

SIJS Predicate Order Checklist - Guardianship

- Review 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:
 - [Probate Cover Sheet](#)
 - 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](#) (do not file, not needed until court date)
 - Order Appointing Guardian, including SIJS findings (do not file, not needed until hearing)
 - [Affidavit for Service by Publication](#), if applicable
 - Nomination of guardian for minors 14 and older (this can be included at end of Petition)
- Send Petition and Order to supervising attorney(s) for review.
- Review documents with the client and obtain signature(s) and notarization(s).
- E-file the necessary documents to initiate the case in probate court.
 - Cover sheet + Petition + Exhibits in one PDF, plus CLSP in a separate PDF.
 - Filing this will generate a court case number.
 - File a Motion to Set for Hearing, CLSP and any consents you have. File as a motion and select "Case Management" as the type of motion. This will generate a court date.
- Deliver CANTS and LEADS forms on all adults in home to clerk in 1806 or to the judge via email.
- Notify parents and adult siblings via mail prior to hearing.
- Hearing will be scheduled approximately 14 days 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. For Zoom hearings, send all parties Zoom instructions and ensure they know how to access the hearing.
- Attend final hearing. Obtain certified copies of final Order and Letters of Office from 1202 that same day. Waiting may result in delays. 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.

NOTE: Depending on the type of guardianship, the final order must be entered before the child's 18th or 21st birthday. It is critical to coordinate timely filings with the child's immigration attorney.