

SIJS: Predicate Order, Default Prove-up Sample Script [Allocation of Parental Responsibilities]

This document provides an example of questions that may be asked in a final hearing (“prove up”) in an allocation of parental responsibilities (formerly known as custody) case in Illinois. Typically the petitioning parent testifies at a prove-up; however, the new section 750 ILCS 5/603.11(c) states that evidence in support of SIJS findings “*may consist solely of, but is not limited to, a declaration of the child.*” Therefore, if the child has information that the parent may not have, it may be appropriate to prepare the child to testify as well. Please see NIJC’s website for more information on the SIJS process in IL or contact **Hillary Richardson** at hrichardson@heartlandalliance.org with any questions.

I. Sample Prove-Up Script

Good morning judge, my name is ____ here on behalf of the Petitioner. We’re here on line __, case number ____ for a default prove-up. My client is present in court, along with an interpreter.

Respondent was personally served on DATE in COUNTRY/served by publication on DATE. To date, he has not filed an appearance or response. He was sent notice of today’s proceedings via registered mail (if personally served) and is not present in court. We’re asking that he be held in default. OR the Respondent has signed a consent and waiver of service, which was filed with the court on DATE; here is a copy.

We are asking that my client be granted sole significant decision making responsibility over the minor children. I have tendered a proposed default judgment to the Court. We are also asking that the Court include special findings in this order regarding the Respondent’s abuse and neglect of the minor children, which will allow the children to pursue Special Immigrant Juvenile Status before the immigration authorities and achieve stability and safety in the US.

Questions may be asked in a leading format for efficiency since this is a default matter.

Name:

Age:

**NATIONAL
IMMIGRANT
JUSTICE CENTER**
A HEARTLAND ALLIANCE PROGRAM

Address:

Lived at this address for more than 90 days prior to filing this petition?

Employed part-time at a restaurant?

Earn approximately _____ per week?

You have ___ children?

Namely [names & ages]?

The father of the children is the Respondent?

The two of you were engaged in an exclusive sexual relationship from approximately ___ until ___?

That relationship resulted the in the birth of your children?

Respondent acknowledged the children by allowing his name to be listed on their birth certificates?

Prior to your separation from Respondent, all of the children resided with both of you?

And you were their primary caretaker?

After your separation, the children resided with you?

When you came to the United States in _____, the children resided with Respondent in COUNTRY?

Did you continue to provide support and maintain communication with them while they lived there?

Have the children been living exclusively with you since arriving in the U.S.?

You have been the primary person responsible for taking them to school? Providing food and clothing? Taking to doctor?

They have had no contact with the Respondent since arriving here?

He has provided no financial support for them?

You are able to provide for the children financially?

If the children were to return to COUNTRY, would they have an appropriate caregiver there?

If the children were to return to COUNTRY, would they face any other dangers?

Are you asking this Court:

To grant you sole significant decision making responsibility for the minor children?

To find that the children's reunification with the Respondent is not viable due to his abuse and neglect of them?

To find that it is in the best interest of the minor children to remain with you as their primary caretaker?

To find that it is not in the best interest of the minor children to return to Honduras due to the aforementioned abuse and neglect?

To reserve all remaining issues, including child support and parenting time?