

SIJS Predicate Order Checklist - Guardianship

- 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 (adult guardian). Where appropriate, interview the child.
- Draft Petition for Guardianship and related documents (see samples from NIJC):
 - **Probate Cover Sheet
 - Civil Legal Service Provider (CLSP) Form (fee waiver)
 - Petition to Appoint Guardian of a Minor, including request for SIJS findings.
 - Minors over 14 must nominate guardian by signing along with the Petitioner
 - Exhibit A (list of people entitled to notice): Parents and Adult Siblings
 - Signed and notarized Appearance & Consent(s) by parents & adult siblings
 - Affidavit for Service by Publication, if applicable, for each adult on Exhibit A
 - Oath and Bond – No Surety (do not file, not needed until court date)
 - Proposed Order Appointing Guardian, including SIJS findings (do not file)
- Send Petition and Order to NIJC technical support attorney(s) for review.
- Review & sign documents with the client:
 - Petition (signed by Petitioner and Minor w/nomination language if over 14)
 - Affidavit for Publication (Petitioner signs)
 - Oath & Bond (Petitioner signs, must be notarized)
 - **CANTS background check (all adults in Petitioner's home must sign)

****Background Checks****

In Cook County, all adults in the home must sign a consent form to run a CANTS (DCFS) background check, **and** get fingerprinted for a LEADS (criminal) background check. This can cause delays and **should be done right away**.

- As soon as you have a case number, email a proposed Order for Free Fingerprinting to Judge Alonso at Amee.Alonso@cookcountyil.gov.
- Have all adults take the signed Order to room 701 of the Daley Center to get fingerprinted, or have all adults get fingerprinted at an approved private provider.
- Send signed CANTS forms and LEADS receipts for all adults in Petitioner's home to clerk Emrhan Slaton at Emrhan.Slaton@cookcountyil.gov.

- E-file the necessary documents to initiate the case in Probate Court.
 - ****Cover Sheet + Petition + Exhibit A** in one PDF, plus CLSP in a separate PDF. If using Odyssey, file together in the same “envelope” via a waiver account.
 - Filing this will automatically generate a court case number and date, which will appear on the file-stamped documents you will receive in 24-28 hours.
- Once your filing is accepted and you have a court date and case number, you will need to notify parents and any adult siblings. If notice will be by publication:
 - File all Affidavits for Service by Publication, plus your CLSP form, as soon as possible.
 - Send (1) Affidavits, (2) CLSP Form, and (3) Petition, to the Chicago Daily Law Bulletin for Cook County cases (www.publicnoticenetwork.com), or the local publication service.
 - In a few weeks, you will receive via email a Certificate of Publication.
- For adults with known location and working addresses, send notice to parents and adult siblings of the minor via certified mail. Include Zoom information for remote hearings.
- Prepare a proposed final order ahead of your 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 definition under state law);
 3. It is **not in the child’s best interest to return** to home country.
- Prepare client’s (and child’s if necessary) testimony for final hearing. For Zoom hearings, send all parties Zoom instructions and ensure they know how to access the hearing.
- At least one week before your court date, request an interpreter by ****emailing the court at Joseph.Fleming@cookcountyl.gov**. Allow additional time for less common languages.
- Send courtesy copies of all filed documents, proof of notice, notarized Oath and Bond, and your proposed order to ****Judge Alonso at Amea.Alonso@cookcountyl.gov**. Include your case name, number, and court date in the subject line of your email.
- Attend final hearing. For virtual hearings, the court will send orders via email, and Letters of Office will arrive in the mail a few weeks later.
- Provide client and immigration attorney with a copy of the final order. The child is now ready to apply for SIJS!

IMPORTANT: Court Forms & Procedures Vary By County!

The ****starred** steps above, including background checks, are procedures 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 Probate Division’s Website: <https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Probate-Division>.

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