

## 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 yet)
- 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 or appointed special process server)
  - **Publication** (if whereabouts are unknown)
  - **Consent and Waiver of Service** (if Respondent is willing to sign)
- 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** the Respondent.
  - If proceeding via publication, you must file a **Motion for Publication**, explaining why personal service is not possible. If approved, email a copy of your petition & publication order 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).
  - If Respondent is **deceased**, you may need to file a **Motion for Appointment of Special Representative** to the estate – check with your tech support team!
- 30 days after service, 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 judgement** ahead of proveup and send to immigration attorney for review. It **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 proveup:
  - Prepare client's testimony (and child's if necessary).
  - 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. Client can request fee waiver by uploading a copy of the CLSP. Classes are four hours long and available in English and Spanish: <https://online.divorce-education.com/>.
  - Provide courtesy copies to judge's clerk several days prior to proveup. See *Proveup Documents* list.
  - Request an interpreter if necessary.
- **Attend final hearing**. For virtual hearings, the court will send orders via email, or will upload them to the \*Cook County attorney portal ("CCC Portal"). Register for the portal at <https://cccportal.cookcountyclerkofcourt.org/CCCPortal>.
- 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 custody order must be entered before the child's 18<sup>th</sup> birthday. It is critical to coordinate timely filings with the child's immigration attorney.**