

SIJS Predicate Order Checklist - Guardianship

- Attend SIJS Predicate Order training; review [NIJC Pro Bono Attorney Guidelines](#).
- NIJC sends case file 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.
 - Introduce yourself to the client (adult guardian), and where appropriate, the child.
- Draft Petition for Guardianship and related documents (see samples from NIJC):
 - **Probate Cover Sheet
 - Civil Legal Service Provider (CLSP) Form (fee waiver)
 - Petition to Appoint Guardian of a Minor, including request for SIJS findings.
 - Minors over 14 must nominate guardian by signing along with the Petitioner
 - Exhibit A (list of people entitled to notice): Parents and Adult Siblings
 - Signed and notarized Appearance & Consent(s) by parents & adult siblings, normally applicable only when family members are local or in the US.
 - Affidavit for Service by Publication for each adult on Exhibit A—most common form of service in these cases for family members living abroad or who are MIA.
 - Oath and Bond – No Surety (notarized)
 - Proposed Order Appointing Guardian, including SIJS findings (do not file)
 - Memo of Law in Support of SIJS (only for cases outside of Cook County)
- Send Petition and Order to NIJC technical support attorney(s) for review.
- Review & sign documents with the client:
 - Petition (signed by Petitioner and Minor w/nomination language if over 14)
 - Affidavits for Publication (Petitioner signs)
 - Oath & Bond (Petitioner signs, must be notarized)
 - **CANTS background check (all adults in Petitioner's home must sign)

****Background Checks****

In Cook County, all adults in the home must sign a consent form to run a CANTS (DCFS) background check, **and** get fingerprinted for a LEADS (criminal) background check. This can cause delays and **should be done right away**.

- As soon as you have a case number, email a PDF Order for Free Fingerprinting to Judge Alonso at Amees.Alonso@cookcountyil.gov.
- Have all adults take the signed Order to room 701 of the Daley Center to get fingerprinted, or have all adults get fingerprinted at an approved private provider. Private providers cost an average of \$60 per person.
- Send signed CANTS forms and LEADS receipts for all adults in Petitioner's home to clerk Emrhan Slaton at Emrhan.Slaton@cookcountyil.gov.

- ❑ E-file the necessary documents to initiate the case in Probate Court.
 - ****Cover Sheet + Petition + Exhibit A in one PDF, plus CLSP in a separate PDF.** If using Odyssey, file together in the same “envelope” via a waiver account.
 - Filing this will automatically generate a court case number and date, which will appear on the file-stamped documents you will receive in 24-48 hours.
- ❑ Once your filing is accepted and you have a court date and case number, you will need to notify parents and any adult siblings. If notice will be by publication:
 - File all Affidavits for Service by Publication, plus your CLSP form, as soon as possible.
 - Send (1) Affidavits, (2) CLSP Form, and (3) Petition, to the Chicago Daily Law Bulletin for Cook County cases (www.publicnoticenetwork.com), or the local publication service.
 - In a few weeks, you will receive via email a Certificate of Publication.
- ❑ For adults with working addresses, send notice to parents and adult siblings of the minor via certified mail. Include Zoom info for remote hearings.
- ❑ Prepare a proposed final order ahead of your 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.
- ❑ At least one week before your court date, request an interpreter by ****emailing Joseph.Fleming@cookcountyil.gov**. Allow additional time for less common languages.
- ❑ Send courtesy copies of all filed documents, proof of notice, notarized Oath and Bond, and your proposed order to ****Judge Alonso at Ameo.Alonso@cookcountyil.gov**. Include your case name, number, and court date in the subject line of your email.
- ❑ Attend final hearing. 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. The child is now ready to apply for SIJS!

IMPORTANT: Court Forms & Procedures Vary By County!

The ****starred** steps above, including background checks, are procedures applicable in **Cook County only**. You can find the referenced court forms, as well as instructions for hearings, on the Cook County Clerk of Court’s Forms website: <https://services.cookcountyclerkofcourt.org/forms/>

or the Cook County Probate Division’s Website: <https://www.cookcountycourt.org/ABOUT-THE-COURT/County-Department/Probate-Division>.

Outside of Cook County, **you will need to verify procedures with the local court clerk**, particularly the requirements for notice and publication.