

## SIJS Predicate Order Checklist - Guardianship

- Sign and return NIJC Pro Bono Attorney Guidelines.
- Accept case: NIJC sends State Court Referral Form for Immigrant Minors 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:
  - Petition to Appoint Guardian of a Minor, including request for SIJS findings
  - Exhibit A (list of people entitled to notice): Parents and Adult Siblings
  - Signed and notarized consents, if applicable
  - [Civil Legal Service Provider \(CLSP\) Form](#)
  - [Motion to Set for Hearing](#) (To file after your Petition, once you get case number)
  - CANTS and LEADS forms for guardian and all adults in home (do not file)
  - [Oath and Bond – No Surety](#) (not needed until court date)
  - Order Appointing Guardian, including SIJS findings (not needed until hearing)
  - [Affidavit for Service by Publication](#), if applicable
- Send Petition and Order to supervising attorney(s) for review.
- Review documents with the client and obtain signature(s).
- E-file the necessary documents to initiate the case in probate court.
- Deliver CANTS and LEADS forms on all adults in home to clerk in 1806.
- Notify parents and adult siblings via mail prior to hearing.
- Hearing will be scheduled approximately 14 weeks after e-filing Petition and Motion to Set for Hearing if no publication is needed, 28 days if publication required.
- Prepare a proposed final order ahead of the 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.
- Attend final hearing. Obtain certified copies of final Order and Letters of Office from 1202 that same day. Waiting may result in delays.
- Provide client and immigration attorney with a copy of the final order.

**IMPORTANT:** The State Predicate Order is the first step in filing an SIJS petition. An SIJS petition based on a custody or guardianship order must be filed with USCIS prior to the child turning 18.

**It is critical to coordinate timely filings with the child/family's immigration attorney.**