's mother is not viable due to abuse and neglect under Welf. & Inst. Code §§ 300(a) and (b).

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:

The Court finds there is evidence to support findings that it is not in the ward's best interest to return to Honduras. See Cal. Fam. Code § 3011. The only caretaker available to her in Honduras is her mother, who is abusive to the ward, and is unable to provide for and protect her. Moreover, the ward does not have the support or access to resources and opportunities that she has in the United States. In Honduras the ward's emotional and physical wellbeing are at serious risk because of the widespread violence in that country. Returning the ward to Honduras would be detrimental to her health, safety, and wellbeing. In the United States she is able to continue her education and is receiving support and guidance through the Human Services Agency. She is currently in a stable placement where her needs are being met. She is attending school and is receiving emotional support through therapy. <OTHER POSSIBLE FACTORS INCLUDE: MEDICAL/MENTAL HEALTH SERVICES, FAMILY IN THE U.S., STRONG SUPPORT SYSTEM IN THE U.S., ETC.> Accordingly, it is not in the ward's best interest to return to Honduras, but rather to remain in the United States.

Continued on Attachment 6.

Date:

JUDICIAL OFFICER
 SIGNATURE FOLLOWS LAST ATTACHMENT

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PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NO.: 123456 NAME: Jane Defender FIRM NAME: Law Office of the Public Defender of Spring County STREET ADDRESS: 1234 Main Street, Ste. 202 CITY: Springville STATE: CA ZIP CODE: 12345 TELEPHONE NO.: 213-123-4567 FAX NO.: 213-123-4568 E-MAIL ADDRESS: jane@pubdef.gov ATTORNEY FOR (name): Johnny Alejandro Doe Smith	FOR COURT USE ONLY CONFIDENTIAL
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Spring STREET ADDRESS: 1234 Main Street MAILING ADDRESS: CITY AND ZIP CODE: Springville, CA 12345 BRANCH NAME: Juvenile	
CASE NAME: In the Matter of Johnny D., a minor	
SPECIAL IMMIGRANT JUVENILE FINDINGS	CASE NUMBER: SIJ1234567

1. Child's name: Johnny Alejandro Doe Smith Date of birth: 01/02/2002
2. The petition or request for Special Immigrant Juvenile (SIJ) findings was heard
 - a. Date of hearing: 8/20/2017 Time: 8:30 Dept.: 1 Room:
 - b. Judicial officer (name): Hon. Ruth B. Ginsberg
 - c. Persons and attorneys present (names):
 Johnny Alejandro Doe Smith (minor); Jane Defender (minor's attorney), John District (District Attorney); Jennifer Probation (Probation)

The court has reviewed the evidence and finds the following:

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.

OR

- b. The child was
 - (1) placed under the custody of an individual (name, unless confidential):
 - (2) placed under the custody of an entity (name):
 - (3) committed to a state agency or department (name): Spring County Juvenile Probation Department
 appointed by this court or another California court on (date): 01/02/2017
 The custody or commitment order remains in effect.

Supporting legal conclusions or factual findings, if necessary:

The minor is a Ward of the Court pursuant to California Welfare and Institutions Code Section 602, and his care and custody has been vested in the Spring County Probation Department. He has been ordered placed [in a group home, in a foster family, home on probation with his mother/father, NAME, etc.] and receives therapeutic services and support.

Continued on Attachment 4.

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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*): 8/20/2017, for the following reasons (*for each parent with whom reunification is not viable, state the reasons that apply to that parent*):

THE COURT FINDS that sufficient evidence of abandonment was presented, as follows:

Johnny Alejandro Doe Sanchez's father, Carlos David Doe Juarez, has not had contact with or provided for the minor since the minor was approximately two years old. The minor's father has provided no financial or emotional support to the minor since that time, leaving him without provision for support.

For the foregoing reasons, THE COURT FINDS that the conduct of the father falls within the following definitions of abandonment under California law: Welfare and Institutions Code Section 300(g); California Family Code Section 3204(a).

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*): Mexico for the following reasons:

THE COURT FINDS that sufficient evidence as to the minor's best interests was presented, as follows:

The minor has resided in the United States with family since he was approximately five years old, speaks English better than Spanish, is attending school and is receiving counseling and other supportive services in the United States. Conversely, in Mexico, he has no adult caretaker available to care for him, and would not have access to educational or therapeutic opportunities.

For the foregoing reasons, THE COURT FINDS it is not in Johnny Alejandro Doe Smith's best interests, as described in California Family Code Section 3011, to return to Mexico. It is in his best interests to remain in the United States.

Continued on Attachment 6.

Date: August 20, 2017

JUDICIAL OFFICER
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