

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - DOMESTIC RELATIONS DIVISION

FILED
/2018 11:55 AM
DOROTHY BROWN
CIRCUIT CLERK
COOK COUNTY, IL

In re Parentage of:

[REDACTED],

Minor,

[REDACTED],

Petitioner,

and

[REDACTED]

[REDACTED] (deceased),

Respondents.

No. 2018 [REDACTED]

Cal.

**PETITION FOR ALLOCATION OF PARENTAL RESPONSIBILITIES
AND REQUEST FOR FACTUAL FINDINGS**

Petitioner, [REDACTED], ("Petitioner"), by his attorney, [REDACTED] of [REDACTED], pursuant to 750 ILCS 5/600 et seq., names [REDACTED] and [REDACTED] (deceased) as Respondents, and in support of his Petition for Allocation of Parental Responsibilities and Request for Factual Findings states as follows:

1. Petitioner is 28 years old and is employed at [REDACTED] in Chicago, Illinois. Petitioner is a resident of Cook County, Illinois, and has maintained said residency for approximately the last thirteen years. The Petitioner is a cousin of the minor child subject to these proceedings, [REDACTED] ("the Minor Child").

2. Respondent, [REDACTED], is 46 years old, and upon information and belief, is currently a resident of [REDACTED], Guatemala. Respondent is unemployed. Respondent is the biological mother of the Minor Child subject to these proceedings.

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3. Respondent [REDACTED], now deceased (“Deceased Father”), was the biological father of the Minor Child subject to these proceedings. Respondent previously acknowledged his paternity of the Minor Child by providing his name for the purpose of issuance of a birth certificate for the Minor Child. [REDACTED]

4. The Minor Child has resided with Petitioner in Cook County for more than one year. The Petitioner has been the primary caretaker of the Minor Child since his arrival in Cook County.

5. Petitioner is not aware of any other case before this or any other court regarding the Minor Child.

6. The Minor Child is not in the physical custody of either of his parents.

7. Petitioner is a fit and proper person to have sole allocation of parental responsibilities of the Minor Child.

8. The Minor Child has been living with Petitioner since May 2017. Petitioner provides for the Minor Child’s physical and emotional needs. Petitioner also provides food and shelter to the Minor Child and sees to it that the Minor Child has proper medical care and attends school.

9. Petitioner has acted in the best interests of the Minor Child by providing him necessary food, shelter, clothing, economic support, and ensuring he received proper medical care and schooling.

10. Respondent [REDACTED] is deceased. Prior to his death, the Deceased Father neglected the Minor Child by failing to perform any caretaking functions or parental responsibilities for him pursuant to 750 ILCS 5/600(c) and (d):

a. The Minor Child's Deceased Father would regularly become intoxicated for days at a time. While the Deceased Father was intoxicated, he neglected his family by failing to provide for them financially and spending all the money meant for their care on alcohol. The Deceased Father was also heavily indebted, resulting in no financial stability whatsoever for the Minor Child and his family.

b. When the Deceased Father was intoxicated, he failed to provide basic daily care for the child. Instead, the Minor Child's siblings, who were also minors, contributed to provide basic care for the Minor Child.

c. Due to his Deceased Father's neglect, the Minor Child was required to work long hours on a daily basis to help his family obtain basic necessities of life, including food. From the age of eight years old, the Minor Child had to work in farm fields picking coffee beans individually by hand. In the off-season, the Minor Child had to work at construction sites helping to move construction materials. The Minor Child and his siblings were forced to quit school after the sixth grade in order to provide for the family.

d. In 2008, the Deceased Father sustained a severe head injury directly resulting from his alcoholism that permanently constrained him to bed and led to his death approximately one year later. *See* [REDACTED] death certificate attached hereto as Exhibit B.

11. It is not in the Minor Child's best interest to return to Guatemala for the following reasons:

a. The Minor Child is now living with and has a close bond with his cousin, Petitioner, and Petitioner has provided and will continue to provide the Minor Child with a stable, safe environment in which to live and thrive;

b. If the Minor Child were to return to Guatemala, he would be forced back into child labor to provide for his family. Minor Child's mother is currently unable to work, and the Minor Child's older brother has sustained head trauma that severely limits his employment opportunities. As a result, the Minor Child and his two younger siblings would be forced into child labor to provide for the entire family;

c. Any further education for the Minor Child would cease, and the Minor Child would resume construction work and coffee bean picking which are the primary sources of employment in [REDACTED]. Both jobs involve extremely long hours and pay extremely low wages;

d. The Minor Child is enrolled and thriving at [REDACTED] in Chicago, and is entering the tenth grade. The Minor Child wishes to pursue higher education upon his high school graduation. Such educational opportunities are not feasible in the Minor Child's former home in Guatemala;

e. The Minor Child would face almost certain pressure from gangs to join in violent and illegal activities;

f. In the United States, Petitioner has provided the Minor Child with regular access to quality health care.

12. It is in the best interest of the Minor Child that the issue of Respondent's parenting time with him and child support obligation be reserved.

WHEREFORE, Petitioner, [REDACTED], respectfully requests that this Court enter an order making the following findings of fact and granting Petitioner the following relief:

A. Grant Petitioner sole allocation of all parental responsibilities, including education, healthcare, religion, and extracurricular activities, of the Minor Child, [REDACTED];

- B. Find that reunification of the Minor Child with his father, [REDACTED], is not viable due to the father's neglect and subsequent death as described in more detail above;
- C. Find that it is not in the Minor Child's best interest to return to Guatemala for the reasons described above;
- D. Find that it is in the Minor Child's best interest that Petitioner be designated the residential parent, and that the Minor Child remain in the Petitioner's physical custody;
- E. That all remaining issues of Respondent's parenting time and child support obligation be reserved;
- F. That Petitioner be granted such other relief as this Honorable Court may deem just and equitable.

Dated: August 27, 2018

Respectfully submitted,

[REDACTED],
Petitioner,

/s/ [REDACTED]
Attorney for Petitioner

[REDACTED]

VERIFICATION BY CERTIFICATION

Under penalties of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure (735 ILCS 5/1-109) the undersigned certifies that the statements set forth in this instrument are true and correct, except as to such matters therein stated to be on information and belief and as to such matters, the undersigned certifies as aforesaid that she/he verily believes the same to be true.

[Redacted Signature]

[Redacted Signature] 18
DATE

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