



# GUIDANCE FOR SIJS STATE COURT PREDICATE ORDERS IN CALIFORNIA

## *What You Need to Know in 2024*

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## I. What is Special Immigrant Juvenile Status (SIJS)?

Special immigrant juvenile status is a unique form of immigration relief for young people who cannot be reunified with one or both parents due to abuse, neglect, or abandonment.<sup>1</sup> SIJS requires the involvement of state courts and a specific state court order before a young person becomes eligible to apply for relief with U.S. Citizenship & Immigration Services (USCIS). Youth who are successful in obtaining SIJS are then eligible to apply for adjustment of status to that of a lawful permanent resident (a green card holder) once a visa is available to them.<sup>2</sup> Before a youth may apply for SIJS, a state court must issue an order making three specific judicial determinations (referred to in this advisory as the “SIJS predicate order”; sometimes also referred to as “SIJS findings”). The three judicial determinations are:

1. That the child has been declared dependent on a juvenile court, or legally committed to or placed under the custody of a state agency, department, or an individual or entity appointed by a state or juvenile court;
2. 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; and
3. That it is not in the child’s best interest to be returned to their country of nationality or last habitual residence.

In California, a young person may request these determinations using the applicable Judicial Council Form in family court proceedings (FL-356), probate guardianship proceedings (GC-220), dependency proceedings (JV-356), or juvenile justice (delinquency) proceedings (JV-356). When filing a request for an SIJS predicate order in state court, it is best practice to also submit to the court a declaration from the youth (and, when relevant, from others with personal knowledge of the facts supporting the determinations), as well as the proposed SIJS predicate order (using Judicial Council Form FL-357/GC-224/JV-357, discussed in more detail below).<sup>3</sup> This advisory focuses on the content of the predicate order, which will be the central piece of evidence submitted with the youth’s petition for SIJS to USCIS.

## II. What Should be Included in the State Court Predicate Order?

As stated above, the three judicial determinations required for SIJS must be included in the state court predicate order. In addition, the predicate order should include a short statement of the factual basis for each of these determinations.<sup>4</sup> If it is not possible to include the factual basis within the predicate order itself, petitioners for SIJS must submit other evidence of the factual basis in order to demonstrate eligibility for SIJS.<sup>5</sup> The factual basis should include information regarding with whom or with what entity the child is placed, which of the grounds for non-viability of reunification exist as to one or both parents, and each parent's name (if known), in addition to more general facts supporting each determination in alignment with the elements of state law.<sup>6</sup> The SIJS predicate order must include citations to the specific state law provisions that the court relied upon in making each of the three determinations.<sup>7</sup> The predicate order should also highlight how the state court proceedings granted the child relief from parental maltreatment (such as by placing the child in a custodial arrangement, ordering the child dependent on the court for the provision of child welfare services, and/or other court-ordered or court-recognized protective or remedial relief).<sup>8</sup> Protective or remedial relief can include recognition of the child's placement in the custody of the Office of Refugee Resettlement (ORR). Such facts regarding relief from parental maltreatment are now required pursuant to the updated April 2022 SIJS regulations.<sup>9</sup>

In California, a uniform Judicial Council Form is available and should be used for all SIJS predicate orders issued by state courts. Form FL-357 (family court)/GC-224 (probate court)/JV-357 (juvenile justice or dependency court) is available at no cost on the California Judicial Branch's website (<http://www.courts.ca.gov>). The form is appropriate for use in family court proceedings seeking custody (such as a parentage action, petition for custody and support, dissolution, or domestic violence restraining order), probate guardianship proceedings, juvenile dependency proceedings, and juvenile justice proceedings. The form includes the three judicial determinations required to demonstrate eligibility for SIJS. Advocates are encouraged to use the space provided below each of the determinations on the form to set forth the factual basis supporting that determination, as well as the applicable state law. Examples of completed forms FL-357 in family court parentage proceedings, GC-224 in probate guardianship proceedings, and JV-357 in dependency and juvenile justice proceedings are provided as **Appendices**.

## III. How Much Information Should be Included to Demonstrate the Factual Basis?

USCIS does not specify how much information must be included to demonstrate the factual basis for each judicial determination. Many advocates have had success in providing two to four sentences to support each of the three required determinations. The facts provided should mirror the elements in the relevant state law. Keep in mind that some sensitive information may be confidential under state law<sup>10</sup> and should not be included unless state law procedure has been properly followed. See examples of predicate orders including the recommended level of detail in the **Appendices**. It is also important to consult with local practitioners in your jurisdiction to learn any specific state court judges' preferences.

## IV. What Provisions of California Law Can Support a Request for an SIJS Predicate Order in State Court?

For a child to be eligible for SIJS, a juvenile court must determine that they have been declared dependent on the court or that the court has legally committed the child to, or placed them under the custody of, an agency or department of a state, or an individual or entity appointed by a state or juvenile court. In California, the following state law citations may support these determinations:

- **Dependency on the court:** dependency proceedings (Welf. & Inst. Code § 300(a)–(j)).
- **Commitment to or placement under the custody of a state agency or department:** juvenile justice proceedings (Welf. & Inst. Code § 602).
- **Commitment to or placement under the custody of an individual or entity:** family court proceedings (Fam. Code §§ 3011, 3020); probate guardianship proceedings (Prob. Code § 1514).

Further, the court must determine that reunification is not viable with one or both of the child’s parents due to abuse, neglect, abandonment, or a similar basis under state law. Because state courts are tasked with making this determination, they must rely on state law definitions of abuse, neglect, abandonment, and any similar bases. In California, the following definitions may support these findings:<sup>11</sup>

- **Abuse:** Physical harm inflicted nonaccidentally (Welf. & Inst. Code § 300(a)); Victim of sexual trafficking (Welf. & Inst. Code § 300(b)(2)); Sexual abuse (Welf. & Inst. Code § 300(d)); Act of cruelty (Welf. & Inst. Code § 300(i)); Abuse defined – bodily injury, sexual assault, etc. (Fam. Code § 6203); History of abuse (Fam. Code § 3011(a)(2)); History of sexual abuse (Fam. Code § 3030(a)); Domestic violence (Fam. Code § 6211); Criminal child abuse (Penal Code §§ 273a, 11165.1, 11165.3, 11165.4, 11165.6)
- **Neglect:** Conduct of parent resulting in serious emotional damage (Welf. & Inst. Code § 300(c)); Neglect/cruel treatment (Fam. Code § 7823(a)); Criminal child neglect (Penal Code §§ 270, 11165.2)
- **Abandonment:** Child left without provision for support (Welf. & Inst. Code § 300(g)) [this can include death of parent(s)]; Child left in the care of one parent or non-parent, with failure by abandoning parent to provide support, or without communication from the other parent, with intent to abandon (Fam. Code § 7822(a)(3);(b)); “Abandoned” defined as child left without provision for reasonable and necessary care or supervision (Fam. Code § 3402(a)); Death, inability or refusal to take custody, or abandonment (Fam. Code § 3010(b)); Criminal child abandonment (Penal Code § 270)
- **Similar basis under state law:**<sup>12</sup> Death<sup>13</sup> (leaves the child “without any provision for support” (Welf. & Inst. Code § 300(g)); Harm or substantial risk of harm as a result of failure or inability to supervise or protect (Welf. & Inst. Code § 300(b)(1));<sup>14</sup> Finding that placement with a parent would be detrimental to the child (Fam. Code § 3041)

Lastly, the juvenile court must determine that it is not in the child’s best interest to be returned to their country of origin. Here again, the court must look to state law regarding what is in the child’s best interest, and should make a holistic comparison between circumstances affecting the child’s health, safety, and welfare in California and such circumstances in the country of

origin.<sup>15</sup> The court should make this determination even when the young person is over the age of eighteen.<sup>16</sup> In California, the “best interest” of the child is defined by reference to the child’s health, safety, and welfare.<sup>17</sup>

As mentioned above and demonstrated in the **Appendices**, advocates must include the state law provision(s) the court relied upon in making each determination in the predicate order.<sup>18</sup> Including citations to federal law is not recommended.<sup>19</sup>

## Endnotes

<sup>1</sup> 8 U.S.C. § 1101(a)(27)(J); INA § 101(a)(27)(J).

<sup>2</sup> Note that a visa must be available in order for the child to adjust status. For further information, see ILRC, *Special Immigrant Juvenile Status & Visa Availability* (Mar. 2023), <https://www.ilrc.org/resources/special-immigrant-juvenile-status-visa-availability>.

<sup>3</sup> Submitting a declaration will ensure that the court has a factual basis for making its determinations, and may eliminate the need for the judge to elicit sensitive testimony from your client in court. Under California law, the evidence to support the findings “may consist solely of, but is not limited to, a declaration by the child who is the subject of the petition.” Cal. Code Civ. Proc. § 155(b)(1).

<sup>4</sup> 8 CFR § 204.11(d)(5)(i).

<sup>5</sup> *Id.*; see also 6 USCIS-PM J.3(A)(2) (“If a petitioner does not provide a court order that includes facts that establish a factual basis for all of the required determinations, USCIS may request evidence of the factual basis for the court’s determinations. USCIS does not require specific documents to establish the factual basis or the entire record considered by the court. However, the burden is on the petitioner to provide the factual basis for the court’s determinations. Examples of documents that a petitioner may submit to USCIS that may support the factual basis for the court order include:

- Any supporting documents submitted to the juvenile court, if available;
- The petition for dependency or complaint for custody or other documents which initiated the juvenile court proceedings;
- Court transcripts;
- Affidavits summarizing the evidence presented to the court and records from the judicial proceedings; and
- Affidavits or records that are consistent with the determinations made by the court.”

<sup>6</sup> See 6 USCIS-PM J.3(A)(3).

<sup>7</sup> See 8 CFR § 204.11(c)(3)(i); see also 6 USCIS-PM J.3 (A)(1) (“The order(s) should use language establishing that the specific judicial determinations were made under state law ... This requirement may be met if the order(s) cite those state law(s), or if the petitioner submits supplemental evidence which could include, for example, a copy of the petition with state law citations, excerpts from relevant state statutes considered by the state court prior to issuing the order, or briefs or legal arguments submitted to the court. USCIS looks at the documents submitted in order to ascertain the role and actions of the court and to determine whether the proceedings provided relief to the child under the relevant state law(s). The juvenile court order may use different legal terms than those found in the Immigration and Nationality Act (INA) as long as the determinations have the same meaning as the requirements for SIJ classification (for example, “guardianship” or “conservatorship” may be equivalent to custody) ... Orders that just mirror or cite to federal immigration law and regulations are not sufficient.”). If advocates encounter resistance to including state law citations in SIJS predicate orders, they can cite the 2019 Court of Appeals decision holding that a probate court is required to issue SIJS predicate orders based on state law and to cite to state authority for the judicial determinations in its order. *O.C. v. Superior Court* (2019) 44 Cal.App.5th 76.

<sup>8</sup> 8 CFR § 204.11(d)(5)(ii); see also 6 USCIS-PM J.3(A)(2) (“For DHS to consent to the grant of SIJ classification, the juvenile court order(s) and any supplemental evidence submitted by the petitioner must include the factual basis for the required determinations, as well as the relief from parental abuse, neglect, abandonment or a similar basis under state law granted or recognized by the court.”).

<sup>9</sup> 8 CFR § 204.11. For more information about the 2022 SIJS regulations, see ILRC, *An Overview of USCIS’s New SIJS Regulations* (Jan. 2023), <https://www.ilrc.org/resources/overview-usciss-new-sijs-regulations>.

<sup>10</sup> For example, information and documents from juvenile case files in dependency and juvenile justice proceedings are confidential under California law and cannot be shared with a third party without juvenile court permission. See Cal. Welf. & Inst. Code §§ 827, 831. For more information about confidentiality of juvenile records in California and its impact on immigration cases, see ILRC, *Confidentiality of Juvenile Records in California: Guidance for Immigration Practitioners* (Sept. 2022), <https://www.ilrc.org/resources/confidentiality-juvenile-records-california-guidance-immigration-practitioners>.

<sup>11</sup> In some cases, advocates may need to research and cite to case law in addition to the relevant statutes. The list provided here is not exhaustive.

<sup>12</sup> USCIS requires that if a juvenile court determines that the child cannot reunify with a parent based on a “similar basis under state law,” the SIJS petitioner must “provide evidence of how the basis is legally similar to abuse, neglect, or abandonment under State law. Such evidence must include: (i) The juvenile court’s determination as to how the basis is legally similar to abuse, neglect, or abandonment under State law; or (ii) Other evidence that establishes the juvenile court made a judicial determination that the legal basis is similar to abuse, neglect, or abandonment under State law.” 8 CFR § 204.11(d)(4); see also 6 USCIS-PM J.3(A)(1).

<sup>13</sup> Under California law, death of a parent can constitute abandonment, see, e.g., *Guardianship of Saul H.* (2022) 13 Cal.5th 827 (holding that a showing of parental intent to abandon is not required in order for a court to determine that reunification with a parent is not viable due to abandonment for SIJS purposes, in part because requiring intent could lead to unwarranted denials of SIJS predicate orders when, for example, a child has been orphaned). In light of this, it is preferable to request a determination of abandonment when a parent has died rather than similar basis under state law because of the additional showing that USCIS requires in “similar basis” cases. See *supra*, endnote 12.

<sup>14</sup> *Guardianship of Saul H.* (2022) 13 Cal. 5th 827, 852 (holding that parental failure or inability to protect under Cal. Welf. & Inst. Code § 300(b)(1) is a “similar basis” to neglect for SIJS purposes).

<sup>15</sup> *Id.* at 854-856.

<sup>16</sup> *Id.*

<sup>17</sup> See Fam. Code § 3020(a); see also Fam. Code § 3011.

<sup>18</sup> In the 2019 decision *O.C. v. Superior Court*, California’s Fourth District Court of Appeal held that a probate court is required to issue SIJS determinations based on state law and to cite to state authority for those determinations in its order. *O.C. v. Superior Court* (2019) 44 Cal.App.5th 76.

<sup>19</sup> 6 USCIS-PM J.3(A)(1).



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### About the Immigrant Legal Resource Center

The Immigrant Legal Resource Center (ILRC) works with immigrants, community organizations, legal professionals, law enforcement, and policy makers to build a democratic society that values diversity and the rights of all people. Through community education programs, legal training and technical assistance, and policy development and advocacy, the ILRC’s mission is to protect and defend the fundamental rights of immigrant families and communities.

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# APPENDICES

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## A. Sample Family Court SIJS Findings

FL-357/GC-224/JV-357

ATTORNEY OR PARTY WITHOUT ATTORNEY: STATE BAR NO.: 260343 NAME: Attorney A FIRM NAME: Legal Services STREET ADDRESS: 123 1st Street CITY: Anytown STATE: CA ZIP CODE: 12345 TELEPHONE NO.: 123-456-7890 FAX NO.: 123-456-7890 E-MAIL ADDRESS: attorneya@legalservices.org ATTORNEY FOR (name): Child Client	FOR COURT USE ONLY <b>CONFIDENTIAL</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 24405 Amador Street MAILING ADDRESS: 24405 Amador Street CITY AND ZIP CODE: Hayward 94544 BRANCH NAME: Hayward Hall of Justice	
CASE NAME: Child Client v. Custodial Parent	
<b>SPECIAL IMMIGRANT JUVENILE FINDINGS</b>	CASE NUMBER: 123456789

1. Child's name: Child Client Date of birth: 05/29/2006
2.  The petition or request for Special Immigrant Juvenile (SIJ) findings was heard:
- a. Date of hearing: 06/28/2023 Time: 9:30am Dept.: B Room:
- b. Judicial officer (name): Honorable Judge
- c. Persons and attorneys present (names):  
 Child Client, Petitioner  
 Attorney A, attorney for Petitioner  
 Custodial Parent, Respondent

**The court has reviewed the evidence and finds the following:**

3. Notice of the underlying proceeding was given as required by law.
4. a.  The child was declared a dependent of the juvenile court of the county of (specify):  
 on (date): and remains under the court's jurisdiction.
- OR**
- b.  The child was
- (1)  placed under the custody of an individual (name, unless confidential): Custodial Parent
- (2)  placed under the custody of an entity (name):
- (3)  committed to a state agency or department (name):  
 appointed by this court or another California court on (date): 06/28/2023
- The custody or commitment order remains in effect.

Supporting legal conclusions or factual findings, if necessary: The Court has jurisdiction under California law to make judicial determinations about the custody and care of juveniles. The Court has found it is in the best interest of Child Client to be placed under the full custody of her mother Custodial Parent. See Fam. Code §§ 3011; 3020. The minor's father does not support her economically or emotionally and is not involved in her care.

Continued on Attachment 4.

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FL-357/GC-224/JV-357

CASE NAME: Child Client v. Custodial Parent	CASE NUMBER: 123456789
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5. Reunification of the child with  the mother  the father  the other legal parent is not viable under California law because of parental  abuse,  neglect,  abandonment, or  a similar legal basis (*specify*):

as established on (*date*): 06/28/2023, for the following reasons (*for each parent with whom reunification is not viable, state the reasons that apply to that parent*): The court finds there is evidence to support the findings that Custodial Parent is the mother of minor Child Client, and Non-custodial Parent is the father of Child Client. Non-custodial Parent does not provide economically for Child Client, and he never has. Child Client did not live with her father in Honduras. He was not and is still not involved in her care. Reunification of Child Client with her father is not viable under California law due to abandonment. See Fam. Code §§ 3402(a); 7822(a)(2); Welf. & Inst. Code § 300(g).

Continued on Attachment 5.

6. It is not in the child's best interest to be returned to the child's or parent's country of nationality or country of last habitual residence (*specify country or countries*): Honduras for the following reasons:

The court finds there is evidence to support the findings that it is not in Child Client's best interest to return to Honduras. Fam. Code §§ 3011. She and her family received threats in Honduras and were unsafe and without protection. Child Client does not have any parental support in Honduras. Her mother lives in the United States. Her father has never supported her economically, and Child Client has never lived with him. He is not involved in her care. She does not have any other adequate caretakers in Honduras. In the United States, Child Client is enrolled in high school. She is learning English and dreams of attending college. Child Client lives with her mother, who raised her, and with her two younger siblings. It is in the best of interest of Child Client to remain in the United States.

Continued on Attachment 6.

Date:

\_\_\_\_\_  
 JUDICIAL OFFICER

SIGNATURE FOLLOWS LAST ATTACHMENT



## B. Sample Probate Court SIJS Findings

FL-357/GC-224/JV-357

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NO.: 123456 NAME: <b>Attorney A</b> FIRM NAME: <b>Legal Services</b> STREET ADDRESS: <b>123 1st Street</b> CITY: <b>Anytown</b> STATE: <b>CA</b> ZIP CODE: <b>12345</b> TELEPHONE NO.: <b>123-456-7890</b> FAX NO.: <b>123-456-7890</b> E-MAIL ADDRESS: <b>attorneya@legalservices.org</b> ATTORNEY FOR (name): <b>Client 2</b>	FOR COURT USE ONLY <b>CONFIDENTIAL</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF <b>Alameda</b> STREET ADDRESS: <b>2120 Martin Luther King Jr. Way</b> MAILING ADDRESS: <b>2120 Martin Luther King Jr. Way</b> CITY AND ZIP CODE: <b>Berkeley 94704</b> BRANCH NAME: <b>Berkeley Courthouse</b>	
CASE NAME: <b>Guardianship of Child Client 2</b>	
<b>SPECIAL IMMIGRANT JUVENILE FINDINGS</b>	CASE NUMBER: <b>123456781</b>

1. Child's name: **Child Client 2** Date of birth: **09/20/2006**
2.  The petition or request for Special Immigrant Juvenile (SIJ) findings was heard
- a. Date of hearing: **10/13/2023** Time: **9:30 a.m.** Dept.: **C** Room:
- b. Judicial officer (name): **Honorable Judge**
- c. Persons and attorneys present (names):  
**Child Client 2, ward and petitioner**  
**Attorney A, attorney for ward and petitioner**  
**Guardian, guardian**

**The court has reviewed the evidence and finds the following:**

3. Notice of the underlying proceeding was given as required by law.
4. a.  The child was declared a dependent of the juvenile court of the county of (specify):  
 on (date): and remains under the court's jurisdiction.
- OR**
- b.  The child was
- (1)  placed under the custody of an individual (name, unless confidential): **Guardian**
- (2)  placed under the custody of an entity (name):
- (3)  committed to a state agency or department (name):  
 appointed by this court or another California court on (date): **10/13/2023**  
 The custody or commitment order remains in effect.

Supporting legal conclusions or factual findings, if necessary:

The Court has jurisdiction under California law to make judicial determinations about the custody and care of juveniles. The Court has found it necessary or convenient to place the ward under the custody of Guardian and for the ward to remain under the guardian's care. Prob. Code § 1514. The guardianship is in the best interest of the ward as further supported by facts contained in items 5 and 6 infra. See Fam. Code § 3011. The ward's parents do not provide for the ward and are unable to protect her.

The Court also finds there is evidence in support of findings that the ward is present in the United States and is unmarried.

Continued on Attachment 4.

FL-357/GC-224/JV-357

CASE NAME: Guardianship of Client 2	CASE NUMBER:
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5. Reunification of the child with  the mother  the father  the other legal parent is not viable under California law because of parental  abuse,  neglect,  abandonment, or  a similar legal basis (*specify*): inability to adequately supervise or protect under WIC 300(b)(1).

as established on (date): 10/13/2023, for the following reasons (for each parent with whom reunification is not viable, state the reasons that apply to that parent):

The court finds there is evidence to support the findings that Mother is the mother of Child Client 2 and Father is Child Client 2's father. Child Client 2's parents have not provided for her care since 2016 when Child Client 2 left Guatemala at ten years old. They do not send her any financial support now. Reunification is not viable with Child Client 2's father and mother due to abandonment. See WIC 300(g).

Child Client 2's father hit her, including on the face, to discipline her. He also hit her mother and siblings. Reunification is not viable with Child Client 2's father due to abuse. See WIC 300(a).

When Child Client 2 lived in Guatemala, she was physically assaulted by a man outside of her house. Her family was also threatened and robbed by a group of men with guns. Child Client 2's parents feared she would remain a target of violence in Guatemala. Their "failure or inability...to adequately supervise or protect" Child Client 2 placed her "at substantial risk of harm or illness." A finding of "failure or inability...to adequately supervise or protect" a child under Welfare and Institutions Code Section 300(b)(1) is a "similar basis" to neglect under California law. See WIC § 300(b)(1); see also Guardianship of Saul H., 13 Cal.5th 827 (2022) (holding "inability . . . to . . . protect" as described in WIC § 300(b)(1) is a "similar basis" to neglect under California law). Reunification is not viable with Child Client 2's father and mother due to their inability to protect her, which is a similar legal basis to neglect under California law." See id.

Continued on Attachment 5.

6. It is not in the child's best interest to be returned to the child's or parent's country of nationality or country of last habitual residence (*specify country or countries*): Guatemala for the following reasons:

The court finds there is evidence to support the findings that it is not in the best interest of Child Client 2 to be returned to Guatemala. See Fam. Code § 3011. In Guatemala, Child Client 2 lived in fear of harm to her and her family. Child Client 2's father physically abused Child Client 2 and other members of their family. Child Client 2 would not be able to continue her studies in Guatemala due to cost. In California, Child Client 2 attends high school. She has lived with her sister, now guardian, for six and a half years. She dreams of attending college. It is in her best interest to remain in California under the continued care of her sister, who is the person most familiar with Child Client 2's well-being and needs.

Continued on Attachment 6.

Date:

\_\_\_\_\_  
JUDICIAL OFFICER  
 SIGNATURE FOLLOWS LAST ATTACHMENT

### C. Sample Dependency Court SIJS Findings

FL-357/GC-224/JV-357

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NO.: 123456 NAME: ATTORNEY NAME FIRM NAME: FIRM NAME STREET ADDRESS: ADDRESS CITY: CITY STATE: CA ZIP CODE: 12345 TELEPHONE NO.: PHONE FAX NO.: E-MAIL ADDRESS: EMAIL ATTORNEY FOR (name): CLIENT NAME	FOR COURT USE ONLY <b>CONFIDENTIAL</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF COUNTY STREET ADDRESS: ADDRESS MAILING ADDRESS: CITY AND ZIP CODE: CITY, ZIP CODE BRANCH NAME: COUNTY Juvenile Dependency Court	
CASE NAME: MINOR'S NAME, minor	
<b>SPECIAL IMMIGRANT JUVENILE FINDINGS</b>	CASE NUMBER: CASE NUMBER

1. Child's name: MINOR'S NAME Date of birth: DOB
2.  The petition or request for Special Immigrant Juvenile (SIJ) findings was heard
  - a. Date of hearing: DATE Time: TIME Dept.: DEPT Room:
  - b. Judicial officer (name): JUDGE'S NAME
  - c. Persons and attorneys present (names):  
 MINOR'S NAME, minor (if attending)  
 ATTORNEY NAME  
 OTHER ATTORNEYS PRESENT

The court has reviewed the evidence and finds the following:

3. Notice of the underlying proceeding was given as required by law.
  4. a.  The child was declared a dependent of the juvenile court of the county of (specify): COUNTY on (date): DATE and remains under the court's jurisdiction.
- OR**
- b.  The child was
    - (1)  placed under the custody of an individual (name, unless confidential):
    - (2)  placed under the custody of an entity (name):
    - (3)  committed to a state agency or department (name):  
 appointed by this court or another California court on (date):  
 The custody or commitment order remains in effect.

Supporting legal conclusions or factual findings, if necessary:

The COUNTY Superior Court, United Family Court, Juvenile Division is a juvenile court within the United States that has jurisdiction under California law to make judicial determinations about the custody and care of juveniles. The Court has considered evidence presented and declares the minor child, MINOR'S NAME, to be a dependent of the Court pursuant to Welfare & Institutions Code Sections 300(b) and (g).

The Court also finds there is evidence in support of findings that the minor is present in the United States and is unmarried.

Continued on Attachment 4.

FL-357/GC-224/JV-357

CASE NAME: MINOR'S NAME, minor	CASE NUMBER: CASE NUMBER
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5. Reunification of the child with  the mother  the father  the other legal parent is not viable under California law because of parental  abuse,  neglect,  abandonment, or  a similar legal basis (*specify*): inability to adequately supervise or protect under WIC 300(b)(1).  
as established on (*date*): DATE , for the following reasons (*for each parent with whom reunification is not viable, state the reasons that apply to that parent*):

The Court finds there is evidence to support findings that the minor cannot reunify with his parents due to abandonment and inability to protect under California law [Welf. & Inst. Code Sections 300(b) and (g)].

The minor's parents, MINOR'S PARENTS NAMES, still live in CITY, HOME COUNTRY. The minor has no caregiver to provide for his needs in the US, therefore the child has been left without provision for support. Accordingly, reunification with the minor's parents is not viable due to abandonment under Welf. & Inst. Code Section 300(g). While in HOME COUNTRY, the minor's parents were unable to protect him from threats and physical assault at the hands of a local gang. Therefore, reunification with the minor's parents is not viable due their inability to protect him under Welf. & Inst. Code Section 300(b), which is a similar basis to neglect under California law, see Welf. & Inst. Code § 300(b)(1); see also Guardianship of Saul H., 13 Cal.5th 827 (2022) (*holding "inability . . . to . . . protect" as described in WIC § 300(b)(1) is a "similar basis" to neglect under California law*).

Continued on Attachment 5.

6. It is not in the child's best interest to be returned to the child's or parent's country of nationality or country of last habitual residence (*specify country or countries*): HOME COUNTRY for the following reasons:

The Court finds there is evidence to support the findings that it is not in the minor's best interest to return to COUNTRY (see Cal. Fam. Code Section 3011), where he does not have protection or access to resources and opportunities that he has in the United States.

In COUNTRY, the minor's emotional and physical wellbeing are at risk. The minor was threatened and physically attacked by a gang in CITY in the past and his parents were unable to keep him safe there. Returning the minor to COUNTRY would be detrimental to his health, safety, and wellbeing. In the United States, he is able to continue his education and is receiving support, guidance, placement, supervision, and additional services through the COUNTY Human Services Agency as a form of relief to protect the minor from parental mistreatment. He is currently living in a stable placement where his needs are being met. He is attending school and receiving medical and mental health treatment. Accordingly, it is not in the minor's best interest to return to COUNTRY, but rather to remain in the United States.

Continued on Attachment 6.

Date:

JUDICIAL OFFICER

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## D. Sample Delinquency Court SIJS Findings

PARTY WITHOUT ATTORNEY OR ATTORNEY STATE BAR NO.: 123456		FL-357/GC-224/JV-357 FOR COURT USE ONLY
NAME: Jane Defender FIRM NAME: Law Office of the Public Defender of Spring County STREET ADDRESS: 1234 Main Street, Ste. 202 CITY: Springville STATE: CA ZIP CODE: 12345 TELEPHONE NO.: 213-123-4567 FAX NO.: 213-123-4568 E-MAIL ADDRESS: jane@pubdef.gov ATTORNEY FOR (name): Johnny Alejandro Doe Smith		<b>CONFIDENTIAL</b>
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Spring STREET ADDRESS: 1234 Main Street MAILING ADDRESS: CITY AND ZIP CODE: Springville, CA 12345 BRANCH NAME: Juvenile		
CASE NAME: In the Matter of Johnny D., a minor		
<b>SPECIAL IMMIGRANT JUVENILE FINDINGS</b>		CASE NUMBER: SIJ1234567

1. Child's name: Johnny Alejandro Doe Smith Date of birth: 01/02/2005
2.  The petition or request for Special Immigrant Juvenile (SIJ) findings was heard
- a. Date of hearing: 3/03/2024 Time: 8:30 Dept.: 1 Room:
- b. Judicial officer (name): Hon. Ruth B. Ginsberg
- c. Persons and attorneys present (names):  
Johnny Alejandro Doe Smith (minor); Jane Defender (minor's attorney), John District (District Attorney); Jennifer Probation (Probation)

**The court has reviewed the evidence and finds the following:**

3. Notice of the underlying proceeding was given as required by law.
4. a.  The child was declared a dependent of the juvenile court of the county of (specify):  
on (date): and remains under the court's jurisdiction.

**OR**

- b.  The child was
- (1)  placed under the custody of an individual (name, unless confidential):
- (2)  placed under the custody of an entity (name): Spring County Juvenile Probation Department
- (3)  committed to a state agency or department (name):  
appointed by this court or another California court on (date): 01/02/2024  
The custody or commitment order remains in effect.

Supporting legal conclusions or factual findings, if necessary:

The minor is a Ward of the Court pursuant to California Welfare and Institutions Code Section 602, and his care and custody has been vested in the Spring County Probation Department. He has been ordered placed [in a group home, in a foster family, home on probation with his mother/father, NAME, etc.] and receives therapeutic services and support.

Continued on Attachment 4.

FL-357/GC-224/JV-357

CASE NAME: In the Matter of Johnny D., a minor	CASE NUMBER: SIJ1234567
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5. Reunification of the child with  the mother  the father  the other legal parent is not viable under California law because of parental  abuse,  neglect,  abandonment, or  a similar legal basis (specify):

as established on (date): 3/03/2024, for the following reasons (for each parent with whom reunification is not viable, state the reasons that apply to that parent):

THE COURT FINDS, that sufficient evidence of abandonment was presented, as follows:

Johnny Alejandro Doe Smith's father, Carlos David Doe Juarez, has not had contact with or provided for the minor since the minor was approximately two years old. The minor's father has provided no financial or emotional support to the minor since that time, leaving him without provision for support.

For the foregoing reasons, THE COURT FINDS that the minor cannot reunify with his father, whose conduct falls within the following definitions of abandonment under California law: Welfare and Institutions Code Section 300(g); California Family Code Section 3402(a).

Continued on Attachment 5.

6. It is not in the child's best interest to be returned to the child's or parent's country of nationality or country of last habitual residence (specify country or countries): Mexico for the following reasons:

THE COURT FINDS, that sufficient evidence as to the minor's best interests was presented, as follows:

The minor has resided in the United States with family since he was approximately five years old, speaks English better than Spanish, is attending school and is receiving counseling and other supportive services in the United States. Conversely, in Mexico, he has no adult caretaker available to care for him, and would not have access to similar educational and therapeutic opportunities as he is benefitting from in the United States.

For the foregoing reasons, THE COURT FINDS it is not in Johnny Alejandro Doe Smith's best interests, as described in California Family Code Section 3011, to return to Mexico. It is in his best interests to remain in the United States.

Continued on Attachment 6.

Date: March 3, 2022

\_\_\_\_\_  
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