

SIJS Predicate Order Checklist – Allocation of Parental Responsibilities (Custody)

- Attend SIJS Predicate Order training; review [NIJC Pro Bono Attorney Guidelines](#).
- NIJC sends case file with all information to get started on case.
 - Confirm the client's language; arrange for an interpreter if necessary. NIJC staff cannot serve as interpreters.
 - Meet with the client (parent). Where appropriate, interview the child.
- Draft the Petition for Allocation of Parental Responsibilities and related documents:
 - *Domestic Relations Cover Sheet (Cook County only)
 - Petition for Allocation of Parental Responsibilities with Request for SIJS Findings (client signs)
 - *Affidavit of Military Service (client signs)
 - *Summons **OR** *Affidavit for Publication (client signs) **OR** Consent & Waiver of Service (Respondent signs)
 - *Civil Legal Service Provider (CLSP) Form (fee waiver)
 - Proposed Final Order of APR with SIJS Findings (do not file)
- Send Petition and Proposed Order to technical support attorney for review.
- Review documents with clients and obtain signatures.
- Determine how the Respondent will be served:
 - **Personal Service** (by sheriff if Respondent lives in Illinois; by special process server if outside Illinois)
 - **Publication** (if whereabouts are unknown)
 - **Consent and Waiver of Service** (if Respondent is willing to sign)
 - If Respondent is deceased, file death certificate with initial petition, and skip service of process step
- E-file your documents to initiate the case. This will automatically generate a court case number, and you will receive file-stamped documents in 24-48 hours.
- Serve Respondent with a copy of the petition. If proceeding by publication, email a copy of your petition along with the CLSP to the appropriate paper in your county (In Chicago, this is the [Public Notice Network](#); call your local court for instructions outside of Cook).
- 30 days after Personal Service or Publication, file a *Motion for Default against your Respondent
- After an order of default is entered, you can schedule your final hearing, or "Prove-Up." Depending on your judge, this may need to be done in the online system, or by contacting the clerk directly
- Prepare proposed final order of APR ahead of hearing and send to immigration attorney for review. Order **MUST** contain required findings for SIJS:
 1. Child's **reunification with parent(s) is not viable**;
 2. **Due to abuse/abandonment/neglect** (with cite to appropriate definition under state law);

3. It is **not in the child's best interest to return** to home country.
- Prepare for the final hearing:
 - Prepare client's testimony (and child's if necessary) testimony for final hearing.
 - For Zoom hearings, send clients Zoom instructions and ensure they know how to access the hearing.
 - Some judges will require the petitioner to complete online parenting classes, even in default cases. If so, have your client upload a copy of the file-stamped CLSP when registering in order to request a fee waiver. Classes are four hours long and available in English and Spanish: <https://online.divorce-education.com/>.
 - Provide courtesy copies of proposed final order and other required documents for final hearing with judge's clerk several days prior to final hearing date (check judge's standing order for number of days they require).
 - Request an interpreter if necessary
 - Attend final hearing. For virtual hearings, the court will send orders via email.
 - Provide client and immigration attorney with a copy of the final order.

IMPORTANT: Court Forms & Procedures Vary By County!

Some forms and procedures are applicable in **Cook County only**. You can find the *referenced court forms, as well as instructions for hearings, on the Cook County Clerk of Court's Forms website:

<https://services.cookcountyclerkofcourt.org/forms/>

or the Cook County Domestic Relations Division's Website:

<https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Domestic-Relations-Division>

Outside of Cook County, **you will need to verify procedures with the local court clerk**, particularly the requirements for service and publication.

NOTE: The final order must be entered before the child's 18th birthday. It is critical to coordinate timely filings with the child's immigration attorney.