

At a Term of the Family Court of the State of
New York, held in and for the County of
_____, at _____, NY _____.

PRESENT: HON. _____

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Child's Full Name:
Also Known As:
Date of Birth:

Docket No:
File Number:

ORDER- Special Immigrant Juvenile Status

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This Juvenile Court, after examining the motion papers and supporting affidavits, all the pleadings and prior proceedings in this matter, hearing and testimony, finds, in accordance with New York Law the following:

1. This Juvenile Court has jurisdiction to make judicial determinations about the custody and care of minors, which include juveniles up to the age of 21, took jurisdiction over the above-named child's guardianship of the person petition and the above-named minor remains under the court's jurisdiction. New York Family Court Act § 661(a); New York Family Court Act § 115(c), and New York Surrogate Court Procedure Act § 103(27).
2. The above named-child is under 21 years old and a minor for purposes of guardianship of the person. New York Surrogate Court Procedure Act § 103(27), New York Family Court Act § 661(a).
3. The above-named child is unmarried.
4. The above-named child was appointed a guardian pursuant to New York Family Court Act § 661 and Surrogate Court Procedure Act § 1707. As a result, the above-named child is declared dependent on the family court. *Matter of Antowa McD*, 856 NYS2d 576 (1st Dept 2008); *Matter of Trudy-Ann W. v. Joan W.*, 901 NYS2d 296 (2d Dept 2010); NY Family Court Act § 141.
5. Reunification of the above-named child with MOM and/or DAD, is not viable due to ☐ abuse, as defined by NY Family Court Act § 1012(e); ☐ neglect, as defined by NY Family Court Act § 1012(f); ☐ abandonment, as defined by NY Social Service Law § 384-b(5)(a) ; and/or ☐ death, held to be a similar basis under New York Law by *Matter of Emma M.*, 902 NYS2d 651 (2d Dept 2010); *Matter of Luis R.*, 120 AD3d 581 (2d Dept 2014); and *Matter of Carlos A.M.*, 141 AD3d 526 (2d Dept 2016) because:
 - a. NAME evidenced their intent to forego their parental rights by failing to plan for the above-named child's future or provide the child with financial or emotional support.
and/or

- b. NAME abandoned the minor when s/he was AGE years old and since that time has failed to maintain any contact with the above-named child.
 - c. NAME repeatedly subjected the child to homophobic and transphobic emotional abuse by telling the child she was an abomination and a curse because of her gender identity and sexual orientation.
 - d. NAME died on xx/xx/xx.
6. It is not in the child's best interest to return to his country of origin, XXX, because there are no family members who are willing or able to provide him with a safe home, rendering the child destitute and homeless. In contrast, in the United States, child has the support of YYY and access to schooling and supports that will foster her educational and emotional development. N.Y. Surr. Ct. Proc. Act § 1707.

-or-

upon return, the child would face horrendous discrimination and abuse due to her sexual orientation and gender identity.

NOTE [Guardianship cases]: Family Court Act §657(c) provides that an order of guardianship under Family Court Act §661 conveys “the right and responsibility to make decisions, including issuing any necessary consents, regarding the child’s protection, education, care and control, health and medical needs, and the physical custody of the person of the child.”

Dated:

ENTER

Judge of the Family Court

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Check applicable box:

- ☐ Order mailed on [specify date(s) and to whom mailed]: _____
- ☐ Order received in court on [specify date(s) and to whom given]: _____