

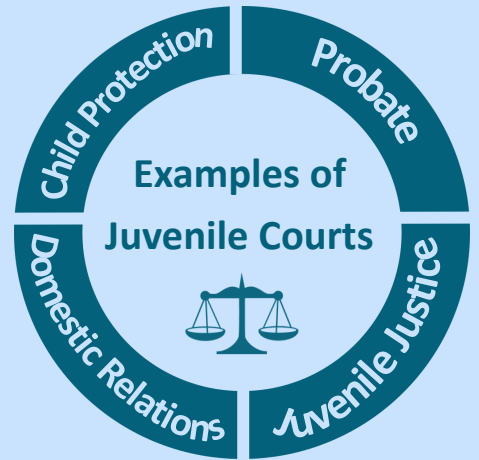
# Special Immigrant Juvenile Status:

Protection for abused, abandoned and neglected children

## **OBTAIN** SIJS Predicate Order from a State Court

A Juvenile Court Must:

- 1
  - Make a custody determination regarding the child
  - Find that reunification with one or both of the child's parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law
  - Find that it would not be in the child's best interest to be returned to their country of origin



## **FILE** SIJS Petition with USCIS



United States Citizenship  
& Immigration Services

## **APPLY** for Adjustment of Status (green card)

\*This process can take many years due to visa backlogs.



If you are interested in learning more about representing immigrant children for this form of immigration relief, please contact Hillary Richardson at [hrichardson@heartlandalliance.org](mailto:hrichardson@heartlandalliance.org)



[www.immigrantjustice.org](http://www.immigrantjustice.org) | 312-660-1370

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

## **Updates to Special Immigrant Juvenile Status in Illinois: Public Act 101-0121**

### **What is “Special Immigrant Juvenile Status” (SIJS)?**

SIJS was created by Congress to enable undocumented immigrant children who have suffered abuse, neglect, and/or abandonment to acquire lawful permanent residence in the United States when returning to their home country would not be in their best interests. 8 U.S.C. § 101(a)(27)(J) and 8 C.F.R. § 204.11(a),

Please note that obtaining an SIJS Predicate Order does not guarantee that a child will be granted lawful immigration status. As always, families should consult with an immigration attorney to help them submit their petition for immigration status.

### **Changes in the Law:**

On July 23, 2019, Public Act 101-0121 was signed into law. SIJS requires that a state court make certain findings regarding abuse, neglect, and/or abandonment before a child is able to submit their immigration petition. Public Act 101-0121 eases that process for children in Illinois by amending the Illinois statutes governing the custody of children: the Probate Act, the Juvenile Court Act, the Illinois Marriage and Dissolution of Marriage Act, the Parentage Act, the Illinois Domestic Violence Act, and the Adoption Act. Notably, children with one or two deceased parents now meet the definition of “abandoned” under Illinois law.

The law:

- **Provides guidance** to Illinois courts on their obligation to consider motions for SIJS findings;
- **Requires** that SIJS findings be entered if the evidence supports them;
- **Clarifies** which Illinois state definitions of abuse, abandonment, or neglect a court should use when considering motions for SIJS findings.

This bill brings Illinois law into line with the federal statutes on SIJS and will ensure consistency in responses to SIJS requests in courts across the state of Illinois.

### **How Can Attorneys Help?**

NIJC has an SIJS Predicate Order *Pro Bono* Program, which provides training and extensive technical support to licensed attorneys willing to file cases in state juvenile courts. SIJS predicate order cases may be completed in as little as three to six months, and are a great opportunity for volunteer attorneys interested in working with immigrant children and families.

For more information about the SIJS Predicate Order *Pro Bono* Program, please contact Hillary Richardson at 773-672-6601 or [hrichardson@heartlandalliance.org](mailto:hrichardson@heartlandalliance.org).

## **Special Immigrant Juvenile Status Extension in Illinois: Public Act 102-0259**

Special Immigrant Juvenile Status (SIJS) is a form of immigration relief for children and youth under the age of 21 who have been abused, neglected, or abandoned by a parent, and for whom it would not be in their best interest to return to their home country.

Federal law requires that a child first petition an appropriate state court to make specific findings (called an “SIJS predicate order”). Illinois Public Act 101-0121, signed into law in 2019, brought Illinois law into compliance with federal standards, confirming that Illinois state courts have jurisdiction to issue an SIJS predicate order. However, vulnerable youth ages 18 to 21 were still left unprotected even though they qualify for SIJS under federal law, because the age of majority in Illinois is 18.

**Public Act 102-0259, signed into law on August 6, 2021, protects vulnerable youth ages 18-21 by allowing them to access Illinois courts in a way that complies with federal immigration law.**

This new law:

- Allows certain vulnerable youth ages 18-21 to be placed under the guardianship of an adult over 21 with their consent. This adult guardian may be a parent or a non-parent.
- Allows an existing minor guardianship to be extended to the age of 21 with the consent of the youth, allowing them to request SIJS findings.
- Allows youth subject to such a guardianship to be referred for medical or psychological services deemed necessary as a result of parental abuse, neglect, or abandonment.
- Ensures consistency between state and federal law in protecting abused, abandoned and neglected children and youth under 21.

This law sends a clear signal to immigrant minors that if they are abused, neglected, or abandoned by one or both parents, the State of Illinois is fully prepared to assist and protect them to the full extent permitted under federal law.

### **How Can Attorneys Help?**

NIJC has an SIJS Predicate Order Pro Bono Program, which provides training and extensive technical support to licensed attorneys willing to file cases in state juvenile courts. SIJS predicate order cases may be completed in as little as three to six months, and are a great opportunity for volunteer attorneys interested in working with immigrant children and families.

*For more information about the SIJS Predicate Order Pro Bono Program, please contact  
Hillary Richardson at 773-672-6601 or [hrichardson@heartlandalliance.org](mailto:hrichardson@heartlandalliance.org)*

## Illinois Laws Relating to Special Immigrant Juvenile Status (SIJS)

SIJS allows immigrant children who have suffered abuse, neglect, and/or abandonment to acquire lawful permanent residence in the United States if returning to their home country would not be in their best interests. 8 U.S.C. § 101(a)(27)(J). SIJS requires that a state “**juvenile court**” make certain findings regarding **abuse, neglect, and/or abandonment** before a child is able to apply for this status before U.S. Citizenship and Immigration Services (USCIS).

### Juvenile Court Jurisdiction in Illinois Law

An SIJS order may be entered by any court that qualifies as a “juvenile court,” broadly defined as any court “having jurisdiction under State law to make judicial determinations about the custody and care of juveniles.” 8 C.F.R. 204.11(a). **Illinois Public Act 101-0121** clarified which types of courts in Illinois meet this definition; clearly defined the terms required for SIJS orders; and made SIJS findings mandatory if supported by the evidence. In Illinois, qualifying “juvenile courts” that may enter SIJS findings include custody, divorce, guardianship, child welfare, domestic violence, juvenile delinquency and adoption courts. **Illinois Public Act 102-0259** conformed Illinois law to federal law by allowing certain vulnerable youth ages 18-21 to consent to be placed under the guardianship of an adult over the age of 21.

### Definitions of Abuse, Abandonment, and Neglect in Illinois Law

A juvenile court order for SIJS must find that reunification with a parent is not viable due to abuse, abandonment, or neglect<sup>1</sup>, as those terms are defined under Illinois law. The SIJS order must provide the specific citation to the applicable Illinois definition. The definitions of these terms, along with the other SIJS-specific provisions can be found at:

- [750 ILCS 5/603.11](#) (Illinois Marriage and Dissolution of Marriage Act; governs divorce and custody cases)
- [750 ILCS 46/613.5](#) (Illinois Parentage Act; governs parentage cases)
- [755 ILCS 5/11-5.5](#) (Illinois Probate Act; governs minor guardianship cases)
- [705 ILCS 405/1-4.2](#) (Juvenile Court Act; governs child welfare and delinquency cases)
- [750 ILCS 50/17.01](#) (Adoption Act; governs adoption cases)
- [750 ILCS 60/214.5](#) (Illinois Domestic Violence Act; governs order of protection cases)

The definitions of abuse, abandonment, and neglect cited in each act are almost identical; attorneys will need to cite the appropriate statute and provide a brief explanation of why the facts of their case meet that definition.

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<sup>1</sup> Or a “similar basis under state law,” pursuant to 8 U.S.C. § 101(a)(27)(J). if you believe you have a “similar basis” case, please reach out to NIJC.

## **Working with Interpreters**

*Many of NIJC's pro bono cases require the use of an interpreter. Below are a few basic tips to consider while engaging with an interpreter. For more information and guidance, please see NIJC's webinar on working with an interpreter, [available here](#).*

### **Before the appointment**

#### **1. Find an interpreter**

NIJC recommends NOT using family members as the primary interpreter, as this may compromise objectivity and confidentiality. The following resources can help identify appropriate interpreters:

- Other attorneys or support staff
- Community organizations
- University foreign language programs
- Fee-based services

#### **2. Brief the interpreter prior to the client meeting.**

To facilitate communication, inform the interpreter on the who, why and what of the anticipated conversation. Briefing the interpreter on sensitive topics will allow the interpreter to prepare the most appropriate tone. This is also the time to clarify any technical terms or unique phrases that may be used.

#### **3. Clarify the roles.**

Clarify with the interpreter and the client that the conversation is between the attorney and the client. An interpreter is a neutral presence that transfers words and meanings; the interpreter is not supposed to be involved in the conversation. The interpreter should not conduct the interview. An interpreter should avoid assuming answers or clarifying in their own words. It may be necessary to ask the interpreter to not change or alter any part of the conversation. This will help both parties know that effective communication is happening.

#### **4. Allow time for interpretation.**

Interpretation can almost double the time of a meeting. Plan ahead and allow time for mis-interpretation, repetition, clarification. Time is important to ensure comprehension.

#### **5. Be aware of cultural factors and body language.**

Be aware of potential cultural or linguistic (dialectal) differences. For example, some languages speak more directly while others frequently use passive voice. ***Arrange for gender and/or age appropriate interpreters***, where possible. Even though you may not understand the words, body language and facial expressions can communicate misunderstandings or frustrations. Be sure to clarify as necessary.

## **During the appointment**

### **1. Introduce a new interpreter.**

**All new interpreters should sign a confidentiality statement. Remind all participants of confidentiality.** Introduce the interpreter to the client. Allowing a few minutes for small talk will determine any issues with comprehension between the interpreter and client. Regional differences in the same language can inhibit mutual understanding.

### **2. Speak clearly and in a normal tone; a bit slower may help.**

To ensure clarity and accuracy in communication, speak clearly and intentionally. Pausing between and speaking in shorter phrases will help the efficiency of the interpreter.

### **3. Avoid metaphors, slang, acronyms and idiomatic expressions.**

Cultural phrases may not translate well into other languages. Use simple and concise wording to make the interpretation smoother.

### **4. Be aware of the length of phrases and pauses.**

Allow the interpreter to interpret the whole phrase, avoid interruptions. Shorter phrases are easier to translate. Pauses can help benchmark points in a conversation. It is also important to note that certain languages are structured differently, allow space for that and try to avoid assuming you know what is coming next.

### **5. Speak directly to the client, not to the interpreter.**

In an in-person meeting, avoid speaking to the interpreter, instead speak directly to the client. Sometimes clients may demonstrate more comfort with the person that speaks their language; gently encourage the client to speak to you and not the interpreter. Discourage side conversations between the interpreter and client.

### **6. Only one person speaks at a time.**

Allowing only one person to speak, with minimal interruptions, will ensure the most accurate interpretation, flow of conversation and minimize the need for repeating.

### **7. Address misunderstandings.**

- **In interpretation:** In the event the interpreter does not understand either party, the interpreter should state that she will clarify the word or phrase. If you or the client do not understand the interpreter, do not hesitate to end the session and find another interpreter.
- **Substantive:** If the client is not understanding what you are trying to communicate, rephrase the question or idea. Avoid asking the interpreter to clarify with the client.

### **8. Ending the session.**

Ask the client if there are any questions or clarifications. Confirm with them the next steps.

TRANSLATION OF BIRTH CERTIFICATE

1. NAME: \_\_\_\_\_  
(first) (middle) (last)

2. BIRTH: -- Place: \_\_\_\_\_  
(city/town) (state/province) (country)

-- Date: \_\_\_\_\_  
(month) (day) (year)

3. FATHER'S NAME: \_\_\_\_\_  
(first) (middle) (last)

4. MOTHER'S NAME: \_\_\_\_\_  
(first) (middle) (last)

5. CERTIFICATE ISSUED: -- Date: \_\_\_\_\_  
(month) (day) (year)

-----Place: \_\_\_\_\_  
(city) (state/province) (country)

----- Magistrate: \_\_\_\_\_  
(full name)

6. CERTIFICATE FOUND: Archive or Register: \_\_\_\_\_  
Page: \_\_\_\_\_ No. \_\_\_\_\_

7. NOTATATIONS OF IMPORTANCE:

None

CERTIFICATION OF TRANSLATOR'S COMPETENCE

I, \_\_\_\_\_, hereby certify that the above is an accurate translation of the original "birth certificate" in \_\_\_\_\_, and that I am competent in both English and \_\_\_\_\_ to render such translation.

\_\_\_\_\_  
(Signature of Translator)

\_\_\_\_\_  
(Date)

---Note: A copy of the original document should be attached to this summary translation form and certification.

IN THE CIRCUIT COURT FOR THE \_\_\_\_\_  
JUDICIAL CIRCUIT, \_\_\_\_\_ COUNTY, ILLINOIS

IN RE:

\_\_\_\_\_, Petitioner,

v.

\_\_\_\_\_, Respondent.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. \_\_\_\_\_

**RULE 298 CERTIFICATION FOR WAIVER OF FEES REPRESENTATION BY CIVIL  
LEGAL SERVICES PROVIDER OR COURT-SPONSORED PRO BONO PROGRAM**

Pursuant to Supreme Court Rule 298, the undersigned counsel hereby certifies that he/she is a pro bono attorney for the National Immigrant Justice Center, a civil legal services provider or court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5(a), and that the National Immigrant Justice Center has made the determination that \_\_\_\_\_ has income of 125% or less of the current official poverty guidelines or is otherwise eligible to receive services under the eligibility guidelines of the civil legal services provider or court-sponsored pro bono program. As a result, under Supreme Court Rule 298, \_\_\_\_\_ is eligible to sue or defend without payment of fees, costs or charges as defined at 735 ILCS 5/5-105(a)(1).

\_\_\_\_\_  
[ATTORNEY SIGNATURE]

\_\_\_\_\_  
Pro Bono Attorney

Attorney Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_



In order to E-File your case, you must first choose an Electronic Filing Service Provider (EFSP). NIJC & CVLS use Odyssey E-File, as it is free and easy to use: <https://efileil.tylertech.cloud/OfsEfsp/ui/landing>. If this is your first time E-Filing, you must create an account and register. In order to waive fees for your client, you will also have to set up a waiver account. Instructions and training videos for using the Odyssey service are available at: <https://odysseyfileandserve.zendesk.com/hc/en-us/sections/360010234812>

NIJC clients are considered clients of a **“civil legal services provider”** and are entitled to an automatic waiver of fees (called a “CLSP”) under 735 ILCS 5/5-105.5(b):

## 1. Fill Out and Sign Your CLSP

IN THE CIRCUIT COURT FOR THE \_\_\_\_\_  
JUDICIAL CIRCUIT, \_\_\_\_\_ COUNTY, ILLINOIS

IN RE: )  
)  
)  
CLIENT NAME, Petitioner, )  
)  
v. ) Case No.  
)  
)  
NAME, Respondent. )  
)

Pursuant to Supreme Court Rule 298, the undersigned counsel hereby certifies that he/she is a pro bono attorney for the National Immigrant Justice Center, a civil legal services provider or court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5(a), and that the National Immigrant Justice Center has made the determination that CLIENT NAME has income of 125% or less of the current official poverty guidelines or is otherwise eligible to receive services under the eligibility guidelines of the civil legal services provider or court-sponsored pro bono program. As a result, under Supreme Court Rule 298, CLIENT NAME is eligible to sue or defend without payment of fees, costs or charges as defined at 735 ILCS 5/5-105(a)(1).

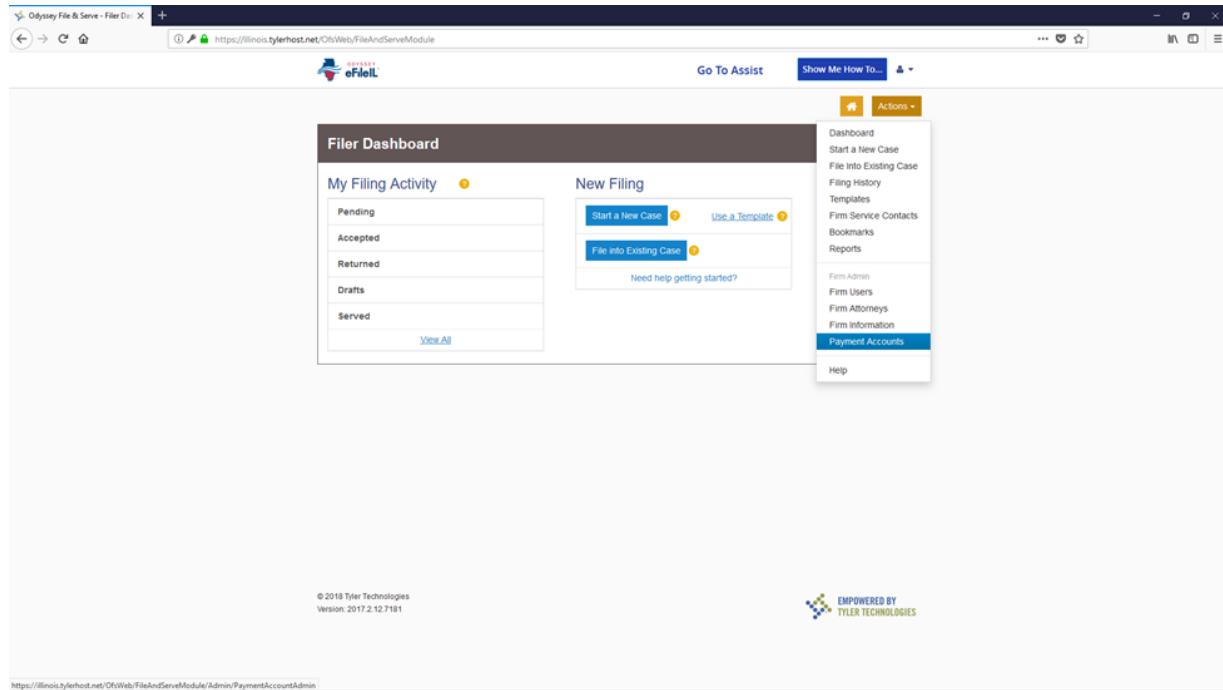
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Pro Bono Attorney

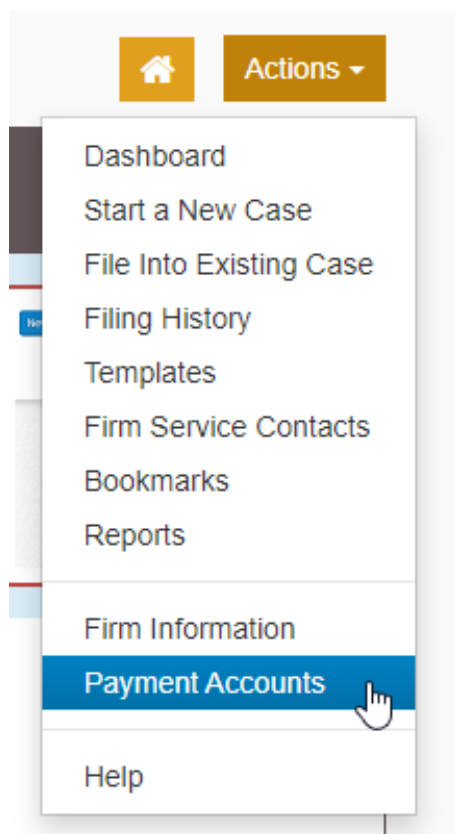
Attorney Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
E-Mail: \_\_\_\_\_

## 2. Create a Waiver Account in the Odyssey eFile Account

From your dashboard:



1. Click on the **Orange** Actions tab in the upper right-hand corner
2. Click **Payment Account**.





Actions

### Payment Accounts

+ Add Payment Account

Payment Account Name	Payment Account Type	Active	
CVLS - Credit Card Account	Credit Card	No	Actions
CVLS - Waiver Account	Waiver	Yes	Actions

1 - 2 of 2 items

3. Click **Add Payment Account**.
4. Name the payment account: (here it's called Waiver).
5. Click Payment Account Type, choose Waiver.

+ Add Payment Account

Payment Account Name	Payment Account Type	Active
----------------------	----------------------	--------

0 No items to display

Payment Account Name

Waiver

Payment Account Type ?

Waiver

Undo

Save Changes

6. Click **Save Changes**.

Now you are ready to file your client's case!

### 3. File Your Case and Upload Your CLSP

After you initiate your case in the eFile system, you will upload your initial pleadings. You must upload a CLSP as well, in order to avoid being charged for the filing.

1. Under “Filing Code,” choose **“Waiver Filed”** (NOT “fee waiver!”).
2. **Upload** your scanned, signed CLSP, and name it. The total fee will still show up:

The screenshot shows the eFile system interface for filing a Petition for Dissolution. The form includes the following sections:

- Petition for Dissolution**: Includes a dropdown for Filing Type (EFile) and a dropdown for Filing Code (Waiver Filed).
- Filing Description**: A text field containing "CLSP Fee Waiver".
- Client Reference Number**: A text field.
- Courtesy Copies**: A text field.
- Lead Document (Required)**: A section for uploading documents. It shows "1 CLSP.pdf" (30.21 KB) with a "Security" dropdown set to "Non-Confidential".
- Optional Services and Fees**: A table with columns for "Optional Services and Fees", "Fee Amount", "Quantity", and "Fee Total". It includes buttons for "Add Optional Services and Fees" and "Add Another Filing".
- Fees**: A section showing the total filing fee. It includes a table with columns for "Description" and "Amount". The table shows "Filing Fee" with an amount of "\$368.00". The total filing fee is "\$368.00".

The "Fees" section also includes a "Payment Account" dropdown menu with the text "Click to select Payment Account".

3. After uploading your document, you will need to **select a payment account** – choose your previously selected “Waiver” account. This should return the amount due to zero.

erveModule/Envelope/AddOrEdit

GO TO ASSIST Show Me How To...

Undo Save Changes

**Fees** Need Help?

➤ Petition for Dissolution

Description	Amount
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

➤ Waiver Filed

Description	Amount
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

**Total Filing Fee** \$0.00  
**Envelope Total:** \$0.00  
 Waiver selected

Payment Account  
  
[Click to select Payment Account](#)  
**CVLS - Waiver Account**

Filing Attorney

Undo Save Changes

**Return Date**

Out of State Service  
☐

Select a Return Date and Verify

Undo Save Changes

**Submission Agreements**

- When you are ready to submit your whole filing, you will be given a final warning to upload your CLSP:

erveModule/Envelope/AddOrEdit

GO TO ASSIST Show Me How To...

Undo Save Changes

**Fees** Need Help?

➤ Petition for Dissolution

**Attention Filers!**  
 You selected to waive the court fee by filing a Fee Waiver Application. You are required to appear before a judge, within 14 calendar days of this filing, to determine the status of your fee waiver. [Click this link](#) to get the time and location for your hearing. This information is also available on the Clerk's Office's website under [www.coaskcountyclerkofcourt.org/statefeewaiver](http://www.coaskcountyclerkofcourt.org/statefeewaiver).

**If you are filing and applying for a Fee Waiver AND you are in a Clerk's Office location where your case will be heard,** you may see a judge today for a decision on the fee waiver. Notify the Clerk's staff immediately so this may be arranged.

If you already have an order that allows you to waive fees, you must upload a copy of this order each time you file a document that requires a fee.

If you are a CLSP, you must upload a completed CLSP form with your filings; if you are a government agency, you must upload a completed Fee Exempt Reduced Fee Agency Cover Sheet with your filings; if you are an agency that is bited, you must upload a copy of your approved intergovernmental Billing Agreement. Forms are available on the Clerk's Office efile portal [www.coaskcountyclerkofcourt.org](http://www.coaskcountyclerkofcourt.org).

Description	Amount
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

Description	Amount
Filing Fee	\$0.00
<b>Filing Total:</b>	<b>\$0.00</b>

**Total Filing Fee** \$0.00  
**Envelope Total:** \$0.00  
 Waiver selected

Payment Account  
 CVLS - Waiver Account

Party Responsible for Fees

Filing Attorney

Undo Save Changes

**Return Date**

Out of State Service  
☐

Select a Return Date and Verify

Undo Save Changes

**Submission Agreements** Need Help?

- Click "done," and finish submitting your filing according to the eFile instructions.

## SIJS Predicate Order Checklist – Allocation of Parental Responsibilities (Formerly Known as Custody)

- ☐ 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 client's language; arrange for interpreter if necessary (NIJC staff cannot serve as interpreters)
- ☐ Meet with client (parent). If appropriate, interview child.
- ☐ Draft Petition for Allocation of Parental Responsibilities.
- ☐ Client signs the Petition and the Affidavit of Military Service.
- ☐ File the documents to initiate case: Petition, Domestic Relations Cover Sheet, Affidavit of Military Service, Summons, Civil Legal Service Provider form (fee waiver).
- ☐ Determine how the Respondent will be served:
  - Personal service by sheriff (if Respondent lives in Illinois)
  - Personal service by special process server/order of court (if whereabouts are known but Respondent lives in home country)
  - Publication (if whereabouts are unknown)
  - If Respondent consents, draft and have them sign a Consent and Waiver of Service.
  - If Respondent is deceased, file death certificate with initial petition, and skip service of process step.
- ☐ Once service has been perfected, file a Motion for Default and schedule final hearing
- ☐ Prepare proposed final order ahead of 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 appropriate definition under state law);
  3. It is **not in the child's best interest to return** to home country.
- ☐ Prepare client's testimony for final hearing
- ☐ Provide courtesy copies of proposed final order and appropriate documents for final hearing with judge's clerk several days prior to final hearing date (check judge's standing order for number of days they require)
- ☐ Attend final hearing
- ☐ Provide client and immigration attorney with a copy of the final order

**NOTE: The final 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.**

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

\_\_\_\_\_  
Petitioner

and

\_\_\_\_\_  
Respondent

No.: \_\_\_\_\_

Calendar: \_\_\_\_\_

**DOMESTIC RELATIONS COVER SHEET**

A Domestic Relations Cover Sheet shall accompany the initial pleading in all actions filed in the Domestic Relations Division. The information contained herein is for administrative purposes only and shall not be introduced into evidence. Please check the box designating the category which best describes the action to be filed.

**GENERAL PROCEEDINGS**

- 0086 ☐ Marriage 0087 ☐ Civil Union 0088 ☐ Parentage
- 0001 ☐ Petition for Dissolution
- 0003 ☐ Petition for Legal Separation
- 0006 ☐ Petition for Legal Separation  
or/Alternative Dissolution
- 0002 ☐ Petition for Declaration of Invalidity
- 0009 ☐ Petition for Declaration of Invalidity  
or/Alternative Dissolution
- 0010 ☐ Joint Petition for Simplified  
Dissolution
- 0014 ☐ Petition for Allocation of Parental  
Responsibilities
- 0011 ☐ Petition for Custody  
(Hague Convention)
- 0015 ☐ Petition for Visitation (non-parent)
- 0017 ☐ Praecipe for Dissolution

- 0018 ☐ Praecipe for Legal Separation
- 0031 ☐ Petition Transferred from Foreign  
Jurisdiction
- 0085 ☐ Petition to Register Foreign Judgment
- 0084 ☐ Petition to Issue Subpoena
- 0040 ☐ Article X

**SUPPORT ENFORCEMENT PROCEEDINGS**

- 0038 ☐ Administrative Declaration of Parentage
- 0034 ☐ Parentage (IV-D)
- 0033 ☐ Parentage (non IV-D)
- 0036 ☐ UIFSA
- 0053 ☐ Registration of Administrative Child  
Support Order (Private Atty./Pro se)
- 0054 ☐ Registration of Administrative Child  
Support Order (IV-D)

This action <sup>0100</sup> ☐ does/<sup>0101</sup> ☐ does not involve a minor child or children. The parties <sup>0104</sup> ☐ have/<sup>0105</sup> ☐ have not previously  
filed a divorce or <sup>0106</sup> ☐ have/<sup>0107</sup> ☐ have not filed a parentage action between them. In the event the parties have  
previously filed a prior action the action was filed on \_\_\_\_\_ and assigned case  
number \_\_\_\_\_ and initially assigned to Judge \_\_\_\_\_.

By: \_\_\_\_\_

☐ Atty. No.: \_\_\_\_\_ ☐ Pro se 99500

Name: \_\_\_\_\_

Atty. for: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Primary Email: \_\_\_\_\_

Secondary Email: \_\_\_\_\_

Tertiary Email: \_\_\_\_\_

Pro Se Only: ☐ I have read and agree to the terms of the  
*Clerk's Office Electronic Notice Policy* and choose to opt in to  
electronic notice form the **Clerk's Office** for this case at this  
Email address: \_\_\_\_\_

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

<div>_____</div> <div>Plaintiff</div>	<div></div>	<div>No. _____</div>
<div>_____</div> <div>Defendant</div>		

AFFIDAVIT AS TO MILITARY SERVICE

\_\_\_\_\_ on oath states:

With respect to defendant \_\_\_\_\_,

(the defendant is)                      (the defendant is not)                      (I am unable to determine whether the defendant is)

in the military service of the United States.

This affidavit is based on these facts:

/s/ \_\_\_\_\_

Under penalties as provided by law pursuant to 735 ILCS 5/1-109 the above signed certifies that the statement set forth herein are true and correct.

Atty. No.: \_\_\_\_\_

Name: \_\_\_\_\_

Atty. for: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_



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

IN RE:    Legal Separation      Allocation of Parental Responsibilities  
         Visitation (Non-Parent)      Support      Parentage of:

<p>_____ Petitioner</p> <p style="text-align: center;">and</p> <p>_____ Respondent</p> <p>* Hearing/Return Date:</p> <p>_____ at _____ AM    PM</p> <p><b>* Applies to Suburban Districts ONLY</b></p>	<p>Case No. _____</p> <p>Calendar _____</p> <p>** Please serve the Respondent at:</p> <p>_____</p> <p>_____</p>
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2105 - Summons - Retd - Substitute Service  
 2106 - Alias Summons - Retd - Substitute Service  
 2120 - Summons - Retd P.S.  
 2121 - Alias Summons - Retd P.S.  
 2123 - Summons Retd - Served at Correctional Facility  
 2220 - Summons - Retd N.S.

2221 - Alias Summons - Retd N.S.  
 2700 - Return of Service P.S. - Order of Protection  
 2702 - Return of Service N.S. - Order of Protection  
 2708 - Return of Service of Order - P.S.  
 2710 - Return of Service of Order N.S.

SUMMONS      ALIAS SUMMONS

TO THE RESPONDENT:

The Petitioner has filed a legal proceeding against you for one or more of the following:

Legal Separation      Declaration of Invalidity      Custody      Child Support  
 Praecipe for Summons\*

Other: \_\_\_\_\_

**YOU ARE SUMMONED** and required to file your **appearance and response no later than thirty (30) days** **seven (7) days** after service of this summons, not counting the day of service.

**If you fail to file your written appearance within the time stated above, a default judgment may be entered against you and the court may grant the petitioner all or part of the relief that s/he is requesting in her or his petition.**

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois  
[cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)

**FILING AN APPEARANCE:** Your appearance date is **NOT** a court date. It is the deadline for filing your appearance/answer. To file your appearance/answer **YOU DO NOT NEED TO COME TO THE COURTHOUSE**, unless you are unable to eFile your appearance/answer. You can download an Appearance form at <http://www.illinoiscourts.gov/Forms/approved/procedures/appearance.asp>. After completing and saving your Appearance form, you can electronically file (e-File) it with the circuit clerk's office.

**E-FILING:** E-filing is now mandatory with limited exemptions. To e-File, you must first create an account with an e-Filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider.

If you need additional help or have trouble e-Filing, visit <http://www.illinoiscourts.gov/faq/gethelp.asp> or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit [www.illinoislegalaid.org](http://www.illinoislegalaid.org).

**FEE WAIVER:** If you are unable to pay your court fees, you can apply for a fee waiver. For information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to [www.illinoislegalaid.org](http://www.illinoislegalaid.org). You can also ask your local circuit clerk's office for a fee waiver application.

**COURT DATE:** Your court date will be sent to your e-File email account or the email address you provided to the clerk's office. You can also call or email the clerk's office to request your next court date. You will need to provide your case number OR, if unknown, the name of the Plaintiff or Defendant. For criminal case types, you will also need to provide the Defendant's birthdate.

**REMOTE APPEARANCE:** You may be able to attend this court date by phone or video conference. This is called a "Remote Appearance". Call the Circuit Clerk at (312) 603-5030 or visit their website at [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org) to find out how to do this.

Contact information for each of the Clerk's Office locations is included with this summons. The Clerk's office is open Mon - Fri, 8:30 am - 4:30 pm, except for court holidays.

**TO THE OFFICER:** This summons must be returned by the officer or other person to whom it was given for service, with endorsement thereon of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed.

Atty. No.: \_\_\_\_\_

Witness: \_\_\_\_\_

Atty Name: \_\_\_\_\_

Date: \_\_\_\_\_

Atty. for: \_\_\_\_\_

Address: \_\_\_\_\_

Circuit Court Clerk

City: \_\_\_\_\_

Date of Service: \_\_\_\_\_

State: \_\_\_\_ Zip: \_\_\_\_\_

(To be inserted by officer on copy left with Respondent or other person):

Telephone: \_\_\_\_\_

Primary Email: \_\_\_\_\_

## **GET YOUR COURT DATE BY CALLING IN OR BY EMAIL**

**CALL OR SEND AN EMAIL MESSAGE** to the telephone number or court date email address below for the appropriate division, district or department to request your next court date. Email your case number, or, if you do not have your case number, email the Plaintiff or Defendant's name for civil case types, or the Defendant's name and birthdate for a criminal case.

### **CHANCERY DIVISION**

**Court date EMAIL:** ChanCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5133

### **CIVIL DIVISION**

**Court date EMAIL:** CivCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5116

### **COUNTY DIVISION**

**Court date EMAIL:** CntyCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5710

### **DOMESTIC RELATIONS/CHILD SUPPORT DIVISION**

**Court date EMAIL:** DRCourtDate@cookcountycourt.com  
OR  
ChildSupCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-6300

### **DOMESTIC VIOLENCE**

**Court date EMAIL:** DVCourtDate@cookcountycourt.com  
Gen. Info: (312) 325-9500

### **LAW DIVISION**

**Court date EMAIL:** LawCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-5426

### **PROBATE DIVISION**

**Court date EMAIL:** ProbCourtDate@cookcountycourt.com  
Gen. Info: (312) 603-6441

### **ALL SUBURBAN CASE TYPES**

#### **DISTRICT 2 - SKOKIE**

**Court date EMAIL:** D2CourtDate@cookcountycourt.com  
Gen. Info: (847) 470-7250

#### **DISTRICT 3 - ROLLING MEADOWS**

**Court date EMAIL:** D3CourtDate@cookcountycourt.com  
Gen. Info: (847) 818-3000

#### **DISTRICT 4 - MAYWOOD**

**Court date EMAIL:** D4CourtDate@cookcountycourt.com  
Gen. Info: (708) 865-6040

#### **DISTRICT 5 - BRIDGEVIEW**

**Court date EMAIL:** D5CourtDate@cookcountycourt.com  
Gen. Info: (708) 974-6500

#### **DISTRICT 6 - MARKHAM**

**Court date EMAIL:** D6CourtDate@cookcountycourt.com  
Gen. Info: (708) 232-4551

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

In re Parentage of:	)	
NAME	)	
Minor,	)	
	)	
NAME	)	
Petitioner,	)	No.
	)	Cal.
and	)	
	)	
NAME	)	
Respondent.	)	

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

NOW COMES Petitioner NAME, by her undersigned attorneys, pursuant to 750 ILCS 5/600 et seq, and names NAME as Respondent, and in support of her Petition for Allocation of Parental Responsibilities and Request for Factual Findings states as follows:

1. Petitioner is AGE, is a resident of COUNTY, and has maintained her residence for more than 90 days prior to the filing of this Petition. Petitioner is the biological mother of the minor subject to these proceedings.
2. Respondent is approximately AGE, and upon information and belief, was last known to be a resident of LOCATION. Respondent is the biological father of the minor, subject to these proceedings.
3. The minor subject to these proceedings is NAME born DATE in COUNTRY.
4. Petitioner and Respondent were involved in a sexual relationship that began in approximately YEAR. Their relationship lasted approximately TIME.
5. The parties have been separated since DATE.

6. Respondent has acknowledged paternity of the minor, subject to these proceedings, and is listed as the legal and biological father on the minor's birth certificate.
7. Respondent has not attempted to contact or visit the minor subject to these proceedings, since TIME.
8. The minor has resided with Petitioner since TIME. Petitioner is the primary caretaker of the minor and was the primary caretaker of the minor when Petitioner and the minor were in COUNTRY. After Petitioner left COUNTRY, Petitioner's mother and father were the minor's primary caretaker.
9. Petitioner is not aware of any other case before this court or any other court to determine parental responsibilities.
10. Petitioner is a fit and proper person to have sole allocation of parental responsibilities of the minor child.
11. Petitioner has acted in the best interest of the minor by providing the minor with food, shelter, clothing, economic support, and ensuring that he receives proper medical care and education.
12. Respondent is not fit to have allocation of parental responsibilities for the minor for the following reasons:
  - a. Respondent has neglected and abandoned the minor within the meaning of 750 ILCS 5/603.11(a), in that:
  - b. Respondent has failed to provide support for, and has never had contact with the minor since TIME.
  - c. Thus, Respondent has failed to provide the minor with care and supervision for the minor's entire life.

- d. Respondent was physically and emotionally abusive to Petitioner during their relationship.
  - e. Respondent has never provided economic support for the minor nor attempted to have any relationship with the minor.
13. The minor came to the United States in TIME after several gangs threatened him and attempted to recruit him. His grandparents were becoming frail and he had no one else to reliably serve as his primary caretaker in COUNTRY.
14. It is not in the best interest of the minor to return to COUNTRY for the following reasons:
- a. The minor is living with his mother and has a close bond with her and a stable, safe environment in which to live in Illinois.
  - b. The minor received threats from gangs in COUNTRY and no reliable support system exists for him in COUNTRY.

WHEREFORE, Petitioner NAME respectfully requests that this Court enter an Order making the following findings of fact and granting Petitioner the following relief:

1. Grant Petitioner sole allocation of parental responsibilities, including education, health care, religion, and extracurricular activities of minor NAME.
2. Find that reunification of the minor with Respondent is not viable due to his neglect and abandonment of him pursuant to 750 ILCS 5/603.11(a).
3. Find that it is in the minor's best interest that Petitioner be designated the residential parent, and that it is not in the minor's best interest to return to COUNTRY where Respondent may reside.

4. That all remaining issues concerning parenting time and child support be reserved.
5. That Petitioner be granted such other relief as this Honorable Court may deem just and equitable.

Dated: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_

Attorney for Petitioner

#### CERTIFICATION

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

Dated \_\_\_\_\_

\_\_\_\_\_

Petitioner

Attorney Name  
Contact Information

## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

vs.

Case No. \_\_\_\_\_

## AFFIDAVIT OF SERVICE OF SUMMONS OUTSIDE COOK COUNTY

State of \_\_\_\_\_

ss:

County of \_\_\_\_\_

\_\_\_\_\_ on oath states:

I am over 21 years of age and not a party to this case. I served the summons and a copy of the complaint upon defendant as follows:

- a. on defendant \_\_\_\_\_, by leaving a copy of the summons and of the complaint with the defendant personally on \_\_\_\_\_, at \_\_\_\_\_ AM PM at \_\_\_\_\_, County of \_\_\_\_\_.
- b. on defendant \_\_\_\_\_ on (date) \_\_\_\_\_, at \_\_\_\_\_ AM PM, by leaving a copy of the summons and of the complaint at \_\_\_\_\_, County of \_\_\_\_\_, the defendant's usual place of abode with \_\_\_\_\_, a person of the defendant's family or a person residing there, of the age of 13 years or upwards, who, to the best of my knowledge is \_\_\_\_\_ years of age, Male Female and described by me as follows:

\_\_\_\_\_ and informing that person of the content of the summons, and also by sending on (date) \_\_\_\_\_, a copy of the summons and of the complaint in a sealed envelope with postage fully prepaid, addressed to the defendant at his or her usual place of abode.

- c. on defendant corporation \_\_\_\_\_, by leaving a copy of the summons and of the complaint with \_\_\_\_\_, (name) \_\_\_\_\_ registered agent officer agent of the corporation on \_\_\_\_\_, at the hour of \_\_\_\_\_ AM PM at \_\_\_\_\_, County of \_\_\_\_\_.

**E-filing is now mandatory for documents in civil cases with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit <https://efile.illinoiscourts.gov/service-providers.htm> to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit <http://www.illinoiscourts.gov/FAQ/gethelp.asp>.**

Atty. No.: \_\_\_\_\_

Name: \_\_\_\_\_

Signature of Affiant

Atty for: \_\_\_\_\_

Address: \_\_\_\_\_

Signed and sworn to before me dated: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Notary Public

Primary Email: \_\_\_\_\_

Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois [cookcountyclerkofcourt.org](http://cookcountyclerkofcourt.org)



2803 Affidavit for Service by Publication

2807 Affidavit for Service by Posting

Affidavit for Service

(12/01/20) CCG 0013 A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

_____	Case No. _____
v.	
_____	

**AFFIDAVIT FOR SERVICE BY  
PUBLICATION POSTING**

Pursuant to 735 ILCS 5/2-206 - service by publication: affidavit; mailing certificate

Pursuant to 735 ILCS 5/9-107 (Constructive Service)

\_\_\_\_\_, on oath states as to

1. Defendant \_\_\_\_\_ that:

Defendant:     resides outside the state     has gone out of the state  
                     cannot be found after diligent inquiry  
                     is concealed within the state, therefore, process cannot be served upon  
                     defendant.

2. Defendant's place of residence is:

Address: _____ City: _____ State: ____ Zip: _____	Cannot be ascertained after diligent inquiry. His/her last known place of residence is:  Address: _____ City: _____ State: ____ Zip: _____
---	--

Affiant: /s/ \_\_\_\_\_

Under penalties as provided by law pursuant to 735 ILCS  
5/1-109 the above signed certifies that the statements set  
forth herein are true and correct.

**Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois**  
**cookcountyclerkofcourt.org**

Atty. No.: \_\_\_\_\_

Atty Name: \_\_\_\_\_

Atty. for: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Primary Email: \_\_\_\_\_

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ <b>COUNTY</b>	<b>MOTION TO APPOINT SPECIAL PROCESS SERVER</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b> Directly above, enter the name of the county where you are filing the case.  Enter your name as Plaintiff/Petitioner.  Enter the names of all people you are suing as Defendants/Respondents.  Enter the case number the Circuit Clerk has given you.	_____ <b>Plaintiff/Petitioner</b> ( <i>First, middle, last name</i> )  v. <b>Defendants/Respondents</b> ( <i>First, middle, last name</i> ): _____ _____ _____	_____ <b>Case Number</b>

<b>In 1, check 1a or 1b.</b>  Check <b>1a</b> if you had the sheriff attempt to serve and enter the names of the Defendants/Respondents who were not served.  Check <b>1b</b> if you did not have the sheriff attempt to serve and enter the reasons you need a special process server.  In 2, enter the name and address of the person or company who will serve the Complaint/Petition.	<ol style="list-style-type: none"> <li>Service in this case (<i>check one</i>):           <div style="margin-left: 20px;"> <input type="checkbox"/> a. Was attempted by the sheriff but they were unable to serve these Defendants/Respondents: _____              _____              The sheriff filed a report confirming this fact; OR   <input type="checkbox"/> b. Has not been attempted by the sheriff, but I need a special process server because: _____              _____              _____           </div> </li> <li>The Plaintiff/Petitioner asks the court to appoint the following person or company to serve the <i>Summons</i> and Complaint/Petition:              _____  <i>Name of Person or Company</i>               _____  <i>Street Address, Unit #</i> <span style="float: right;"><i>City</i> <i>State</i> <i>ZIP</i></span> </li> <li>The above-named special process server:           <div style="margin-left: 20px;"> <input type="checkbox"/> a. is a licensed private detective or private detective agency, license _____  <i>Number</i>  <input type="checkbox"/> b. is over age 18 and is neither a party to this case nor a licensed private detective or private detective agency.           </div> </li> </ol>
---	--

In 3, check only one box. If you check <b>3a</b> , enter the license number.   Under the Code of Civil Procedure, <a href="#">735 ILCS 5/1-109</a> , making a statement on this form that you know to be false is perjury, a Class 3 Felony.  If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print it.  Enter your complete address, telephone number, and email address, if you have one.	<p><b>I certify that everything in this <i>Motion to Appoint Special Process Server</i> is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under <a href="#">735 ILCS 5/1-109</a>.</b></p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;">             _____  <i>/s/</i>  <i>Your Signature</i>               _____  <i>Print Your Name</i>               _____  <i>Email</i> </div> <div style="width: 45%;">             _____  <i>Street Address, Unit #</i>               _____  <i>City, State, ZIP</i>               _____  <i>Telephone</i> </div> <div style="width: 45%;">             _____  <i>Attorney # (if any)</i> </div> </div>
---	---

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

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

In re Parentage:	)	
NAME,	)	
Petitioner,	)	No.
and	)	Cal.
	)	
NAME,	)	
Respondent.	)	

**AFFIDAVIT OF SPECIAL PROCESS SERVER**

\_\_\_\_\_, being first duly sworn on oath, deposes and says that she was appointed by the Court on DATE to serve process in the above-mentioned cause:

\_\_\_ That she served the attached summons along with a copy of the complaint and its translation on the Respondent, \_\_\_\_\_, by leaving a copy of each with the Respondent personally, on \_\_\_\_\_, 20\_\_.

That the sex, race, and approximate age of the Respondent with whom she left the summons are as follows: Sex\_\_\_\_\_ Race\_\_\_\_\_ Approximate age\_\_\_\_

That the place where (if possible in terms of an exact street address) and the date and time of the day when the summons was left with the Respondent were as follows:

Place\_\_\_\_\_

Date\_\_\_\_\_, 20\_\_. Time of day\_\_\_\_\_.m.

\_\_\_ That she was unable to serve the above-named Respondent.

\_\_\_\_\_  
Special Process Server Signature

NOTARY SIGNATURE:

Signed and sworn before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

**EN LA CORTE DEL CIRCUITO DEL CONDADO COOK, ILLINOIS  
DEPARTAMENTO DEL CONDADO – DIVISIÓN DE RELACIONES DOMÉSTICAS**

Referente a la paternidad:	)	
NOMBRE,	)	
Peticionaria,	)	No.
y	)	Cal.
	)	
NOMBRE,	)	
Respondedor.	)	

**DECLARACIÓN DEL SERVIDOR DE PROCESO ESPECIAL**

\_\_\_\_\_, baja juramento, depone y declara que el FECHA la corte la designó como el servidor de proceso en el caso arriba mencionado:

\_\_\_\_ Que ella le sirvió la citación adjunta y una copia de la denuncia con traducción al respondedor, \_\_\_\_\_, dejándole una copia de los documentos en persona, el día \_\_\_\_ del mes \_\_\_\_\_ de 20\_\_\_\_.

Que el sexo, la raza, y la edad aproximada del Respondedor con quien ella dejó la citación son los siguientes: Sexo \_\_\_\_\_ Raza \_\_\_\_\_ Edad aproximada \_\_\_\_\_

Que el lugar en donde (si sea posible, la dirección exacta) y la fecha y hora cuando ella dejó la citación con el Respondedor son los siguientes:

Lugar \_\_\_\_\_

Fecha \_\_\_\_\_, 20\_\_\_\_. Hora \_\_\_\_\_ .m.

\_\_\_\_ Que ella no le podía servir los documentos al Respondedor arriba nombrado.

\_\_\_\_\_  
Firma del Servidor de Proceso Especial

FIRMA DEL NOTARIO:

Firmado y declarado delante de mí el día \_\_\_\_\_ del mes \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notario Público

IN THE CIRCUIT COURT FOR THE \_\_\_\_\_  
JUDICIAL CIRCUIT, \_\_\_\_\_, ILLINOIS

IN RE

Petitioner,

v.

Respondent.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

No.

**CONSENT TO CUSTODY/ESTABLISHMENT OF PARENTAGE AND WAIVER OF SERVICE**

I, \_\_\_\_\_, the biological father of \_\_\_\_\_, a minor child, state:

1. That such child was born to me and \_\_\_\_\_ on DATE in PLACE. I acknowledged my biological child and my name appears on the birth certificate. OR I hereby acknowledge the minor as my biological child and consent to establishment of parentage.
2. That when \_\_\_\_\_ was approximately YEARS old, I ceased contact with them and did not pursue a parental relationship after that time.
3. That I reside at ADDRESS.
4. That I am AGE years old.
5. That I hereby acknowledge that I have been provided a copy of PETITION CAPTION AND CASE NUMBER before signing this Consent, and that I have had time to read, or have had read to me, this pleading, and that I understand the content and requested relief described in the Petition. Further, I do not dispute any of the factual allegations contained in the Petition.

6. That I hereby waive service of summons upon me and I consent and agree to an Order granting Petitioner \_\_\_\_\_, all temporary and permanent physical custody and parenting time with my biological child, \_\_\_\_\_.
7. That I understand that upon signing this consent I have agreed that Petitioner shall have allocation of all parental responsibilities and all parenting time with the minor child, and that the child will be legally placed in the care and custody of Petitioner.
8. That I understand that I have a remaining duty and obligation to keep ATTORNEY, attorney for Petitioner, informed of my current address or other preferred contact information until this pending matter has been finalized.
9. That I do expressly waive any other notice or service of process in any of the legal proceedings for the custody or factual findings pertaining to the minor child as long as the current proceeding by Petitioner \_\_\_\_\_ is pending.
10. That I have read and understood the above and I am signing as my free and voluntary act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone number

Witness Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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

In re Parentage of:	)	
XX	)	
Minors,	)	
	)	
X	)	
Petitioner,	)	No.
	)	Cal.
and	)	
	)	
X	)	
Respondent.	)	

**MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR ALLOCATION OF  
PARENTAL RESPONSIBILITIES AND REQUEST FOR SPECIAL FINDINGS**

Petitioner XXX, by her attorney, Hillary Richardson of the National Immigrant Justice Center, filed a Petition for Allocation of Parental Responsibilities and Request for Special Findings on DATE. This Memorandum is submitted in support of her request for certain special findings within that Petition.

1. XX filed her petition pursuant to 750 ILCS 46/601 *et seq* and 750 ILCS 5/600 *et seq*. In addition, she requested certain special findings regarding the minor children pursuant to 750 ILCS 5/603.11; namely, that their reunification with their father the Respondent was not viable due to his abuse and neglect of them, and that it would not be in their best interest to return to their home country.
2. Domestic relations judges in Illinois have authority to make special findings in the best interests of immigrant children pursuant to Section 603.11 of the Illinois Marriage and Dissolution of Marriage Act (“the IMDMA”). Judges must consider motions under this section and enter the special findings if supported by the evidence. *See* 750 ILCS 5/603.11(c).



3. In 2019, the Illinois General Assembly amended the Juvenile Court Act, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act, the Adoption Act, the Illinois Domestic Violence Act, and the Probate Act to clarify the role of Illinois courts in SIJS cases. The amendments state that “if a motion requests findings regarding Special Juvenile Status under 8 U.S.C. 1101(1)(27)(J) and the evidence, which may consists solely of, but is not limited to, a declaration of the minor, supports the findings, the court *shall* issue an order” with the relevant findings. Pub. Act 101-0121, § 5 (amending 705 ILCS 405/2-4a).
4. Petitioner has requested special findings that would allow her children to petition the immigration authorities for Special Immigrant Juvenile Status (“SIJS”), which would provide them the stability of remaining lawfully in the United States in the custody of their mother.
5. SIJS is a form of immigration relief under Section 101(a)(27)(J) of the Immigration and Nationality Act (“the INA”), codified at 8 U.S.C. 1101(a)(27)(J). The regulations implementing the statute are found at 8 C.F.R. 204.11.<sup>1</sup>
6. Findings by this Court do not entitle a child to SIJS or any lawful immigration status in the United States. Rather, this Court’s findings are a prerequisite to filing a petition for relief before the immigration authorities (U.S. Citizenship and Immigration Services, or USCIS).
7. Before a child can apply for immigration relief with USCIS, they must first obtain an order from a state court containing specific findings:

---

<sup>1</sup> These regulations go into effect April 7, 2022.

- a. That she is dependent on the court or has been placed under the custody of a State agency or department, or an individual appointed by the court;
- b. That reunification with one or both of her parents is not viable due to abuse, abandonment, neglect, or another similar basis under state law;
- c. And that it would not be in the child's best interest to return to her or her parents' country of nationality or country of last habitual residence.

8 U.S.C. 1101(a)(27)(J).

8. These findings cannot be made by USCIS; they must be entered by a state "juvenile court," as defined under 8 C.F.R. 204.11(a): "a court located in the United States having jurisdiction under State law to make judicial determinations about the custody and care of juveniles." USCIS recognizes that state courts that meet this definition may include "juvenile, family, orphans, dependency, guardianship, probate and delinquency courts." See Ex. 1, USCIS "Information for Juvenile Courts."
9. Although an Illinois court presiding over an action for allocation of parental responsibilities is not typically called a "juvenile court," it nonetheless meets that definition under federal law, and has jurisdiction under federal and Illinois law to consider and enter special findings for SIJS. *See* 750 ILCS 5/603.11(b) "A court of this State that is competent to allocate parenting responsibilities has jurisdiction to make the findings necessary to enable a child, who is the subject of a petition to allocate parenting responsibilities, to petition the United States Citizenship and Immigration Services for classification as a Special Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of the United States Code."

10. The IMDMA, Section 603.11, provides specific definitions of the terms “abuse,”

“abandonment,” and “neglect” to be applied to these requests:

- a. “For the purpose of making a finding under this Section:
- b. "Abuse" has the meaning ascribed to that term in subsection (1) of Section 103 of the Illinois Domestic Violence Act of 1986.
- c. "Abandonment" includes, but is not limited to, the failure of a parent to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the child or when one or both of the child's parents are deceased or cannot be reasonably located.
- d. "Neglect" includes the meaning ascribed to the term in paragraph (a) of subsection (1) of Section 2-3 of the Juvenile Court Act of 1987 and the failure to perform caretaking functions as defined in subsection (c) of Section 600.”

*See Pub. Act 101-0121, § 10 (adding 750 ILCS 5/603.11)*

11. Additionally, the Appellate Courts of the First and Second Districts of Illinois have both addressed the authority of state courts to make the specific factual for SIJS under Illinois law. See *In re Estate of Nina L.*, 2015 Ill. App (1st) 152223, *In Re Parentage of Ervin C-R-*, 2020 Ill. App. (2<sup>nd</sup>) 200236.

12. In *Nina L.*, the First District conducted a thorough analysis of the federal SIJS regulations and their applicability under Illinois law. The court determined that the Cook County probate judge erred as a matter of law in refusing to make the requested SIJS findings. *Id.* In *Ervin C-R-*, the Second District noted that the Illinois legislature provided a framework for entering SIJS findings through Pub. Act 101-0121, and reaffirmed the First District’s analysis in *Nina L. Id.*

13. Here, as supported by the Petition, the Petitioner is prepared to present testimony and evidence that the minor children have been neglected and abandoned by the Respondent:

- a. Respondent regularly abused alcohol;
- b. Respondent was regularly physically, verbally, emotionally, and sexually abusive towards the Minor Child's mother in the presence of the Minor Child;
- c. Respondent provided no emotional support and little financial support for the Minor Child;
- d. Respondent did not play a role in the Minor Child's upbringing;
- e. Respondent neglected the Minor Child by failing to perform caretaking functions or parental responsibilities for her;
- f. Petitioner mother feared for her safety and the safety of the Minor Child, and protected the Minor Child from Respondent;

14. As supported by the Petition, the Petitioner is also prepared to testify that the Minor Child is adjusting well to her life with Petitioner in Illinois, and that the Petitioner is presently providing and will continue to provide the Minor Child with a stable, safe environment in which to live and thrive.

- a. The Minor Child and Petitioner have a strong and trusting relationship as mother and daughter;
- b. The Minor Child and Petitioner have a close bond with each other, and Petitioner is the best person to continue to care for, provide for, and protect the Minor Child;
- c. It would not be in the Minor Child's best interest to return to COUNTRY;

- d. The Minor Child has always lived with Petitioner and is now living with Petitioner, and Petitioner has provided and will continue to provide the Minor Child with a stable, safe environment in which to live and thrive;
  - e. If the Minor Child were to return to COUNTRY, she would not have anywhere to live, or any way to obtain the necessities of life. She would be forced to work long hours for extremely low pay in order to help provide for her family. Any further education for the Minor Child would cease, and the Minor Child would be without the support necessary to pursue her goal of attending college. Additionally, the Minor Child would not have access to health insurance or adequate health care;
  - f. The Minor Child is enrolled and thriving at NAME School in Chicago and is currently in the tenth grade. The Minor Child is performing well academically and making friends. The Minor Child wishes to pursue higher education upon her high school graduation. Such educational opportunities are not feasible in the Minor Child's former home country;
  - g. If the Minor Child were to return to COUNTRY, the Minor Child would face threats from gangs that have continuously threatened her family.
15. Based on the foregoing, the Petitioner respectfully requests that this Court enter the special findings requested in her initial petition:
- a. That the minor children's reunification with the Respondent is not viable due to his abuse and neglect of them;
  - b. That it would not be in the minor children's best interest to return to their home country due to a lack of appropriate caregiver there.

Respectfully submitted,

---

Attorney for Petitioner

Attorney Name  
National Immigrant Justice Center  
224 S. Michigan Ave, Suite 600  
Chicago, IL 60604  
Attorney Number

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

IN RE:      Marriage      Civil Union      Legal Separation      Allocation of Parental Responsibilities  
                 Visitation (Non-Parent)      Support      Parentage of:

<p>_____</p> <p align="right">Petitioner</p> <p align="center">and</p> <p>_____</p> <p align="right">Respondent</p>	<p>Case No. _____</p> <p>Calendar: _____</p>
---	--

**CERTIFICATE AND MOTION FOR DEFAULT**

I, the undersigned (attorney for the) Petitioner, CERTIFY that I examined the Clerk's file, docket, and computer record maintained in this matter on \_\_\_\_\_, and found that there is proof of service of process on the

Respondent by      personal service      substitute service on \_\_\_\_\_, or      by publication

on \_\_\_\_\_, and having mailed the required notice. At least thirty (30) days have elapsed since service of summons or first publication and      no appearance has been filed or      an appearance has been made but no response has been filed and notice of this motion has been served on the Respondent. Where I have indicated      personal service      substitute service above, I also CERTIFY that I have given notice to the Respondent of my intention to request a default and to proceed to a default prove-up hearing. I therefore MOVE that the Respondent be held in default, and that this matter be set for prove-up hearing.

I further CERTIFY that I am prepared to present to the Court on the date of hearing the following documents:

1. a copy of the appropriate Petition and evidence that all court fees have been paid;
2. a copy of this Certificate and Motion for Default;
3. a completed Affidavit regarding Respondent's Military Service as required by 50 U.S.C. 521;
4. a proposed Judgment and, where an appearance has been filed, any Marital/Civil Union Settlement Agreement and/or Joint Parenting Agreement previously executed by the parties which may be appended;
5. in case of personal service, an immediate Order For Support and a Notice To Withhold Income For Support; and
6. a completed Application for Child Support Services with the IV-D Agency, where appropriate.

Atty. No.: \_\_\_\_\_

Atty Name: \_\_\_\_\_

/s/ \_\_\_\_\_

Atty. for: \_\_\_\_\_

Petitioner/Petitioner's Attorney

Date

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Primary Email: \_\_\_\_\_

**Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois**  
**cookcountyclerkofcourt.org**

4219 - Order of Default

**ORDER OF DEFAULT ASSIGNMENT**

It is hereby ORDERED that:

Respondent is found in default.

Petitioner's motion for finding of default is denied.

ENTERED:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Judge's No.



## IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

v.

No.

## NOTICE OF MOTION

To:

On \_\_\_\_\_ at \_\_\_\_\_ a.m/p.m. or as soon thereafter as counsel may be heard, I shall appear before the Honorable \_\_\_\_\_ or any judge sitting in that Judge's stead, in the courtroom usually occupied by him/her, located at \_\_\_\_\_, Illinois, and present \_\_\_\_\_.

Atty. No.: \_\_\_\_\_ Pro se 99500 Telephone: \_\_\_\_\_  
 Name: \_\_\_\_\_ Primary Email: \_\_\_\_\_  
 Atty. for: \_\_\_\_\_ Secondary Email: \_\_\_\_\_  
 Address: \_\_\_\_\_ Tertiary Email: \_\_\_\_\_  
 City/State/Zip Code: \_\_\_\_\_

☐ **PROOF OF SERVICE BY DELIVERY**

I, \_\_\_\_\_, ☐ the attorney ☐ non-attorney certify that on the \_\_\_\_\_ day of \_\_\_\_\_, I served this notice by delivering a copy personally to each person to whom it is directed.

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
Signature/Certification

☐ **PROOF OF SERVICE BY MAIL**

I, \_\_\_\_\_, ☐ the attorney ☐ non-attorney certify that I served this notice by mailing a copy to \_\_\_\_\_ at \_\_\_\_\_  
 \_\_\_\_\_  
 (address on envelope)  
 and depositing the same in the U.S. Mail at \_\_\_\_\_  
 \_\_\_\_\_  
 (place of mailing)  
 at \_\_\_\_\_ a.m/p.m.. on the \_\_\_\_\_ day of \_\_\_\_\_, with proper postage prepaid.

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
Signature/Certification

☐ **PROOF OF ELECTRONIC SERVICE (WHERE PERMISSIBLE)**

I, \_\_\_\_\_, ☐ the attorney ☐ non-attorney certify that on the \_\_\_\_\_ day of \_\_\_\_\_, I served this notice electronically ☐ via the Clerk's Office E-filing system, or ☐ by telefax transmission ( \_\_\_\_\_ pages) with consent of the recipient where permissible under Ill. Sup Ct. R.11, at fax no. \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m., from \_\_\_\_\_  
 \_\_\_\_\_  
 (Place)

☐ Via email (Sender's Email is \_\_\_\_\_  
 Recipient's email is: \_\_\_\_\_ ) .

Dated: \_\_\_\_\_  
 \_\_\_\_\_  
Signature/Certification

NOTE: If more than one person is served by delivery or mail, additional proof of service may be made by attaching an additional sheet to this Notice of Motion.

IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

IN RE: THE ALLOCATION OF  
PARENTAL RESPONSIBILITIES OF:

PETITIONER NAME,  
Petitioner,

AND

RESPONDENT NAME,  
Respondent.

No:

Calendar:

**FINAL ALLOCATION OF PARENTAL RESPONSIBILITIES JUDGMENT**

This cause coming to be heard on Petitioner's Motion for Default and the Entry of the Final Allocation of Parental Responsibilities Judgment, pursuant to the best interests provisions of Section 602 of the Illinois Marriage and Dissolution of Marriage Act (750 ILCS 5/602), due notice having been given to all parties, Petitioner present and represented by counsel; Respondent, RESPONDENT NAME, not present in court and having not filed an appearance or response, and being found in default on DATE, the Court having heard the evidence and being fully advised in the premises, the Court finds as follows:

1. That this Petition was filed on DATE pursuant to 750 ILCS 5/601 by PETITIONER NAME ("PETITIONER"). The PETITIONER has resided in Cook County, Illinois for more than six months.
2. That RESPONDENT NAME ("RESPONDENT") was properly served by publication on DATE.
3. That PETITIONER NAME and RESPONDENT NAME are the biological parents of MINOR.

4. That the MINOR resides with and has been under the primary care of the PETITIONER in Cook County, Illinois for more than six months.
5. That the PETITIONER is a fit and proper person to have sole allocation of parental responsibilities, care, control, and physical possession of the MINOR.
6. That it is in the best interests of the MINOR to remain in the sole care, control, and physical possession of the PETITIONER.
7. That RESPONDENT has abandoned the MINOR pursuant to 750 ILCS 5/603.11(a):
  - a. The MINOR has not been under the care, control, or physical possession of the Respondent since DATE.
  - b. Since DATE, RESPONDENT has not provided the MINOR with any support, including but not limited to food, shelter, basic necessities, or educational or emotional support.
  - c. The RESPONDENT has not maintained contact or communicated with MINOR in over eight years.
8. That reunification of the MINOR with RESPONDENT is not viable due to RESPONDENT's abandonment of the MINOR as set forth in more detail above.
9. That it is not in the MINOR's best interests to return to his home country due to RESPONDENT's abandonment of the MINOR. That MINOR suffered severe injury as a result of criminal activity in his home country, and RESPONDENT failed to protect MINOR from said injury or contact MINOR after he was injured to ensure his safety. No other appropriate caretaker for MINOR exists in his home country.

**IT IS HEREBY ORDERED:**

- A. PETITIONER is granted sole allocation of parental responsibilities, care, control, and education of the MINOR.
- B. Parenting time, child support, medical insurance, educational expenses, and all other unresolved matters shall be reserved.
- C. This matter is taken off call.
- D. This Court expressly reserves jurisdiction of the subject matter of this cause and of the parties hereto for the purpose of enforcing the terms of this Final Allocation of Parental Responsibilities Judgment as set forth herein.

ENTERED:

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Judge's No.

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

IN RE THE MARRIAGE/CIVIL UNION OF:

\_\_\_\_\_  
☐ Petitioner ☐ Counter-Respondent

and

\_\_\_\_\_  
☐ Respondent ☐ Counter-Petitioner

No. \_\_\_\_\_

Calendar \_\_\_\_\_

**ORDER ON PROVE UP**

This matter coming on to be heard for (check one) ☐ uncontested prove up ☐ default prove up on the (check one) ☐ Petition ☐ Counter-Petition for Dissolution of Marriage/Civil Union, (check all that apply) ☐ Petitioner ☐ Respondent ☐ Child Representative/Guardian Ad Litem ☐ Petitioner's Attorney ☐ Respondent's Attorney being present and the Court being fully advised in the premises, **IT IS HEREBY ORDERED:**

1. The (check one) ☐ Petitioner ☐ Respondent shall, within \_\_\_\_\_ days submit for Court approval the following (check all that apply):

4566 ☐ Transcript of Prove Up Proceedings

☐ Judgment for Dissolution of Marriage/Civil Union

☐ Settlement Agreement signed by both parties

☐ Parenting Plan signed by ☐ Petitioner ☐ Respondent ☐ Both

☐ Family Support Affidavit

☐ Uniform Order of Support

☐ Order for Withholding

☐ Qualified Domestic Relations Order

☐ Qualified Illinois Domestic Relations Order

2. 4215 Parenting Education Requirement (check all that apply):

a. ☐ Both parties ☐ Petitioner ☐ Respondent has/have completed the parenting education requirement.

b. ☐ Petitioner ☐ Respondent is in Default

c. ☐ Both parties ☐ Petitioner ☐ Respondent is/are ordered to complete court approved (check one) ☐ in class ☐ online parenting education program within \_\_\_\_\_ days.

d. ☐ Parenting education is not required because the parties have no minor children together.

e. ☐ Parenting education requirement is waived due to \_\_\_\_\_

3. 4430 ☐ The transcript of the proceedings is waived.

4. ☐ \_\_\_\_\_

5. 4406 ☐ This matter is set for status on \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. for presentation of the aforesaid documents and/or completion of parenting education program. Failure to appear may result in vacation of the Judgment.

Atty. No.: \_\_\_\_\_

Name: \_\_\_\_\_

Atty. for: ☐ Petitioner ☐ Respondent

Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_

ENTERED:

Dated: \_\_\_\_\_, \_\_\_\_\_

Judge

Judge's No.

IRIS Y. MARTINEZ, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

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

IN RE:      Marriage      Civil Union      Legal Separation      Allocation of Parental Responsibilities  
                 Visitation (Non-Parent)      Support      Parentage of:

_____	Petitioner	Case No. _____
and		
_____	Respondent	Calendar _____

**ORDER FOR FREE TRANSCRIPT**

THIS CAUSE having come before this Court for a proceeding on (date) \_\_\_\_\_ and having been documented by an official court reporter; this Court having previously entered an Order for Waiver of Court Fees pursuant to Supreme Court Rule 298 and 735 ILCS 5/5-105 or 735 ILCS 5/5-105.5 hereby finds that the financial circumstances of the party seeking a waiver have not changed and that the production of a transcript is necessary to commence, prosecute, defend, or enforce relief in this civil action.

WHEREFORE, it is hereby ordered that the Clerk of the Circuit Court of Cook County shall pay any and all costs associated with the production of this transcript and the court reporter shall file a copy thereof with the Clerk's

Office within \_\_\_\_\_ days.

Atty. No.: \_\_\_\_\_  
Pro Se 99500

ENTERED:

Dated: \_\_\_\_\_

Name: \_\_\_\_\_  
Atty. for (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_

Primary Email: \_\_\_\_\_

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Judge's No.

**Iris Y. Martinez, Clerk of the Circuit Court of Cook County, Illinois**  
**cookcountyclerkofcourt.org**

## Default Prove-up Sample Script [APR]

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:**

**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?

***Addressing Hearsay Issues Regarding Child Abuse***

*If the basis for SIJS was abuse or neglect for which your client was not actually present, you may have a hearsay problem if you want your client to testify as to what the children told her. Many judges won't care, but if you get questioned, you can elicit testimony about your client's own observations of the children's behavior as corroboration of their statements (see IMDMA cite below).*

*If the basis was abandonment, you can just have your client testify as to her personal knowledge of the last time Respondent communicated with or provided support for the child.*

**Are you aware of how the children were treated when they lived with Respondent?**

**How did you become aware?** Because they told me that they were abused, because of their behavior I observed when I saw them afterwards, and because I've seen the police reports.

**Let's start with the first way – what did they tell you about how they were treated?**

IF OBJECTION – IMDMA 750 ILCS 5/606.5(c) *Previous statements made by the child relating to any allegations that the child is an abused or neglected child within the meaning of the Abused and Neglected Child Reporting Act, or an abused or neglected minor within the meaning of the Juvenile Court Act of 1987, shall be **admissible in evidence in a hearing concerning allocation of parental responsibilities** in accordance with Section 11.1 of the Abused and Neglected Child Reporting Act. No such statement, however, if **uncorroborated** and not **subject to cross-examination**, shall be sufficient in itself to support a finding of abuse or neglect*

We plan to corroborate with mom's observations and judicial documents from Honduras.

**Sample questions re abuse:**

With what did the children tell you were they beaten?

Who did they tell you beat them?

Did they tell you if the beatings left marks on their bodies?

During what period of time did the children say this took place?

Did the children tell you whether the Respondent ever observed this physical abuse?

Did they say whether he ever intervene to stop it?

Did they tell you if Respondent participated in abuse?

When did you learn this was happening?

Do you know if there is any documentation of this?



What documentation is there?

Do you know if those documents were filed as exhibits attached to your petition?

How did you obtain these documents?

Did you ever talk to the Respondent about what happened to the children?

*[admission of a party opponent is also a hearsay exception if you can get it]*

when did you speak with him?

where were you?

was anyone else present?

if by phone – did you call him? at what number? did you recognize his voice?

how?

what did he say?

When did the children arrive in Illinois?

What were your observations of them when they arrived?

Based on these observations, what do you believe about their treatment in Honduras?

**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?

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )

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

6 IN RE: THE MARRIAGE OF )  
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Petitioner,

No. 19-D- )

and )  
Respondent. )

SERVICE: PERSONAL

REPORT OF PROCEEDINGS had at the  
hearing of the above-entitled cause before the  
HONORABLE MICHAEL A. FORTI, Judge of said court,  
on the 10th day of December, A.D., 2019.

PRESENT:

MS. )  
appeared on behalf of the Petitioner;

Respondent having been found in default.

THEREUPON, the Petitioner, to  
maintain the issues in her own behalf, introduced  
the following evidence, to wit:

Carolina D. Schultz,  
Official Court Reporter  
69 W. Washington  
License No. 084.004678

1 THE COURT: If you could swear the Petitioner in  
2 please.

3 (Petitioner sworn.)

4 THE COURT: Interpreter, are you from the --

5 THE INTERPRETER: I come from an agency.

6 THE COURT: Could you just swear her in, as well.

7 (Interpreter sworn.)

8 MS. [REDACTED] Good morning, your Honor. We are  
9 present in court along with an interpreter. We are  
10 going to be proving up specific allegations regarding  
11 the minor child's non-reunification with her father who  
12 lives in [REDACTED]. Ms. [REDACTED] is seeking parental  
13 responsibilities of the child. The parties were never  
14 married. The Respondent was served by special process  
15 server on July.

16 THE COURT: Let's just go off the record

17 (Off the record.)

18 MS. [REDACTED]: The Respondent was served by  
19 process server on July 2nd, 2019. The certificate of  
20 service was filed with the Court on August 6th, 2019.  
21 We are asking that my client be granted sole  
22 significant decision making responsibility over the  
23 minor child.

24 We are also asking that the Court include

1 special findings in this order regarding the  
2 Respondent's abandonment and neglect of the minor  
3 child, which will allow the child to pursue special  
4 immigrant juvenile status before the immigration  
5 authorities, in order to achieve stability and safety  
6 in the U.S.

7 THE COURT: Okay.

8 [REDACTED]  
9 the Petitioner herein, called as a witness, having  
10 been first duly sworn, was examined and testified,  
11 through an interpreter, as follows:

12 DIRECT EXAMINATION

13 BY MS. [REDACTED]

14 Q. Can you state your name for the record.

15 A. [REDACTED]

16 Q. Are you 29 years old?

17 A. Yes.

18 Q. Do you live at [REDACTED]

19 [REDACTED]

20 A. Yes.

21 Q. Have you lived at this address for more than  
22 90 days prior to filing this petition?

23 A. Yes.

24 Q. Are you currently studying at [REDACTED]

1 College in [REDACTED] to become a cosmetologist?

2 A. Yes.

3 Q. Do you earn approximately \$250 per month  
4 practicing the cosmetology skills you have learned?

5 A. Yes.

6 Q. And do you expect to earn more after you  
7 finish studying?

8 A. Yes.

9 Q. Do you live with anyone else, besides the  
10 minor child?

11 A. Yes.

12 Q. Who?

13 A. My boyfriend and my son.

14 Q. And does your boyfriend earn approximately  
15 3,000 per month at his job at a restaurant in Chicago?

16 A. Yes.

17 Q. Are you able to provide for the child  
18 financially?

19 A. Yes.

20 Q. Is the father of the child the Respondent in  
21 this case?

22 A. Yes.

23 Q. And the Respondent acknowledged the child by  
24 allowing his name to be listed on her birth

1 certificate?

2 A. Yes.

3 Q. The child has been living with you since

4 [REDACTED] shortly after she arrived in Chicago,

5 correct?

6 A. Yes, correct.

7 Q. And you have been her primary caretaker?

8 A. Yes.

9 Q. Has the child been living exclusively with  
10 you since arriving in the U.S.?

11 A. Yes.

12 Q. You have been the primary person responsible  
13 for taking her to school?

14 A. Yes.

15 Q. Providing her with food and clothing?

16 A. Yes.

17 Q. Providing her with medical care?

18 A. Yes.

19 Q. And she has had no contact with the  
20 Respondent since arriving here, correct?

21 A. Correct.

22 Q. The Respondent has provided no financial  
23 support for her since she arrived in the U.S., correct?

24 A. Correct.

1 Q. And the child's grandparents in [REDACTED] are  
2 elderly and incapable of providing care for her,  
3 correct?

4 A. Correct.

5 Q. If the child was to return to [REDACTED] would  
6 she have an appropriate caregiver there?

7 A. No.

8 Q. While you were pregnant with the child, did  
9 the Respondent refuse to provide you with food and  
10 access to appropriate prenatal care?

11 A. No.

12 Q. Has the child ever lived with the Respondent?

13 A. No.

14 Q. When was the last time the Respondent  
15 provided either financial or emotional support for the  
16 child?

17 A. About five years ago.

18 Q. When was the last time the child spoke with  
19 the Respondent?

20 A. More than a year and a half.

21 Q. Okay. When was the last time the child saw  
22 the Respondent?

23 A. More than three years ago.

24 Q. Are you asking this Court to grant you sole



1 significant decision making responsibility for the  
2 minor child?

3 A. Yes.

4 Q. Are you asking this court to find that the  
5 child's reunification with the Respondent is not viable  
6 due to his abandonment and neglect of her?

7 A. Yes.

8 Q. Are you asking this court to find that it is  
9 in the best interest of the minor child to remain with  
10 you as her primary caretaker?

11 A. Yes.

12 Q. Are you asking this court to find that it is  
13 not in the best interest of the minor child to return  
14 to [REDACTED]?

15 A. Yes.

16 Q. Are you asking this court to reserve all  
17 remaining issues, including child support and parenting  
18 time?

19 A. Yes.

20 MS. [REDACTED]: No further questions.

21 THE COURT: Thank you very much. All right.

22 This matter before the Court is being heard  
23 on Petitioner's petition for allocation of parental  
24 responsibilities, pursuant to 750 ILCS 5/602.5.

1 Present in the courtroom this morning is the  
2 Petitioner represented by Counsel. We also have the  
3 benefit of the Spanish interpreter. The Respondent,  
4 who is the father of the child, is not present in the  
5 courtroom, [REDACTED]

6 It has been represented that he currently  
7 lives in [REDACTED], is that correct?

8 MS. [REDACTED]: Correct.

9 THE COURT: As set forth in the proposed order,  
10 the Court, based on that and the testimony elicited in  
11 court, the Court has jurisdiction and the residency  
12 requirements of the statute have been met. The  
13 Petitioner has resided in Cook County for a period of  
14 approximately five years. The minor, [REDACTED], was born  
15 on [REDACTED] and is age nine. Petitioner is the  
16 mother of [REDACTED] Respondent is the father. The  
17 parties -- the parents were never married.

18 The evidence indicates that Respondent has  
19 abandoned [REDACTED] and has failed to provide reasonable  
20 care or supervision. Testimony also indicates that  
21 [REDACTED] has never resided with the Respondent, and has  
22 not provided support for [REDACTED] throughout her life,  
23 and has not been involved with her.

24 Petitioner -- Court also finds that

1 Petitioner is a fit and proper person to have all the  
2 parental responsibilities of the minor child, as being  
3 requested, and the Court concludes it is in the best  
4 interest of [REDACTED] to continue to reside with and be  
5 cared for by Petitioner.

6 Reunification of [REDACTED] with Respondent is  
7 not viable due to abandonment and neglect of [REDACTED] by  
8 Respondent, as the testimony indicates. Likewise, the  
9 Court finds it is not in the best interest of [REDACTED] to  
10 return to her home country of [REDACTED], given the  
11 abandonment of Respondent and the inability of [REDACTED]  
12 grandparents to properly care for her.

13 Therefore, the Court will enter a judgment  
14 of default and conclude that [REDACTED] will be -- continue  
15 to reside with the Petitioner. All the other issues,  
16 including child support are reserved. A transcript of  
17 today's proceedings shall be provided to the Court  
18 within 28 days. Therefore, a default judgment ordering  
19 the allocation of parental responsibilities to the  
20 Petitioner is granted.

21 Congratulations.

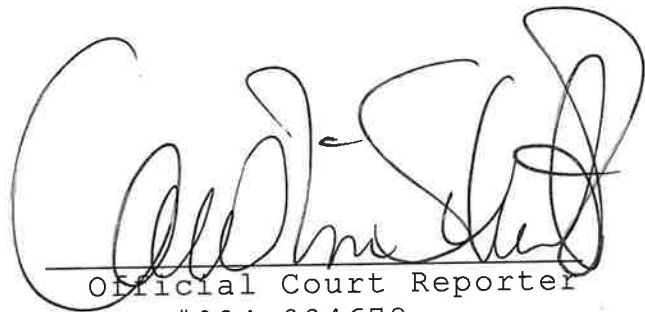
22 MS. [REDACTED] Thank you, your Honor.

23 (WHICH WERE ALL THE PROCEEDINGS HAD  
24 AT THE HEARING ON DECEMBER 10, 2019.)

1 STATE OF ILLINOIS )  
2 )  
3 COUNTY OF C O O K )

4 I, CAROLINA D. SCHULTZ, an Official  
5 Court Reporter for the Circuit Court of Cook County,  
6 County Department-Domestic Relations Division, do  
7 hereby certify that I reported in shorthand the  
8 proceedings had at the above-entitled cause; that I  
9 thereafter caused the foregoing to be transcribed  
10 into typewriting, which I hereby certify to be a  
11 true and accurate transcript of the proceedings had  
12 before the Honorable MICHAEL A. FORTI, Judge of said  
13 court.

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24



Official Court Reporter  
#084.004678

20 Dated this 2nd  
21 of January, 2020.

## 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:
  - [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
- ☐ 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 18<sup>th</sup> or 21<sup>st</sup> birthday. It is critical to coordinate timely filings with the child's immigration attorney.**

Case No. \_\_\_\_\_ Calendar \_\_\_\_\_

Estate of \_\_\_\_\_

**PROBATE DIVISION COVER SHEET**

A Probate Division Cover Sheet shall be filed with the initial petition in all actions filed in the Probate Division. The information contained herein is for clerical purposes only. Please check the box in front of the appropriate category which best characterizes your action being filed.

**Guardianship for Disabled Person**

0001 Person  
0002 Estate  
0003 Estate and Person  
0019 Elder Abuse

**Guardianship for Minor**

0011 Person  
0012 Estate  
0013 Estate and Person

**Probate of Decedent's Estate - Intestate**

0004 Supervised Administration  
0005 Independent Administration  
0014 Summary Administration  
0006 Letters of Administration to Collect  
0018 Miscellaneous Probate Action (Decedent)  
0018 Proof of Heirship (Decedent)

**Probate of Decedent's Estate - Will**

0007 Supervised Executor  
0008 Independent Executor  
0015 Summary Executor  
0009 Will Annexed - Supervised Administration  
0010 Will Annexed - Independent Administration

**Other**

0016 Sell or Transfer Structured Settlement  
(Out of Scope in the eFiling)

Attorney Number \_\_\_\_\_

Name \_\_\_\_\_

Firm Name \_\_\_\_\_

Attorneys for \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Email \_\_\_\_\_

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - PROBATE DIVISION**

Estate of

NAME,

A Minor,

2020 P 12345

**PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR**

Petitioner, NAME, states under penalties of perjury:

1. NAME, (“the Minor”) whose date of birth is DATE, and whose place of residence is ADDRESS, Chicago, Cook County, Illinois, is a minor.
2. The Minor has no real estate, personal estate or anticipated gross annual income or other receipts.
3. The person having physical custody of the Minor is NAME, who is related to the Minor as her sister. The Minor has resided with the Petitioner at her home since DATE when the Minor arrived in Cook County, Illinois after fleeing COUNTRY.
4. The names and addresses of the adult relatives of the Minor entitled to notice of these proceedings are set forth in Exhibit A of this Petition.
5. The Minor was born in COUNTRY. When the Minor was a year old, her father left her and her family for the United States. She has not seen her father since then. Her father has never provided meaningful financial support to the Minor, nor did he provide protection for the Minor even in times of great hardship in COUNTRY. Recognizing that it is



the best interest for the Minor to be under Petitioner's care, the Minor's father has consented to Petitioner's request for guardianship of the Minor. [Exhibit \_\_, Appearance & Consent].

6. The Minor's mother also left the Minor and Petitioner in COUNTRY when the Minor left to live in the United States. Their parents eventually separated. The Minor's mother has consented to Petitioner's request for guardianship of the Minor. [Exhibit \_\_, Appearance & Consent]
7. Petitioner and the Minor received threats from gang members and their affiliates while living in COUNTRY. Petitioner fled to the United States in 2016, and the Minor followed in 2019.
8. Shortly after, Petitioner took custody of the Minor Child and has been caring for her since then.
9. It is necessary that a guardian of the Minor be appointed because she is still a minor child and must have a guardian for school and health purposes. She is also in need of a guardian due to her abandonment by her father, and the inability of her mother to care for her.
10. The Minor has had a number of health issues, including heart problems. Under Petitioner's care in the U.S., the Minor has been able to receive the medical attention she needs.  
  
However, Petitioner's status as her sister and not legal guardian has made assisting the Minor with her medical issues difficult. In the event of an emergency situation, Petitioner needs the authority to care for the Minor that guardianship can offer.
11. The Minor's reunification with her father is not viable due his abandonment of her within the meaning of 755 ILCS 5/11-5.5(a), and general unwillingness to care for her. Specifically, the Minor's father left her when she was a year old, has not seen her since then, and has not offered any meaningful financial support or protection.

12. It would not be in the Minor's interests to return to COUNTRY, since there is no one there who can care for her and keep her safe. She would likely fall victim to additional abuse by the gangs and she would not have access to the medical care and education offered in the United States.
24. The Minor is completely reliant on the Petitioner for her care, safety and well-being.
25. It is in the best interests of the Minor that the Petitioner be appointed as guardian of her person. The Petitioner is willing to continue caring for the Minor, and to continue providing her with a place to live, clothes to wear, food to eat, and a sense of home.
26. The Minor is not involved in any other child custody proceeding pending before this or any other court or administrative body of Illinois or any other state, a Native American tribe, or a foreign country.
27. Petitioner asks that this Court appoint her as the Minor's guardian of her person and find that the Petitioner is qualified and willing to act in this capacity on the Minor's behalf.
28. Petitioner affirms and states that she has personal knowledge of the matters alleged in this Petition, except where information was obtained from sources other than the Petitioner and the Minor child, and in all cases, reasonable efforts were made to obtain all information relevant to the matters verified within.

Wherefore, Petitioner, NAME, respectfully requests that this Honorable Court enter an Order:

- A. Granting the Petition for Guardian of Minor;
- B. Appointing the Petitioner as the Guardian of the person of the Minor;
- C. Finding that the Minor child's father abandoned her within the meaning of 755 ILCS 5/11-5.5, and that reunification with her father is not viable due to his abandonment.

- D. Finding that it would not be in the Minor child's best interests to return to COUNTRY as there is no one there who is able and willing to bear the duties and responsibilities of being her parent or guardian and she left the country in the wake of serious gang threats; and
- E. Granting her any other relief as this Court deems appropriate

Respectfully Submitted,

---

NAME, Petitioner

---

ATTORNEY NAME, her Attorney

### CERTIFICATION

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

\_\_\_\_\_

NAME, Petitioner

### NOMINATION

I, \_\_\_\_\_, a minor over 14 years of age, nominate  
\_\_\_\_\_ as guardian of my person.

\_\_\_\_\_

NAME, Minor

\_\_\_\_\_

Date

ATTORNEY

ATTORNEY NUMBER

ADDRESS BLOCK

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, PROBATE DIVISION**

**ESTATE OF:**

**No.:03 P 123**

**JANE DOE,**

**A MINOR**

**EXHIBIT "A" TO PETITION FOR GUARDIANSHIP OF MINOR**

The names and post office addresses of the adult relatives of the minor entitled to notice are as follows:

<b>NAME</b>	<b>RELATIONSHIP</b>	<b>POST OFFICE ADDRESS</b>
John Doe	Father	718 E. Washington St. Chicago, IL 60600
Donna Doe	Mother	19 Fourth Street Bluegrass, Kentucky 12123
Robert Doe	Adult Sibling	999 Little Street Chicago, IL 60601

Larry Lawyer  
Chicago Volunteer Legal Services  
Attorney for the Petitioner  
33 North Dearborn, Suite 400  
Chicago, IL 60602  
332-1624  
Law Firm No.: 91139

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - PROBATE DIVISION**

**ESTATE OF:**

**JANE DOE,**

**A MINOR**

**No.: 03 P 123**

**APPEARANCE AND CONSENT FOR LETTERS APPOINTING GUARDIAN**

I, Donna Doe, mother of the minor child, state that I am under no legal disability and do hereby appear, waive notice and consent to the immediate appointment of Josie Doe as guardian of the person of the minor child.

\_\_\_\_\_  
DONNA DOE

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Notary Public

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

IN RE: ESTATE OF:

No.: 03 P 123

JANE DOE,

A MINOR

AFFIDAVIT FOR SERVICE BY (check one)  
☐ PUBLICATION ☐ POSTING

\_\_\_\_\_  
Josie Doe on oath states as to  
Defendant \_\_\_\_\_ John Boy \_\_\_\_\_ that:

1. Defendant (check ONE of the following):

☐ resides outside the state;

☐ has gone out of the state;

☒ cannot be found after diligent inquiry;

☐ is concealed within the state;

therefore, process cannot be served upon defendant.

2. Defendant's place of residence is (check ONE of the following):

☐ (Address) \_\_\_\_\_

\_\_\_\_\_  
City State Zip

☒ cannot be ascertained after diligent inquiry. His/Her last known place of residence is:

(Address) \_\_\_\_\_ 718 E. Washington St. \_\_\_\_\_

\_\_\_\_\_  
Chicago IL 69022  
City State Zip

Affiant \_\_\_\_\_  
JOSIE DOE

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Atty. No.: \_\_\_\_\_ 91139  
Name: \_\_\_\_\_ Larry Lawyer  
Attorney for: \_\_\_\_\_ Josie Doe  
Address: \_\_\_\_\_ 33 N. Dearborn St., Suite 400  
City/State/Zip: \_\_\_\_\_ Chicago, IL 60602  
Telephone: \_\_\_\_\_ (312)332-1624

Notary Public: \_\_\_\_\_

**DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, IL**

IN RE THE ESTATE OF: )  
 )  
NAME, ) No.  
 )  
A minor. )

Petitioner NAME, by her attorney, ATTORNEY NAME, has filed a Petition for Guardianship of MINOR NAME and Motion for Special Findings pursuant to 755 ILCS 5/11-5.5. This Memorandum is submitted in support of her Petition and her Motion for Special Findings.

1. PETITIONER NAME filed her petition pursuant to 755 ILCS 5/11-5.5. In addition, she requested certain special findings regarding a minor child; namely MINOR NAME, that her reunification with their father was not viable due to his abandonment and neglect, and that it would not be in her best interest to return to her home country.
2. Probate judges in Illinois have authority to make special findings in the best interests of immigrant children pursuant to Section 11-5.5 of the Probate Act. Judges must consider motions under this section and enter the special findings if supported by the evidence. *See* 755 ILCS 5/11-5.5(c).
3. In 2019, the Illinois General Assembly amended the Juvenile Court Act, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act, the Adoption Act, the Illinois Domestic Violence Act, and the Probate Act to clarify the role of Illinois courts in SIJS cases. The amendments state that “if a motion requests findings regarding Special Juvenile Status under 8 U.S.C. 1101(1)(27)(J) and the evidence, which may



consists solely of, but is not limited to, a declaration of the minor, supports the findings, the court *shall* issue an order” with the relevant findings. Pub. Act 101-0121, § 5 (amending 705 ILCS 405/2-4a).

4. Petitioner has requested certain special findings that would allow MINOR to petition the immigration authorities for Special Immigrant Juvenile Status (“SIJS”), which would provide her the stability of remaining lawfully in the United States in the custody of her MOTHER/OTHER RELATIONSHIP.
5. Special Immigrant Juvenile Status (“SIJS”) is a form of immigration relief under Section 101(a)(27)(J) of the Immigration and Nationality Act (“the INA”), codified at 8 U.S.C. 1101(a)(27)(J). The regulations implementing the statute are found at 8 C.F.R. 204.11.
6. Findings by this Court do not entitle a child to SIJS or any lawful immigration status in the United States. Rather, this Court’s findings are a prerequisite to filing a petition for relief before the immigration authorities (U.S. Citizenship and Immigration Services, or USCIS).
7. Before a child can apply for immigration relief with USCIS, they must first obtain an order from a state court containing specific findings:
  - a. That the child is dependent on the court or has been placed under the custody of a State agency or department, or an individual appointed by the court;
  - b. That reunification with one of the child’s parents is not viable due to abuse, abandonment, neglect, or another similar basis under state law.
  - c. And that it would not be in the child’s best interest to return to her or her parents’ country of nationality or country of last habitual residence. 8 U.S.C. 1101(a)(27)(J).

8. These findings cannot be made by USCIS; they must be entered by a state “juvenile court,” as defined under 8 C.F.R. 204.11(a): “a court located in the United States having jurisdiction under State law to make judicial determinations about the custody and care of juveniles.” USCIS recognizes that state courts that meet this definition may include “juvenile, family, orphans, dependency, guardianship, probate and delinquency courts.” *See* Ex. 1, USCIS “Information for Juvenile Courts.”
9. Although an Illinois court presiding over a minor guardianship under the Probate Act is not typically called a “juvenile court,” it nonetheless meets that definition under federal law, and has jurisdiction under federal and Illinois law to consider and enter special findings for SIJS. *See* 755 ILCS 5/11-5.5 (b) “A court of this State that is competent to adjudicate a petition for guardianship has jurisdiction to make the findings necessary to enable a minor, who is the subject of a petition for guardianship, to petition the United States Citizenship and Immigration Services for classification as a Special Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of the United States Code.”
10. The Probate Act, Section 11-5.5(a), provides specific definitions of the terms “abuse,” “abandonment,” and “neglect” to be applied to these requests:  
“For the purpose of making a finding under this Section:  
    “Abuse” has the meaning ascribed to that term in subsection (1) of Section 103 of the Illinois Domestic Violence Act of 1986.  
    “Abandonment” includes, but is not limited to, the failure of a parent to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the minor or when one or both of the minor’s parents are deceased or cannot be reasonably located.

"Neglect" includes the meaning ascribed to the term in paragraph (a) of subsection (1) of Section 2-3 of the Juvenile Court Act of 1987 and the failure to perform caretaking functions as defined in subsection (c) of Section 600 of the Illinois Marriage and Dissolution of Marriage Act.

11. Here, the Petitioner is submitting this Petition for Guardianship of the Person of NAME OF MINOR, with a request for special findings pursuant to 755 ILCS 5/11-5.5.

12. As supported by the Petition, the Petitioner is prepared to present testimony and evidence that the minor child has been abandoned and neglected by her biological father, NAME ("Father"), pursuant to 755 ILCS 5/11-5.5(a):

a. Father abandoned the minor child by:

- i. Not having seen the minor child for 14 years;
- ii. Providing no emotional support to the minor child for 14 years;
- iii. Providing little financial support for the first six months of the minor child's life and since having provided no financial support;
- iv. Not playing a role in the minor child's upbringing;

b. Father neglected the minor child by:

- i. Failing to perform caretaking functions or parental responsibilities for her.

13. As supported by the Petition, the Petitioner is also prepared to testify that the minor child is adjusting well to her life with Petitioner in Illinois, and that the Petitioner is presently providing and will continue to provide the minor child with a stable, safe environment in which to live and thrive.

a. The minor child and Petitioner have a strong and trusting relationship as mother and daughter;

- b. The minor child and Petitioner have a close bond with each other, and Petitioner is the best person to continue to care for, provide for, and protect the minor child;
  - c. The minor child is a vulnerable young person in need of a guardian to provide her with protection and stability, and to help her remedy the effects of the trauma caused by her father's abandonment at a young age.
  - d. It would not be in the minor child's best interest to return to COUNTRY, as she has no appropriate caretaker there and would face threats of violence similar to those she has already experienced;
  - e. The minor child wishes to continue living with and not be separated from Petitioner. Petitioner has provided and will continue to provide the minor child with a stable, safe environment in which to live and thrive;
14. Based on the foregoing, the Petitioner respectfully requests that this Court:
- a. Enter an order appointing Petitioner as the guardian of the person of the minor;
  - b. Find that the minor child's reunification with Father is not viable due to his abandonment and neglect of her pursuant to 755 ILCS 5/11-5.5(a) ;
  - c. Find that it would not be in the minor child's best interest to return to her home country due to a lack of appropriate caregiver there and the dangerous and unstable environment she would encounter.

Respectfully submitted,

---

Attorney for Petitioner

ATTORNEY NAME  
CONTACT INFO



# U.S. Citizenship and Immigration Services

## Special Immigrant Juvenile Status: Information for Juvenile Courts

### What is Special Immigrant Juvenile Status?

Some children present in the United States without legal immigration status may be in need of humanitarian protection because they have been abused, abandoned, or neglected by a parent. Special Immigrant Juvenile (SIJ) status is an immigration classification that may allow for these vulnerable children to immediately apply for lawful permanent resident status (“LPR” status or a “Green Card”).

### Who is Eligible?

A child must be unmarried, under 21 years of age at the time of filing with U.S. Citizenship and Immigration Services (USCIS), physically present in the United States, and have a qualifying juvenile court order. SIJ-eligible children may come from a variety of circumstances, including, but not limited to, children in federal custody in the U.S. without parents or legal guardians, children in a state’s child welfare system (for example, foster care), and children in the court-ordered custody of a state agency or individual. This can include adoption or guardianship.

### What is the Role of the Juvenile Court?

Juvenile courts issue orders that help determine a child’s eligibility for SIJ status. A child cannot apply to USCIS for SIJ status without an order from a juvenile court. However, juvenile judges should note that providing an order does not grant SIJ status or a “Green Card” - only USCIS can grant or deny these benefits. The role of the court is to make factual findings based on state law about the abuse, neglect, or abandonment; family reunification; and best interests of the child.

### Which Courts May Issue the Order?

A juvenile court is a court in the United States that has jurisdiction under state law to make judicial determinations about the custody and care of children. Examples include: juvenile, family, orphans, dependency, guardianship, probate and delinquency courts.

### What is the Role of USCIS?

USCIS determines eligibility for SIJ status by adjudicating the **Form I-360**, Petition for Amerasian, Widow(er), or Special Immigrant, which includes review of supporting documentation and the juvenile court order. USCIS may also determine a special immigrant juvenile’s eligibility for lawful permanent resident status by adjudicating **Form I-485**, Application to Register Permanent Residence or Adjust Status.



## EXHIBIT A

## Helpful Tips for Juvenile Courts

- **Be familiar with current immigration law.** The Immigration and Nationality Act (INA) section 101(a)(27)(f) establishes the definition of a Special Immigrant Juvenile. This definition can change by acts of Congress. For example, the Trafficking Victims Protection Reauthorization Act of 2008, **Pub. L. 110-457** amended the SIJ **definition**. These statutory changes supersede portions of the Code of Federal Regulations relating to SIJ status (**8 CFR 204.11**). Note: All findings must be based on state law.
- **Ensure HHS consent has been obtained if it is necessary.** If a child currently in the custody of the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR) seeks a juvenile court order that also alters his or her custody status or placement, HHS must specifically consent to the court's jurisdiction. If the order simply restates the child's current ORR placement, HHS consent is not required. See ORR's website at <http://www.acf.hhs.gov/programs/orr/programs/ucs>.
- **Be timely.** A child must obtain a juvenile court order and apply to USCIS for SIJ status before the child ages out of the juvenile court's jurisdiction (usually before 18 years of age), and before he or she turns 21 (even in states where juvenile court jurisdiction extends beyond age 21). In some cases, children may need to obtain SIJ status prior to turning 18 years of age to access certain benefits (such as federally-funded foster care).
- **Ensure the court order makes all required findings.** The order must make the following findings:
  - o Declares the child dependent on the court, or legally commits or places the child under the custody of either a state agency or department or an individual or entity appointed by a juvenile court.
  - o Reunification with one or both of the child's parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law. Note: The abuse may have occurred in the United States or prior to the child's arrival in the United States.
  - o It would not be in the child's best interest to be returned to his or her country of origin.
- **Provide a detailed court order.** The Secretary of Homeland Security, through USCIS, must consent to the grant of SIJ status. This means that for a child to be eligible for SIJ status, USCIS must determine that the juvenile court order was sought primarily to obtain relief from abuse, neglect or abandonment, rather than primarily to obtain an immigration benefit. Template orders are usually not sufficient to establish this. The court order should include the factual basis for the findings on parental reunification, dependency or custody, and best interests. Alternatively, the child or the child's attorney may submit separate findings of fact, records from the judicial proceedings, or affidavits summarizing the evidence presented to the court. The court order need not be overly detailed, and need not recount all of the circumstances of the abuse, abandonment or neglect, but must show the factual basis for the court's findings.



## EXHIBIT A

# **CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

## **Instructions**

**TO:** Potential court-appointed guardians and related parties

**SUBJECT:** Instructions for background check – Obtaining fingerprint-based criminal record history information required by the court

1. Complete and sign two copies of the Privacy Statement Consent concerning criminal history record information (available from the court).
2. Give one copy to the court.
3. Visit a business on the attached list of vendors approved by the Illinois State Police (ISP).
4. Pay the vendor the processing fee.
5. Give the other copy of the Privacy Statement Consent to the vendor.
6. Allow the vendor to electronically scan your fingerprints, take your photograph and submit your photograph and fingerprints to the ISP and FBI.

## **Other information**

Usually, only one set of your fingerprints must be submitted. The current vendor's flat fee charge range for processing is from \$55.00 to \$120.00 which includes any ISP or FBI fees. Please review the attached vendor list for the exact charge per vendor. If the ISP or FBI rejects your fingerprints, you must submit another set of fingerprints and pay a resubmission fee of \$20.00. It is recommended that you contact the vendor and verify the vendor's charge and hours of operation before visiting the vendor.

Your criminal history record information will be sent directly to the court. The court will give you a copy. You have the right to challenge any state or federal criminal history record information disseminated about you from these criminal justice agencies that you believe is inaccurate or incomplete.

## **CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

### **PRIVACY STATEMENT CONSENT Criminal History Record Information**

I, the undersigned, hereby authorize and consent to the release of any criminal history record information that may exist regarding me from any agency, organization, institution, or entity having such information on file. I am aware and understand that my fingerprints may be retained and will be used to check the criminal history record information files of the Illinois State Police (ISP) and/or the Federal Bureau of Investigation (FBI).

In addition, I authorize my photo to be taken, submitted to the ISP and/or FBI; photographic images may be shared for licensing and employment purposes only.

I further understand that I have the right to challenge any state or federal criminal history record information disseminated from these criminal justice agencies regarding me that may be inaccurate or incomplete.

Applicant's Name (printed):	
Applicant's Signature:	Date:
ORI#: CV2104739	Purpose Code: NCP

**COPIES OF THIS FORM MUST BE PROVIDED TO THE COURT AND  
TO THE LICENSED LIVE SCAN FINGERPRINT VENDOR AGENCY**



# Cook County Live Scan Fingerprint Vendors

For details regarding vendors' office hours and to confirm pricing and acceptable forms of payment, you should contact one or more of the vendors listed below.

Name	Phone	Location/Website	Charge
0 A FINGERPRINTING US PHOTO INC SHREYAS SHAH	312-782-8144	<a href="http://www.fingerprintingchicago.com">www.fingerprintingchicago.com</a> 210 South Clark Street at Clark and Adams The Clark Adams Building Ground Level - Lobby Chicago, IL 60603	\$60.00 (Cash) \$62.50 (C.C.)
0 ABBOTT BIOMETRICS LLC NICOLE LOZANO	773-654-1956	<a href="http://www.abbottbiometrics.com">www.abbottbiometrics.com</a> Abbott Biometrics 2958 W. Belmont Ave. Chicago, IL 60618	\$60.00 (Cash Only)
123 FINGER PRINT ME, INC BEN BRYANT	708-898-0365	<a href="http://www.123fingerprntmeinc.com">www.123fingerprntmeinc.com</a> 21141 Governors Hwy. Ste. 208 Matteson, IL 60443	\$65.00
312-IL LLC-On Q Biometrics FRANCESCA RIVERA	773-697-4249	<a href="http://www.onqpi.com">www.onqpi.com</a> 3004 W Belmont Ave Chicago, IL 60618	\$60.00 (Cash) \$62.50 (C.C.)
A+ SECURITY AND SAFETY TRAINING INC Richard A Wooten	773-260-0247	<a href="http://www.aplustrainingchicago.com">www.aplustrainingchicago.com</a> 8012 S. Ashland Ave. Chicago, IL 60620	\$60.00 (Cash) \$63.00 (C.C.)
ACCURATE BIOMETRICS INC PEGGY CRITCHFIELD	(773) 685-5699	<a href="http://www.accuratebiometrics.com">www.accuratebiometrics.com</a> Chicago - Loop Metropolitan Building 134 N. La Salle St. Suite 2060 Chicago, Illinois 60602	\$120.00
ADVANCED SECURITY SOLUTIONS INC	847-299-0210	<a href="http://www.advancedguards.com">www.advancedguards.com</a> 1645 Birchwood Ave., Des Plaines, IL 60018	\$60.00
AGB INVESTIGATIVE SERVICES INC JOHN GRIFFIN JR	773-445-4300	<a href="http://www.agbinvestigative.com">www.agbinvestigative.com</a> 7545 S. Western Ave. Chicago, Il 60620	\$60.00
ALPHA TRAINING & BIOMETRIC SOLUTIONS LLC	708-737-7280	9013 Windsor Drive Orland Park, IL 60462	\$65.00
AMERICAN HERITAGE PROTECTIVE SERVICES INC	708-388-7900	<a href="http://www.ahpservices.com">www.ahpservices.com</a> 5100 West 127th Street Alsip, IL 60803	\$60.00 (Cash Only)
AMERICAN SECURITY SERVICES INC	708-383-6969	<a href="http://www.americansecurityservices.com">www.americansecurityservices.com</a> 1515 S Harlem Ave, Unit 2	\$70.00 (Cash Only)

JAMES P NEWSOME		Forest Park, IL 60130-2655	
ANSON B SHAREEF DBA PRIDE EYE	708-754-7753	20200 Governors Drive, Ste. 201A Olympia Fields, Illinois 60461	\$60.00
ARGUS SERVICES INC ROBERT KURZ	312-377-9441	<a href="http://argus-services.com">http://argus-services.com</a> 2603 W. 22 <sup>nd</sup> Street, Ste. 18 Oak Brook, IL 60523	\$60.00 (Cash Only)
BIOMETRIC IMPRESSIONS CORP JAMES E WILLIAMS JR	630-532-5922	<a href="http://www.biometricimpressions.com">www.biometricimpressions.com</a> 188 W. Industrial Dr. Suite 214B Elmhurst, IL 60126	\$60.00
BIOSCAN TEK INC MARYANN KAVADIAS	630-890-7108	<a href="http://www.bioscantek.com">www.bioscantek.com</a> 2100 Manchester Road Bldg. C, #1615, Wheaton, IL 60187	\$60.00
CHOICE BIOMETRICS LLC Jeff Copeland	312-964-5205	<a href="http://ChoiceBiometrics.com">ChoiceBiometrics.com</a> 939 W. North Ave Suite 750 Chicago, IL. 60610	\$65.00
e2 Biometrics	312-961-0805	<a href="http://www.e2biometrics.com">www.e2biometrics.com</a> 509 N Racine Avenue, #1 South, Chicago, IL 60642	\$65.00 (Cash Only)
ETS INTELLIGENCE LLC DAVID RATKOVICH	847-702-4401	<a href="http://etsintelligence.com/">http://etsintelligence.com/</a> 10 N. Martingale Rd. Suite 400 Schaumburg, IL 60173	\$79.00 (C.C.) \$75.00 (Cash Only)
FACT FINDERS GROUP INC Kenneth M Webb Sr.	708-283-4200	<a href="http://www.factfindersgroup.com">www.factfindersgroup.com</a> 4747 Lincoln Mall Dr., Suite 300 Matteson, IL 60443	\$65.00
FMJ BIOMETRIC SERVICES LLC JAMES M FALKMAN	708-357-0580	<a href="http://www.fmjbiometrics.com">www.fmjbiometrics.com</a> 9114 N. Waukegan Rd Unit #551 Morton Grove, IL 60053	\$60.00
GLOBAL SECURITY GROUP CORP MONTAGUE A HALL IV	847-815-2447	17 W 697 Butterfield Rd. Suite F Oakbrook Terrace, IL 60181	\$65.00
HOMELAND PROTECTION MANAGEMENT INC	708-898-2111	<a href="http://www.hpmsecure.com">www.hpmsecure.com</a> 8925 Golfview Dr. Orland Park, IL 60462	\$55.00
HRRC SCREENING SOLUTION INC	312-662-8826	<a href="http://www.hrcreensingnsolution.com/">http://www.hrcreensingnsolution.com/</a> 2503 W. Cermak Chicago, IL 60608	\$55.00
IDEMIA IDENTITY & SECURITY USA, LLC	800-377-2080	<a href="http://identogo.com/">http://identogo.com/</a> 11006 W 179th St Orland Park, IL 60467-9440	\$55.00
INGRAM SECURITY &	773-316-4050	<a href="http://www.ingramsecurity.com">www.ingramsecurity.com</a>	\$60.00

DETECTIVE SERVICES LLC DBA INGRAM FINGERPRINTI WADE INGRAM		1655 S Blue Island Ave Chicago, IL 60608	
ITOUCH BIOMETRICS LLC LOUISE A BORNHOFEN	847-706-6789	<a href="http://www.itouchbiometrics.com">http://www.itouchbiometrics.com</a> 2300 N. Barrington Road, Ste. 325 Hoffman Estates, IL 60169	\$70.00
JK GUARDIAN SECURITY SERVICES INC	708-385-3300	<a href="http://www.guardiansecurityinc.com">www.guardiansecurityinc.com</a> 3300 W. 127 <sup>th</sup> Street Blue Island, IL 60406	\$60.00 (Cash Only)
JMD DEFENSE & INVESTIGATIONS LLC JAVONDLINN DUNAGAN	773-217-0488	<a href="http://www.jmddefense.com">www.jmddefense.com</a> 1447 W 103rd St Chicago, Illinois 60643	\$60.00
KENTECH CONSULTING INC KENNETH COATS	312-780-0470	<a href="http://www.ekentech.com">www.ekentech.com</a> 520 W Erie Suite 440 Chicago, IL 60654	\$65.00
PAGE SECURITY INC Henry J Page	773-988-9414	<a href="http://www.pagesecurityagency.net">www.pagesecurityagency.net</a> 9453 S. Ashland Ave., Suite 7 Chicago, IL 60620	\$60.00
PETE A WILSON dba Apex Credentials	630-984-0022	<a href="http://www.apexcredentials.com">www.apexcredentials.com</a> 535 Pennsylvania Avenue Glen Ellyn, IL. 60137	\$60.00
Precision Biometrics PLLC	773-770-5194	314 East 75th Street Chicago, Illinois 60619	\$65.00
PTC Finger Printing Services Inc Louis Phillips	773-445-8566	8754 S. Ashland Ave. Chicago IL. 60620	\$60.00
SAYF CONSULTING PLLC	312-285-0187	2911 North Cicero Avenue Chicago, Illinois 60641	\$65.00
TRACE IDENTITY SERVICES INC ROSALIND A CALDWELL	708-754-2900	<a href="http://www.traceidentitysi.com">www.traceidentitysi.com</a> 222 Vollmer Rd., Suite AC Chicago Heights, IL 60411	\$65.00
TRACE2 BIOMETRICS LLC PRISCILLA LUGO	773-344-1907	6832 W. North Avenue Ste. 2A Chicago, IL 60707	\$55.00
UNITED SECURITY SERVICES INC	312-922-8558	1550 S. Indiana Ave. Ste. #300 Chicago, IL 60605	\$65.00 (Cash, Check, or Money Order)

## CONSENT FOR CANTS BACKGROUND CHECK

As requested by this Honorable Court, the undersigned proposed guardian(s), hereby give consent to the Illinois Department of Children and Family services to conduct a Child Abuse and neglect Tracking System (CANTS) check. The purpose of this check is to determine if you, as the proposed guardian, have caused or substantially contributed to this minor or any minor, becoming an abused or neglected minor, as defined in the Juvenile Court Act of 1987 at any time in the past.

### PROPOSED GUARDIAN(S)

Name \_\_\_\_\_ Date of birth: \_\_\_\_\_  
(Please print)

Address: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Proposed guardian)

Signature \_\_\_\_\_  
(Witness)

Name \_\_\_\_\_ Date of birth: \_\_\_\_\_  
(Please print)

Address: \_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Signature \_\_\_\_\_  
(Proposed guardian)

Signature \_\_\_\_\_  
(Witness)

Child's name: \_\_\_\_\_ DOB: \_\_\_\_\_

Probate Case No: \_\_\_\_\_

FOR DCFS USE ONLY

Return Date: \_\_\_\_\_

Time: \_\_\_\_\_

To: [Stephanie.Miller@cookcountyil.gov](mailto:Stephanie.Miller@cookcountyil.gov)

From: [probono@gmail.com](mailto:probono@gmail.com)

Subject: Courtesy copies - 2022Pxxxxxx, 9/21/2022 @10AM Hearing

Good afternoon Judge Miller,

My name is ATTORNEY NAME and I am a pro bono attorney for the National Immigrant Justice Center. My clients and I are scheduled to appear in your courtroom via Zoom next Tuesday, September 21<sup>st</sup> at 10AM, on the following case:

Case name: Estate of Child LASTNAME

Case number: 2022 P xxxxxx

I am attaching the following courtesy copies in preparation of our 9/21 hearing:

1. Copy of initial filing: Cover Sheet and Petition with Exhibits (A and birth certificate);
2. Proposed Order for Appointment of Guardian of Minor;
3. Copy of Certification by Publication for parents and adult siblings;
4. CANTS Consent Form for proposed guardian and adult household member (with copy of government IDs);
5. Copy of CHIRPS and LEADS fingerprint check submitted by proposed guardian and adult household member (with copy of government IDs);
6. Scanned and notarized Oath and Bond of Representative– No Surety by proposed guardian;
7. Scanned and signed Nomination by the Minor;
8. Scanned and notarized Appearance and Consent by adult household member.

I have attached the documents in separate PDFs. Please let me know if there is any additional information you need.

Best regards,

ATTORNEY SIGNATURE

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS COUNTY DEPARTMENT – PROBATE DIVISION

Case No. \_\_\_\_\_ Calendar \_\_\_\_\_

Estate of \_\_\_\_\_

**OATH AND BOND OF REPRESENTATIVE – NO SURETY**

I, \_\_\_\_\_,  
on oath state that I will discharge faithfully the duties of the office of representative, and I acknowledge that I am bound to the People of the State of Illinois to the faithful discharge of those duties in an amount equal to double the value from time to time of the personal estate.

/s/ \_\_\_\_\_  
[signature of representative]

\_\_\_\_\_  
[address]

\_\_\_\_\_  
[city/state/zip]

Signed and sworn to before me by the representative  
on \_\_\_\_\_.

\_\_\_\_\_  
(Clerk of Circuit Court) (Notary Public)

**APPROVED:**

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
[Judge] [Judge's number]

Attorney Number \_\_\_\_\_

Name \_\_\_\_\_

Firm Name \_\_\_\_\_

Attorneys for \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Email \_\_\_\_\_

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - PROBATE DIVISION**

Estate of

NAME,

A Minor,

2020 P XXX

**ORDER APPOINTING GUARDIAN OF A MINOR**

This cause coming to be heard on Petitioner's *Petition for Appointment of Guardianship of Minor*, Petitioner being present and represented by counsel, Parents of the minor having filed an *Appearance and Consent for Letters Appointing Guardian* consenting to the relief requested, and not being present in Court, and the Court having heard the evidence and being fully advised on the premises, the Court finds as follows:

1. Petition was filed on DATE pursuant to 755 ILCS 5/11 by NAME ("Petitioner"), who resides in Cook County, Illinois.

2. The minor who is the subject of these proceedings is NAME ("the Minor"). The Minor was born on DATE and is under the age of 18.

3. Petitioner is the RELATIONSHIP of the Minor.

4. Parents of the Minor have consented to guardianship.

5. The Minor's Father has abandoned her within the meaning of 755 ILCS 5/11-5.5(a) in that he has provided no meaningful support for the Minor throughout her life, and has had substantially no involvement in the life of the Minor, having seen her only during her infancy, and having never provided parental support.

6. Mother is unable to provide a stable and caring living environment for the Minor.

7. Petitioner is a qualified and proper person to be appointed as guardian of the Minor:

a. The Minor resides with and is under the primary care of Petitioner in Cook County, Illinois.

b. Petitioner currently provides all support for the Minor.

8. It is in the best interest of the Minor to continue to reside with and be cared for by Petitioner.

9. It is not in the best interest of the Minor to return to her home country of COUNTRY due to her abandonment by Father and due to the unhealthy and dangerous environment she experienced while living in COUNTRY. No other appropriate caregiver for this Minor exists in COUNTRY.

10. The Court has jurisdiction to enter an order regarding appointment of guardianship pursuant to 755 ILCS 5/11.

**IT IS HEREBY ORDERED:**

A. That the Petitioner is appointed as the legal guardian of the Minor by separate order.

B. That the **Minor's reunification with her father is not viable due to the Father's abandonment of the Minor**, as set forth in detail above;

C. That **return to COUNTRY would not be in the best interest** of the Minor as set forth in more detail above;

D. This matter is taken off call; and

E. This Court expressly reserves jurisdiction of the subject matter of this cause and of the parties hereto for the purpose of enforcing the terms of this Order.

Dated: \_\_\_\_\_

ENTERED:

Judge: \_\_\_\_\_



**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - PROBATE DIVISION**

Estate of  
CHILD NAME,  
  
Minor,

CASE NO.:

**PETITION FOR APPOINTMENT OF GUARDIAN OF MINOR AND MOTION FOR  
SPECIAL FINDINGS**

Petitioner, NAME, states under penalties of perjury:

1. CHILD NAME, whose date of birth is DATE, and whose place of residence is ADDRESS, is a minor for the purposes of 755 ILCS 5/11-5.5 (e)(1). NAME is an unmarried person who is less than 21 years old and has consented to the appointment of a guardian after the age of 18.
2. CHILD NAME has no real estate, personal estate or anticipated gross annual income or other receipts.
3. The person having physical custody of the Minor is the Petitioner, NAME, who is related to the Minor as her sister.
4. The Minor has resided with the Petitioner since DATE, since the Minor arrived in the United States. Petitioner took custody of the Minor and has been caring for her since then.  
  
Petitioner seeks a court-ordered guardianship to continue advocating and caring for her sister.
5. The names and addresses of the adult relatives of the Minor entitled to notice of these proceedings are set forth on Exhibit A of this Petition.
6. The Minor's father, NAME, has abused and abandoned the Minor pursuant to 755 ILCS 5/11-5.5(a). Before leaving the family home around 2011, the father used excessive corporal

punishment and intimidation against the Minor. The father has failed to provide meaningful financial and emotional support to the Minor, and has failed to maintain a reasonable degree of concern for the welfare of the Minor.

7. The Minor's mother, NAME, is afraid for the safety of the Minor if she were forced to return to COUNTRY. The Minor fled COUNTRY to seek safety from her abusive father and threats of harm by a local gang. The Minor's mother is in agreement to Petitioner's request for guardianship of the Minor.
8. CHILD NAME is in need of a guardian due to her minority pursuant to Section 5.5(e)(1) above. She is dependent upon this Court to make the requisite findings that will provide her with the opportunity to obtain stability and relief from her father's abuse and abandonment. A guardianship order will allow PETITIONER to continue to advocate for her sister to receive counseling and educational services, and provide her with the stability to continue to heal from the effects of her father's abuse and abandonment.
9. It would not be in the Minor's best interests to return to COUNTRY, since she fears she will be harmed by her father and by a local gang. The Minor's mother is unable to provide adequate protection to the Minor. Furthermore, the Minor would not have access to the medical care and education she is now receiving in the United States.
10. It is in the best interests of the Minor that the Petitioner be appointed as guardian of her person. The Petitioner is willing to continue caring for the Minor, and to continue providing the Minor with support in school, food to eat, and a sense of home.
11. The Minor is not involved in any other child custody proceeding pending before this or any other court or administrative body of Illinois or any other state.
12. Petitioner asks that this Court appoint her as the guardian of the person of the Minor and find that the Petitioner is qualified and willing to act in this capacity on the Minor's behalf.

13. Petitioner affirms and states that she has personal knowledge of the matters alleged in this Petition, except where information was obtained from sources other than the Petitioner.
14. Reasonable efforts were made to obtain all information relevant to the matters verified within.

Wherefore, the Petitioner respectfully requests that this Honorable Court enter an Order appointing the Petitioner as the Guardian of the person of the Minor, and making the following special findings:

- A. That the Minor's reunification with her father is not viable due to his abuse and abandonment pursuant to 755 ILCS 5/11-5.5(a), as described in more detail above;
- B. That it would not be in the Minor's best interests to return to COUNTRY, as doing so would place her at imminent risk of serious harm.
- C. Granting her any other relief as this Court deems appropriate

Respectfully Submitted,

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Petitioner

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Attorney

## CERTIFICATION

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

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Petitioner

Attorney for the Petitioner

Contact information

Atty No.:

IN RE THE ESTATE OF: )  
 )  
NAME, ) CASE NO:  
 )  
A Minor. )

1. I, NAME, currently residing at ADDRESS, was born on DATE. I am unmarried.
2. I hereby nominated and consent to the appointment of NAME, my [mother/sister/adult friend, etc], currently residing at ADDRESS, as my guardian.
3. I understand that NAME will remain my legal guardian until I reach 21 years of age, unless this guardianship is discharged prior to that date.
4. I understand that this guardianship does not abrogate certain rights I may have under State law, including, but not limited to, decisions regarding my medical treatment without my express consent.

Subscribed and Sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

Prepared by:  
ATTORNEY INFO

IN RE THE ESTATE OF: )  
 )  
NAME, ) No.  
 )  
A minor. )

Petitioner NAME, by her attorney, ATTORNEY NAME, has filed a Petition for Guardianship of MINOR NAME and Motion for Special Findings pursuant to 755 ILCS 5/11-5.5. This Memorandum is submitted in support of her Petition and her Motion for Special Findings.

1. PETITIONER NAME filed her petition pursuant to 755 ILCS 5/11-5.5. In addition, she requested certain special findings regarding a minor child (as defined in 755 ILCS 5/11-5.5); namely MINOR NAME, that her reunification with their father was not viable due to his abandonment and neglect, and that it would not be in her best interest to return to her home country.
2. Probate judges in Illinois have authority to make special findings in the best interests of immigrant children pursuant to Section 11-5.5 of the Probate Act. Judges must consider motions under this section and enter the special findings if supported by the evidence. *See* 755 ILCS 5/11-5.5(c).
3. In 2019, the Illinois General Assembly amended the Juvenile Court Act, the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act, the Adoption Act, the Illinois Domestic Violence Act, and the Probate Act to clarify the role of Illinois courts in SIJS cases. The amendments state that “if a motion requests findings regarding

Special Juvenile Status under 8 U.S.C. 1101(a)(27)(J) and the evidence, which may consists solely of, but is not limited to, a declaration of the minor, supports the findings, the court *shall* issue an order” with the relevant findings. Pub. Act 101-0121, § 5 (amending 705 ILCS 405/2-4a).

4. In 2021, the Illinois General Assembly amended the Probate Act in order to bring Illinois law into conformity with federal law by extending access to Special Immigrant Juvenile Status orders and findings to include unmarried minors ages 18 to 21. Pub. Act 102-0259.
5. Petitioner has requested certain special findings that would allow MINOR to petition the immigration authorities for Special Immigrant Juvenile Status (“SIJS”), which would provide her the stability of remaining lawfully in the United States in the custody of her MOTHER/OTHER RELATIONSHIP.
6. Special Immigrant Juvenile Status (“SIJS”) is a form of immigration relief under Section 101(a)(27)(J) of the Immigration and Nationality Act (“the INA”), codified at 8 U.S.C. 1101(a)(27)(J). The regulations implementing the statute are found at 8 C.F.R. 204.11.
7. Findings by this Court do not entitle a child to SIJS or any lawful immigration status in the United States. Rather, this Court’s findings are a prerequisite to filing a petition for relief before the immigration authorities (U.S. Citizenship and Immigration Services, or USCIS).
8. Before a child can apply for immigration relief with USCIS, they must first obtain an order from a state court containing specific findings:
  - a. That the child is dependent on the court or has been placed under the custody of a State agency or department, or an individual appointed by the court;

- b. That reunification with one of the child's parents is not viable due to abuse, abandonment, neglect, or another similar basis under state law.
  - c. And that it would not be in the child's best interest to return to her or her parents' country of nationality or country of last habitual residence. 8 U.S.C. 1101(a)(27)(J).
- 9. These findings cannot be made by USCIS; they must be entered by a state "juvenile court," as defined under 8 C.F.R. 204.11(a): "a court located in the United States having jurisdiction under State law to make judicial determinations about the custody and care of juveniles." USCIS recognizes that state courts that meet this definition may include "juvenile, family, orphans, dependency, guardianship, probate and delinquency courts." *See* Ex. 1, USCIS "Information for Juvenile Courts."
- 10. Although an Illinois court presiding over a minor guardianship under the Probate Act is not typically called a "juvenile court," it nonetheless meets that definition under federal law, and has jurisdiction under federal and Illinois law to consider and enter special findings for SIJS. *See* 755 ILCS 5/11-5.5 (b) "A court of this State that is competent to adjudicate a petition for guardianship has jurisdiction to make the findings necessary to enable a minor, who is the subject of a petition for guardianship, to petition the United States Citizenship and Immigration Services for classification as a Special Immigrant Juvenile under Section 1101(a)(27)(J) of Title 8 of the United States Code."
- 11. The Probate Act, Section 11-5.5(a), provides specific definitions of the terms "abuse," "abandonment," and "neglect" to be applied to these requests:  
  
"For the purpose of making a finding under this Section:



"Abuse" has the meaning ascribed to that term in subsection (1) of Section 103 of the Illinois Domestic Violence Act of 1986.

"Abandonment" includes, but is not limited to, the failure of a parent to maintain a reasonable degree of interest, concern, or responsibility for the welfare of the minor or when one or both of the minor's parents are deceased or cannot be reasonably located.

"Neglect" includes the meaning ascribed to the term in paragraph (a) of subsection (1) of Section 2-3 of the Juvenile Court Act of 1987 and the failure to perform caretaking functions as defined in subsection (c) of Section 600 of the Illinois Marriage and Dissolution of Marriage Act.

12. Although the minor subject to this Petition has already attained 18 years of age, Illinois Pub. Act 102-0259, *supra*, changed the definition of "minor," for the purposes of this subsection, to include an "unmarried person who is less than 21 years old who consents to the appointment of a ... guardian after the age of 18." 755 ILCS 5/11-5.5(e)(1).
13. Subsection (e)(2) provides that a parent may petition for guardianship of such a minor, and subsection (e)(3) provides that "the court shall appoint the petitioner as the guardian of the person" of such a minor if the minor consents to the appointment. 755 ILCS 5/11-5.5(e) (Emphasis added).
14. Here, the Petitioner, as the minor's mother, is submitting this Petition for Guardianship of the Person of her 18-year-old, unmarried daughter, along with a Consent to Guardianship signed by the minor, and a Motion for Special Findings pursuant to 755 ILCS 5/11-5.5.

15. As supported by the Petition and the attached Motion, the Petitioner is prepared to present testimony and evidence that the minor child has been abandoned and neglected by her biological father, NAME ("Father"), pursuant to 755 ILCS 5/11-5.5(a):

- a. Father abandoned the minor child by:
  - i. Not having seen the minor child for 14 years;
  - ii. Providing no emotional support to the minor child for 14 years;
  - iii. Providing little financial support for the first six months of the minor child's life and since having provided no financial support;
  - iv. Not playing a role in the minor child's upbringing;
- b. Father neglected the minor child by:
  - i. Failing to perform caretaking functions or parental responsibilities for her.

16. As supported by the Petition and the attached Motion, the Petitioner is also prepared to testify that the minor child is adjusting well to her life with Petitioner in Illinois, and that the Petitioner is presently providing and will continue to provide the minor child with a stable, safe environment in which to live and thrive.

- a. The minor child and Petitioner have a strong and trusting relationship as mother and daughter;
- b. The minor child and Petitioner have a close bond with each other, and Petitioner is the best person to continue to care for, provide for, and protect the minor child;
- c. The minor child is a vulnerable young person in need of a guardian to provide her with protection and stability, and to help her remedy the effects of the trauma caused by her father's abandonment at a young age.

- d. It would not be in the minor child's best interest to return to COUNTRY, as she has no appropriate caretaker there and would face threats of violence similar to those she has already experienced;
- e. The minor child wishes to continue living with and not be separated from Petitioner. Petitioner has provided and will continue to provide the minor child with a stable, safe environment in which to live and thrive;

17. Based on the foregoing, the Petitioner respectfully requests that this Court:

- a. With the minor's consent, enter an order appointing Petitioner as the guardian of the person of the minor until the minor attains 21 years of age;
- b. Find that the minor child's reunification with Father is not viable due to his abandonment and neglect of her pursuant to 755 ILCS 5/11-5.5(a) ;
- c. Find that it would not be in the minor child's best interest to return to her home country due to a lack of appropriate caregiver there and the dangerous and unstable environment she would encounter.

Respectfully submitted,

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Attorney for Petitioner

ATTORNEY NAME  
CONTACT INFO



# U.S. Citizenship and Immigration Services

## Special Immigrant Juvenile Status: Information for Juvenile Courts

### What is Special Immigrant Juvenile Status?

Some children present in the United States without legal immigration status may be in need of humanitarian protection because they have been abused, abandoned, or neglected by a parent. Special Immigrant Juvenile (SIJ) status is an immigration classification that may allow for these vulnerable children to immediately apply for lawful permanent resident status (“LPR” status or a “Green Card”).

### Who is Eligible?

A child must be unmarried, under 21 years of age at the time of filing with U.S. Citizenship and Immigration Services (USCIS), physically present in the United States, and have a qualifying juvenile court order. SIJ-eligible children may come from a variety of circumstances, including, but not limited to, children in federal custody in the U.S. without parents or legal guardians, children in a state’s child welfare system (for example, foster care), and children in the court-ordered custody of a state agency or individual. This can include adoption or guardianship.

### What is the Role of the Juvenile Court?

Juvenile courts issue orders that help determine a child’s eligibility for SIJ status. A child cannot apply to USCIS for SIJ status without an order from a juvenile court. However, juvenile judges should note that providing an order does not grant SIJ status or a “Green Card” - only USCIS can grant or deny these benefits. The role of the court is to make factual findings based on state law about the abuse, neglect, or abandonment; family reunification; and best interests of the child.

### Which Courts May Issue the Order?

A juvenile court is a court in the United States that has jurisdiction under state law to make judicial determinations about the custody and care of children. Examples include: juvenile, family, orphans, dependency, guardianship, probate and delinquency courts.

### What is the Role of USCIS?

USCIS determines eligibility for SIJ status by adjudicating the **Form I-360**, Petition for Amerasian, Widow(er), or Special Immigrant, which includes review of supporting documentation and the juvenile court order. USCIS may also determine a special immigrant juvenile’s eligibility for lawful permanent resident status by adjudicating **Form I-485**, Application to Register Permanent Residence or Adjust Status.



## EXHIBIT A

## Helpful Tips for Juvenile Courts

- **Be familiar with current immigration law.** The Immigration and Nationality Act (INA) section 101(a)(27)(J) establishes the definition of a Special Immigrant Juvenile. This definition can change by acts of Congress. For example, the Trafficking Victims Protection Reauthorization Act of 2008, **Pub. L. 110-457** amended the SIJ **definition**. These statutory changes supersede portions of the Code of Federal Regulations relating to SIJ status (**8 CFR 204.11**). Note: All findings must be based on state law.
- **Ensure HHS consent has been obtained if it is necessary.** If a child currently in the custody of the U.S. Department of Health and Human Services (HHS), Office of Refugee Resettlement (ORR) seeks a juvenile court order that also alters his or her custody status or placement, HHS must specifically consent to the court's jurisdiction. If the order simply restates the child's current ORR placement, HHS consent is not required. See ORR's website at <http://www.acf.hhs.gov/programs/orr/programs/ucs>.
- **Be timely.** A child must obtain a juvenile court order and apply to USCIS for SIJ status before the child ages out of the juvenile court's jurisdiction (usually before 18 years of age), and before he or she turns 21 (even in states where juvenile court jurisdiction extends beyond age 21). In some cases, children may need to obtain SIJ status prior to turning 18 years of age to access certain benefits (such as federally-funded foster care).
- **Ensure the court order makes all required findings.** The order must make the following findings:
  - o Declares the child dependent on the court, or legally commits or places the child under the custody of either a state agency or department or an individual or entity appointed by a juvenile court.
  - o Reunification with one or both of the child's parents is not viable due to abuse, neglect, abandonment, or a similar basis under state law. Note: The abuse may have occurred in the United States or prior to the child's arrival in the United States.
  - o It would not be in the child's best interest to be returned to his or her country of origin.
- **Provide a detailed court order.** The Secretary of Homeland Security, through USCIS, must consent to the grant of SIJ status. This means that for a child to be eligible for SIJ status, USCIS must determine that the juvenile court order was sought primarily to obtain relief from abuse, neglect or abandonment, rather than primarily to obtain an immigration benefit. Template orders are usually not sufficient to establish this. The court order should include the factual basis for the findings on parental reunification, dependency or custody, and best interests. Alternatively, the child or the child's attorney may submit separate findings of fact, records from the judicial proceedings, or affidavits summarizing the evidence presented to the court. The court order need not be overly detailed, and need not recount all of the circumstances of the abuse, abandonment or neglect, but must show the factual basis for the court's findings.



## EXHIBIT A

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT - PROBATE DIVISION**

Estate of

CHILD,

A Minor,

Case No.

**ORDER APPOINTING GUARDIAN OF A MINOR**

This cause coming to be heard on Petitioner's *Petition for Appointment of Guardianship of Minor*, Petitioner being present and represented by counsel, and the Court having heard the evidence and being fully advised on the premises, the Court finds as follows:

1. Petition was filed on DATE pursuant to 755 ILCS 5/11 by ADULT ("Petitioner"), who resides in Cook County, Illinois, and has resided in Cook County, Illinois, for more than one year.
2. The Minor who is the subject of these proceedings is CHILD, born on DATE. Child ("the Minor") is a minor in need of a guardian pursuant to 755 ILCS 5/11-5.5(e)(1), in that she is unmarried, under 21 years of age, and has consented to the appointment of a guardian.
3. Petitioner is the sister of the Minor.
4. Parents of the Minor have consented to guardianship.
5. The Minor's Father has abandoned her within the meaning of 755 ILCS 5/11-5.5(a) in that he has provided no meaningful support for the Minor throughout her life, and has had substantially no involvement in the life of the Minor, having seen her only during her infancy, and having never provided parental support.
6. Mother is unable to provide a stable and caring living environment for the Minor.
7. Petitioner is a qualified and proper person to be appointed as guardian of the Minor:
  - a. The Minor resides with and is under the primary care of Petitioner in Cook County, Illinois.

- b. Petitioner currently provides all support for the Minor.
8. It is in the best interest of the Minor to continue to reside with and be cared for by Petitioner. The Minor is in need of an order of guardianship to allow PETITIONER to continue to advocate for her to receive counseling and educational services, and provide her with the stability to continue to heal from the effects of her father's abuse and abandonment
9. It is not in the best interest of the Minor to return to her home country of COUNTRY due to her abandonment by Father and due to the unhealthy and dangerous environment she experienced while living in COUNTRY. No other appropriate caregiver for this Minor exists in COUNTRY.
10. The Court has juvenile jurisdiction to enter an order appointing a guardian pursuant to 755 ILCS 5/11-5.5(e)(2)/

**IT IS HEREBY ORDERED:**

- A. That the Petitioner is appointed as the legal guardian of the Minor by separate order.
- B. That the Minor's reunification with her father is not viable due to the Father's abandonment of the Minor, as set forth in detail above;
- C. That return to COUNTRY would not be in the best interest of the Minor as set forth in more detail above;
- D. This matter is taken off call; and
- E. This Court expressly reserves jurisdiction of the subject matter of this cause and of the parties hereto for the purpose of enforcing the terms of this Order.

Dated:

ENTERED:

Judge: \_\_\_\_\_