

CHILDREN AND IMMIGRATION

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FAMILY LAW AMERICAN INN OF COURT
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CHILDREN AND IMMIGRATION

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CHILDREN AND IMMIGRATION

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HIAS PENNSYLVANIA

SEPTEMBER 12, 2012



Special Immigrant Juvenile Status

Presented by
Maggie Niebler, Esq.

Special Immigrant Juveniles



- Congress provided a special path for undocumented children who are **abused, neglected and/or abandoned** to obtain lawful permanent resident (LPR) status – the “green card.”
- Provisions regarding this status require an understanding of the relationship of state dependency/guardianship law and federal law. In Pennsylvania we look to the dependency definition in the Juvenile Act.

SIJ Status for Abused, Neglected, Abandoned Children



- ❑ Designed to protect children from continued and future exploitation.
- ❑ SIJS children can never sponsor parents.
- ❑ No length of residency requirement to be eligible for the benefit
- ❑ USCIS is directed to defer to the States for the custody/dependency determination and special findings.
- ❑ Referral to immigration authorities will likely trigger deportation proceedings.
 - ❑ Children in deportation still eligible to apply for SIJS.

Statutory Authority



- ❑ The Immigration and Nationality Act (INA) at § 101(a)(27)(J), codified at 8 USC § 1101(a)(27)(J). They “adjust status” under INA § 245(h)
- ❑ This is implemented by codes found in the Code of Federal Regulations at 8 CFR §204.11.
 - ❑ These regulations have not been amended to reflect the Trafficking Victims Protection Reauthorization Act of 2008 or the *Perez-Olano* settlement agreement.
 - ❑ Updated regulations are currently pending

Statutory Authority



- Trafficking Victims Protection and Reauthorization Act (TVPRA) of 2008
 - Signed into law on December 23, 2008
 - Pub. L. No. 110 47, 122 Stat. 5044

- This new law changed some of the SIJS requirements.

- Changes are outlined in agency Memorandum as well.

Current Definition of SIJS



- **(27) The term "special immigrant" means--....**
 - (J) an immigrant who is present in the United States--**
 - (i)** who has been declared dependent on a juvenile court located in the United States ***or*** whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, ***or*** an individual or entity appointed by a State or juvenile court located in the United States, ***and*** whose reunification with one or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law;

Current Definition of SIJS, continued



- **(ii)** for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; *and*

Current Definition of SIJS, continued



- (iii)** in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status, except that -
 - (I)** no juvenile court has jurisdiction to determine the custody status or placement of an alien in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction; and
 - (II)** no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

Requirements for SIJS Status



- ❑ Must be declared dependent/**OR** placed in the custody of a guardian before age 18 to be eligible in Pennsylvania.
- ❑ The immigration application must be filed before age 21
- ❑ The applicant can not be married
- ❑ Children in guardianship/custody, dependency and delinquency proceedings are eligible.
- ❑ Children in the custody of a non- abusive parent are eligible. This is called “one parent SIJS”

Types of Cases



- Children in County (“domestic”) foster care or delinquency placement
- Children with a non-parent guardian
 - Can be adjudicated dependent OR
 - Placed in the custody of the guardian
- Children in federal foster care with ORR/LCFS
 - Do not have a legal guardian but can be adjudicated dependent without requesting county services.
- Children with the non-abusive parent
 - “One-parent SIJS”

SIJS HIGHLIGHTS:



• **3 STEPS:**

- 1: State court → obtain the Dependency Order
- 2: USCIS → Special Immigrant Juvenile Status Visa
- 3: Immigration Court or USCIS → Lawful Permanent Residency

• **5 findings:**

- Under 21
- Unmarried
- Declared dependent on a juvenile court, OR placed by a juvenile court in the custody of an individual or state agency
 - ✦ Before age 18
- Reunification with one or both parents not viable due to abuse, neglect, abandonment or similar basis found under state law
- Not in the child's interest to be returned to his/her home country

Step 1: Obtain State Court Order



- The child should be adjudicated dependent or placed in the custody of a guardian from the Court of Common Pleas.
- The court must find that reunification is not viable with one or both of the child's parents due to abuse, abandonment and/or neglect.
- The court must find that it is not in the best interest of the child to return to theirs or the their parents' home country or country of last habitual residence.

Step 2: File I-360 with USCIS



File I-360 application,
along with:

- | | |
|--|---|
| <ul style="list-style-type: none">○ Cover letter○ G-28○ Underlying custody order from Family Court○ Dependency Order○ Child's birth certificate with translation | <ul style="list-style-type: none">□ If approved on the papers, you will receive an approval notice□ Once the I 360 is approved, the child is considered a Special Immigrant Juvenile, with legal status until he/she turns 21. |
|--|---|

Step 3: File I-485 with IJ or USCIS



- Fee Waivers are available for the I-485 and biometrics fees. This is form I-912
- Biometric Appointment: fingerprinting and photos
- Officers from the local district office review the application and hold an in-person interview for the I-485.
- Interview on I-485 application for lawful permanent residence; must prove child is not inadmissible
 - Anything on the I-485 application
 - Family history
 - Entry into U.S.
 - Contacts with family in country of origin
 - School
 - Work in the U.S.
 - Any tickets, arrests, and/or law enforcement contacts
 - Plans for the future plans
- If approved, the child will receive a green card in the mail
- NOTE: In Philadelphia, we almost always file the the I-360 and I-485 package concurrently.

Cases That Warrant Special Attention



- ❑ Children about to turn 18 and have had no dependency, delinquency or guardianship order
- ❑ Children who will soon be released from CYS/dhs custody but have no social security number
- ❑ Children in removal proceedings or have been ordered deported
- ❑ Children with false identities, false documents, etc.
- ❑ Children with criminal records, drug or alcohol problems, mental health problems

Grounds of Inadmissibility and SIJS



- ❑ A person can not receive permanent residency unless they are deemed “admissible”
- ❑ Some grounds of inadmissibility are statutorily waived for SIJS applicants (See handout)
- ❑ Some grounds of inadmissibility are waivable.
 - The applicant may show humanitarian purposes that the inadmissibility ground should be waived.
 - ✦ This is a discretionary decision by a USCIS officer (Form I-601).
- ❑ Some grounds of inadmissibility can not be waived.
 - This applicant is unable to receive permanent residency and risks removal if they apply.

Waivable Grounds of Inadmissibility



- The waiver application must demonstrate that the ground should be waived “for humanitarian purposes, family unity, or when it is otherwise in the public interest.”
- Health Related:
 - Physical or Mental Disorder and behavior associated with that disorder which may pose a risk to the property, safety and welfare of that person or others OR
 - has had a disorder and it is likely to recur
- Prostitution, smuggling, trafficking of people, and certain immigration violations

Non-Waivable Grounds of Inadmissibility



- Conviction/Admission of Certain Crimes
 - Same grounds as for adults.
- Juvenile delinquency is not a conviction for immigration purposes
- Crimes Involving Moral Turpitude
 - Except if the maximum penalty possible was less than one year and was sentenced less than 6 months;
 - OR, if it was committed by a minor more than 5 years before the application.
- Multiple criminal convictions
- Reason to believe that the applicant is a drug trafficker**

Age and Identity Issues

- ❑ All SIJS applicants must demonstrate that they are “under twenty-one years of age.”
 - ❑ 8 C.F.R. § 204.11(c)(1).
- ❑ According to the regulations, any documentation “which in the discretion of the director establishes the beneficiary’s age” is allowable.
 - ❑ 8 CFR § 204.11(d)(1).
- ❑ Prior immigration fraud or use of false documents is waived for SIJS applicants
- ❑ USCIS has accepted the following as evidence of age:
 - bone scan
 - school records
 - finding on a juvenile record of name and DOB
 - statements from extended family who have knowledge of the DOB

Immigration Processing Issues

- ❑ Fee Waivers
 - ❑ Often improperly rejected by mailroom staff at USCIS
- ❑ Change in filing procedures
 - ❑ go to www.uscis.gov for updates
- ❑ Processing Times
 - ❑ An I-360 MUST be decided within 180 days of filing.
- ❑ Documentation
 - ❑ Often children do not have access to original birth certificates and/or passports
- ❑ Waivers of inadmissibility
- ❑ “Re adjudicating SIJS”

Case Management



- SIJS often have no support system. Simple requests to travel for fingerprints can take weeks to arrange.
- Immigration documentation requires specialized knowledge and case management.
- Language, cultural and mental health issues.
- Eligibility for benefits, such as school admission.

Other Options for Abused, Neglected and Abandoned Children



- Self-Petition under the Violence Against Women Act
 - requires parent (or step-parent) with LPR status or U.S. citizenship
- U Visa
 - victim of crime who assisted in the investigation or prosecution of the crime
- T Visa
 - victim of human trafficking
- Adoption
 - must occur before child is 16 and requires two years of prior custody
 - Age exception for siblings
- Asylum
- Deferred Action for Childhood Arrivals (DACA)

CONTACT INFORMATION



**HIAS Pennsylvania
Juvenile Advocacy Project**

Elizabeth Yaeger, Esq. or Maggie Niebler, Esq.

- (215) 832-0910 (direct dial)
- (215) 832-0900 (HIAS main)
- mniebler@hiaspa.org
- eyaeger@hiaspa.org



HQOPS 70/8.5

Memorandum

TO: Field Leadership

FROM: Donald Neufeld /s/
Acting Associate Director
Domestic Operations

Pearl Chang /s/
Acting Chief
Office of Policy & Strategy

DATE: March 24, 2009

SUBJECT: Trafficking Victims Protection Reauthorization Act of 2008: Special Immigrant Juvenile Status Provisions

1. Purpose

This memorandum will inform immigration service officers working Special Immigrant Juvenile (SIJ) petitions about new legislation affecting adjudication of petitions filed for SIJ status.

2. Background

On December 23, 2008, the President signed the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA 2008), Pub. L. 110-457, 122 Stat. 5044 (2008). Section 235(d) of the TVPRA 2008 amends the eligibility requirements for SIJ status at section 101(a)(27)(J) of the Immigration and Nationality Act (INA), and accompanying adjustment of status eligibility requirements at section 245(h) of the INA. Most SIJ provisions of the TVPRA 2008 take effect March 23, 2009, although some provisions took effect on December 23, 2008, the date of enactment of the TVPRA 2008.

3. Field Guidance

Eligibility for Special Immigrant Juvenile Status

The TVPRA 2008 amended the definition of a “Special Immigrant Juvenile” at section 101(a)(27)(J) of the INA in two ways. First, it expanded the group of aliens eligible for SIJ status. An eligible SIJ alien now includes an alien:

- who has been declared dependent on a juvenile court;
- whom a juvenile court has legally committed to, or placed under the custody of, an agency or department of a State; or
- who has been placed under the custody of *an individual or entity appointed by a State or juvenile court.*

Accordingly, petitions that include juvenile court orders legally committing a juvenile to or placing a juvenile under the custody of an individual or entity appointed by a juvenile court are now eligible. For example, a petition filed by an alien on whose behalf a juvenile court appointed a guardian now may be eligible. In addition, section 235(d)(5) of the TVPRA 2008 specifies that, if a state or an individual appointed by the state is acting *in loco parentis*, such a state or individual is not considered a legal guardian for purposes of SIJ eligibility.

The second modification made by the TVPRA 2008 to the definition of special immigrant juvenile concerns the findings a juvenile court must make in order for a juvenile court order to serve as the basis for a grant of SIJ status. Previously, the juvenile court needed to deem a juvenile eligible for long term foster care due to abuse, neglect or abandonment. Under the TVPRA 2008 modifications, the juvenile court must find that the juvenile’s *reunification with one or both of the immigrant’s parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law.* In short, the TVPRA 2008 removed the need for a juvenile court to deem a juvenile eligible for long-term foster care and replaced it with a requirement that the juvenile court find reunification with one or both parents not viable. If a juvenile court order includes a finding that reunification with one or both parents is not viable due to *a similar basis found under State law*, the petitioner must establish that such a basis is similar to a finding of abuse, neglect, or abandonment. Officers should ensure that juvenile court orders submitted as evidence with an SIJ petition filed on or after March 23, 2009, include this new language.

A petitioner is still required to demonstrate that he or she has been the subject of a determination in administrative or judicial proceedings that it would not be in the alien’s best interest to be returned to the alien’s or parent’s previous country of nationality or country of last habitual residence.

Age Requirements

Section 235(d)(6) of the TVPRA 2008 provides age-out protection to SIJ petitioners. As of December 23, 2008, if an SIJ petitioner was a “child” on the date on which an SIJ petition was properly filed, U.S. Citizenship and Immigration Services (USCIS) cannot deny SIJ status to anyone, regardless of the petitioner’s age at the time of adjudication. *Officers must now consider the petitioner’s age at the time of filing to determine whether the petitioner has met the age requirement.* Officers must not deny or revoke SIJ status based on age if the alien was a child on

the date the SIJ petition was properly filed if it was filed on or after December 23, 2008, or if it was pending as of December 23, 2008. USCIS interprets the use of the term “child” in section 235(d)(6) of the TVPRA 2008 to refer to the definition of child found at section 101(b)(1) of the INA, which states that a child is an unmarried person under 21 years of age. The SIJ definition found at section 101(a)(27)(J) of the INA does not use the term “child,” but USCIS had previously incorporated the child definition at section 101(b)(1) of the INA into the regulation governing SIJ petitions.

Consent

The TVPRA 2008 also significantly modifies the two types of consent required for SIJ petitions.

Consent to the grant of SIJ status (previously express consent)

The TVPRA 2008 simplified the “express consent” requirement for an SIJ petition. *The Secretary of Homeland Security (Secretary) must consent to the grant of special immigrant juvenile status.* This consent is no longer termed “express consent” and is no longer consent to the dependency order serving as a precondition to a grant of SIJ status.

The consent determination by the Secretary, through the USCIS District Director, is an acknowledgement that the request for SIJ classification is bona fide. This means that the SIJ benefit was not “sought primarily for the purpose of obtaining the status of an alien lawfully admitted for permanent residence, rather than for the purpose of obtaining relief from abuse or neglect or abandonment.” See H.R. Rep. No. 105-405, at 130 (1997). An approval of an SIJ petition itself shall be evidence of the Secretary’s consent.

Specific consent

The TVPRA 2008 completely altered the “specific consent” function for those juveniles in federal custody. The TVPRA 2008 vests this function with the Secretary of Health and Human Services (HHS) rather than the Secretary of the Department of Homeland Security as previously delegated to Immigration and Customs Enforcement (ICE). In addition, Congress simplified the language to refer simply to “custody,” not actual or constructive custody, as was previously delineated. However, the requirement remains that an SIJ petitioner need only seek specific consent if the SIJ petitioner seeks a juvenile court order determining or altering the SIJ petitioner’s custody status or placement. If an SIJ petitioner seeks to obtain or obtains a juvenile court order that makes no findings as to the SIJ petitioner’s custody status or placement, the SIJ petitioner is not required to have sought specific consent from HHS. Therefore, on or after March 23, 2009, *officers must ensure that juveniles in the custody of HHS obtained specific consent from HHS to juvenile court jurisdiction where the juvenile court order determines or alters the juvenile’s custody status or placement.* USCIS will provide HHS guidance regarding adjudications of specific consent as soon as it is available.

Due to the complex nature and changing requirements of specific consent determinations, USCIS Headquarters (HQ) is temporarily assisting in making the determination on specific consent

requirements. As outlined in the February 20, 2009 guidance email, Field Officers are instructed to forward certain documents to HQ for those SIJ petitions that may involve specific consent that are filed prior to March 23, 2009. HQ will notify the Field Office of the decision on specific consent. The Field Office will then complete adjudication of the petition. This temporary guidance providing HQ assistance with specific consent determinations will remain in effect until further notice.

Expeditious Adjudication

Section 235(d)(2) of the TVPRA 2008 *requires USCIS to adjudicate SIJ petitions within 180 days of filing.* Field Offices need to be particularly aware of this new requirement and take measures locally to ensure timely adjudication. Officers are reminded that under 8 CFR 245.6 an interview may be waived for SIJ petitioners under 14 years of age, or when it is determined that an interview is unnecessary. Eliminating unnecessary interviewing of SIJ petitioners may help in expeditiously adjudicating petitions. Necessary interviews should be scheduled as soon as possible. During an interview, an officer should focus on eligibility for adjustment of status and should avoid questioning a child about the details of the abuse, abandonment or neglect suffered, as those matters were handled by the juvenile court, applying state law. Under no circumstances can an SIJ petitioner, at any stage of the SIJ process, be required to contact the individual (or family members of the individual) who allegedly abused, abandoned or neglected the juvenile. This provision was added by the Violence Against Women Act of 2005, Pub. L. 109-162, 119 Stat. 2960 (2006) and is incorporated at section 287(h) of the INA. Officers must ensure proper completion of background checks, including biometric information clearances and name-checks.

Adjustment of Status for Special Immigrant Juveniles

The TVPRA 2008 amends the adjustment of status provisions for those with SIJ classification at section 245(h) of the INA, to include four new exemptions. Approved SIJ petitioners are now exempted from seven inadmissibility grounds of the INA:

- 212(a)(4) (public charge);
- 212(a)(5)(A) (labor certification);
- 212(a)(6)(A) (*aliens present without inspection*);
- 212(a)(6)(C) (*misrepresentation*);
- 212(a)(6)(D) (*stowaways*);
- 212(a)(7)(A) (documentation requirements); and
- 212(a)(9)(B) (*aliens unlawfully present*).

On or after March 23, 2009, none of the above listed grounds of inadmissibility shall apply to SIJ adjustment of status applicants.

Officers are reminded that this list of exemptions is in addition to the waivers available for most other grounds of inadmissibility for humanitarian purposes, family unity, or otherwise being in the public interest. The only unwaivable grounds of inadmissibility for SIJ petitioners are those listed at INA 212(a)(2)(A)-(C) (conviction of certain crimes, multiple criminal convictions, and

controlled substance trafficking (except for a single instance of simple possession of 30 grams or less of marijuana)), and 212(a)(3)(A)-(C), and (E) (security and related grounds, terrorist activities, foreign policy, and participants in Nazi persecution, genocide, torture or extrajudicial killing).

4. Use

This guidance is created solely for the purpose of USCIS personnel in performing their duties relative to adjudication of applications. It is not intended to, does not, and may not be relied upon to create any right or benefit, substantial or procedural, enforceable at law by any individual or any other party in removal proceedings, in litigation with the United States, or in any other or form or matter.

5. Contact Information

This guidance is effective immediately. Please direct any questions concerning these changes through appropriate supervisory channels to Rosemary Hartmann, Office of Policy and Strategy or Tina Lauver, Office of Field Operations.

Distribution List: Regional Directors
 District Directors
 Service Center Directors
 Field Office Directors
 National Benefits Center Director

Special Immigrant Juvenile Definition:

INA § 101 (a)(27)(j)

(27) The term "special immigrant" means-

(J) 4c/ an immigrant who is present in the United States--

(i) who has been declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, an agency or department of a State, or an individual or entity appointed by a State or juvenile court located in the United States, and whose reunification with 1 or both of the immigrant's parents is not viable due to abuse, neglect, abandonment, or a similar basis found under State law; 24/

(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

(iii) in whose case the Secretary of Homeland Security consents to the grant of special immigrant juvenile status, 24/ except that--

(I) no juvenile court has jurisdiction to determine the custody status or placement of an alien in the custody of the Secretary of Health and Human Services unless the Secretary of Health and Human Services specifically consents to such jurisdiction; 24/ and

(II) no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act; 4d/

Adjustment of Status (green card application):

INA § 245(h)

INA: ACT 245 - ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

(h) In applying this section to a special immigrant described in section 101(a)(27)(J) -

(1) such an immigrant shall be deemed, for purposes of subsection (a), to have been paroled into the United States; and

(2) in determining the alien's admissibility as an immigrant-

(A) 11d/ paragraphs (4), (5)(A), (6)(A), (6)(C), (6)(D), (7)(A), and (9)(B) of section 212(a) shall not apply, and

(B) the Attorney General may waive other paragraphs of section 212(a) (other than paragraphs (2)(A), (2)(B), (2)(C) (except for so much of such paragraph as related to a single offense of simple possession of 30 grams or less of marijuana), (3)(A), (3)(B), (3)(C), and (3)(E)) in the case of individual aliens for humanitarian purposes, family unity, or when it is otherwise in the public interest. The relationship between an alien and the alien's natural parents or prior adoptive parents shall not be considered a factor in making a waiver under paragraph (2)(B). Nothing in this subsection or section 101(a)(27)(J) shall be construed as authorizing an alien to apply for admission or be admitted to the United States in order to obtain special immigrant status described in such section.

NOTICE

1. Stephanie A. Gonzalez Ferrandez, Esq., has filed the attached petition in Family Court. If you fail to come to the hearing on this petition, you may lose legal custody of your child or children. You may also be brought to Court by the Sheriff if you do not come to the first hearing. You have the right to have a lawyer to represent you and if you are indigent and cannot afford counsel the Court will appoint counsel for you. If you want to find a Lawyer, you may telephone Community Legal Services, Inc., at (215) 981-3765, or Lawyer Reference Service at (215) 238-1701.

2. Visitation shall be arranged between you and the children at a time and place convenient for the parties unless the attached petition contains factual allegations that would support that even supervised visits would constitute a grave threat to the child.

AVISO

1. La Lic. Stephanie A. Gonzalez Ferrandez, ha solicitado la peticion adjunta en la Cort de la Familia. Si usted no cumple con venir a la audiencia acerca de esta peticion usted puede perder la custodia legal de su niño o niños. Tambien usted puede ser traído a la corte por el Alguacil si usted no cumple con venir a la audiencia. Usted tiene el derecho de solicitar a un abogado que lo represente. Si usted necesita un abogado usted puede comunicarse con Servicios Legales de la Comunidad, Inc. al (215) 981-3765 o al Servicio de Referencia de Abogados al (215) 238-1701.

2. Las visitas entre usted y los niños serán arregladas en un sitio y tiempo conveniente para ambas partes a menos que la peticion tenga alegatos de hechos que apoyen una conclusion que incluso las visitas supervisadas constituirian una grave amenaza al niño.

1. Petitioner is : . He is the maternal uncle of the above-named child.
2. The above-named child is a dependent child under provisions of the Pennsylvania Juvenile Act, 42 Pa. Cons. Stat., § 6301, *et seq.* It is in the best interests of this child and the public that this petition be brought. The child is not currently under the supervision of the Department of Human Services.
3. The child's mother, J , (hereinafter referred to as "Mother") has had no contact with her daughter, for over two years. She is believed to be living in New York, but Petitioner and the child do not have an address for her. Petitioner only has a telephone number for her which is no longer valid.
4. The last contact that the child had with her father, (hereinafter referred to as "Father") occurred almost two years ago. Father is believed to be living in New York, but Petitioner and the child have not had an address for him.
5. Upon information and belief, this child is dependent pursuant to the Juvenile Act and/or the Child Protective Services law in that she has been abandoned by her parents, as follows:
 - a. was born in Santo Domingo, Dominican Republic on to : and P a;
 - b. resided with her parents in the Dominican Republic until

- approximately 2005 in the home of _____'s maternal great-grandmother.
- c. In approximately 2005, Mother left the Dominican Republic to come to the United States. _____, her older brother, and her younger brother, were left with her father and maternal great-grandmother. Mother gave no indication of returning for _____ and has not supported her since that time.
- d. After Mother's departure from the Dominican Republic, Father soon left the home of the maternal great-grandmother. Father eventually also came to the United States. Petitioner and _____ do not know the exact date when Father came to the United States. Father gave no indication of returning for _____ or her siblings and has not supported her since the time that Mother left the Dominican Republic.
- e. _____'s maternal great-grandmother, who is currently 88 years old, became an invalid sometime in 2007. _____'s maternal great-aunt moved into the home to care for the maternal great-grandmother and the children.
- f. Since they left the Dominican Republic _____ has only spoken to her parents perhaps one to two times per year. They have sent her no cards or letters. To the best of Petitioner and the child's knowledge, neither parent ever sent money to the maternal great-grandmother for the care of _____.
- g. After maternal great-grandmother became unable to care for _____, the only person left in the home was maternal great-aunt. However, the maternal great-aunt had a very strained relationship with _____'s za and her siblings.

was not doing well under her care. Neither Mother nor Father took any steps to make alternate arrangements for [redacted]'s care.

- h. In contrast, Petitioner was the relative who sent money periodically to the Dominican Republic for the care of the children. Another maternal uncle, as described below, was also sending money for the children.
- i. Feeling that he had no other viable option for relatives to care for him in the Dominican Republic, [redacted] older brother, [redacted] then a 15 year old boy, ran away from the home of the maternal great-grandmother and great-aunt in early 2008 to make his way to his maternal uncles in the United States.

[redacted] eventually made it to the United States. More details regarding

[redacted], whose case has been adjudicated by this Court, are below

- j. Aware of her older brother's entry into the United States to live with their uncle, [redacted] began saving up the support money she was receiving from Petitioner with intentions of getting herself and her young brother to Philadelphia to be with the rest of her maternal family.
- i. After saving up enough money, [redacted] and her younger brother, D [redacted], then only 13 and 12 years old respectively struck out on their own in late 2008, leaving the Dominican Republic to make their way to the United States.
- k. First aided by a neighbor to obtain a plane ticket to Guatemala, [redacted] and her little brother then hitchhiked through Central America, including all of Mexico and eventually entered the United States via Texas. Once [redacted] and [redacted]

her brother crossed into America, she called Petitioner and told him what they had done. Fearing for the children's safety, Petitioner immediately got and her little brother to Philadelphia.

- l. and her little brother have been living with Petitioner ever since.
 - m. Since arriving in the United States, attempted to contact her parents to let them know that she was here. spoke with Father by telephone one time but Father has not been willing to support her or even visit her.
 - n. Mother is aware that is now living in Philadelphia. Mother has not made any attempt to contact or visit since her arrival in Philadelphia and Mother has not been willing to support
 - o. For some time, Petitioner has not had good contact information for the parents. Petitioner believes that both Mother and Father are simply irresponsible and intend to continue the abandonment of their child. Neither has provided any support to Petitioner to contribute to the care of
6. DHS is not involved with the child at this time. Petitioner is not requesting that DHS be involved with the child via supervision, custody, or any other service.
 7. is eligible for long-term foster care due to abandonment by her parents. It is in the best interest of to remain in the United States under the care of Petitioner, her uncle.
 8. It is not in 's best interest to be returned to her parents' previous country of nationality or country of last habitual residence. There is no appropriate relative

there to care for her, which is what prompted the child to strike out on her own walking through Central America at the age of 13 with her younger brother.

9. In addition to Petitioner, here in Philadelphia are other maternal relatives. Petitioner's maternal uncles and maternal grandmother, as well as her older brother, all reside in either Philadelphia or New York and are lawfully admitted residents or citizens.
10. The child's brother, [redacted] was adjudicated as dependant and eligible for long-term foster care by this Honorable Court in April 2009 and now resides in Philadelphia with [redacted]'s maternal uncle, [redacted]. [redacted] was granted permanent legal custody of [redacted] in August 2009. As a consequence of that determination, [redacted] became eligible to apply for and was granted lawful permanent residence.
11. [redacted] is doing well being cared for by Petitioner. Whereas in the Dominican Republic she was not going to school and was headed down the wrong path, here she attends school regularly, has close to perfect grades, and according to school officials is a very well-behaved and pleasant young woman. She likes being involved in school activities and will be trying out for the track team in the Spring. She listens to Petitioner and she feels safe and secure in the home of her uncle
12. Petitioner fears that if [redacted] is forced to leave her home and return to the Dominican Republic that she will be without proper care and may again strike out on her own, this time for parts unknown. The maternal great-aunt who last cared for

the Dominican Republic has indicated to Petitioner that she is not able to care for her again if she is returned to their country.

13. Petitioner believes that Mother and Father will continue to abandon leaving her dependent as she is without proper parental care and control. In contrast, Petitioner, is fond of his niece and nephew and is happy to care for them.
14. In order to continue caring for his niece, and avoid her being deported, Petitioner seeks custody of [redacted] I must also assist Daritza to file a Petition for Special Immigrant Status as a Juvenile. Such a petition requires a finding by this Court confirming that [redacted] s dependent and that it is in her best interest to remain with Petitioner.

WHEREFORE, Petitioner requests that this Honorable Court to adjudicate this child dependent, grant him custody of the child and enter an order that will allow him to apply for Special Immigrant Status pursuant to 8 U.S.C.A. § 1101(a)(27)(J).

Respectfully submitted,

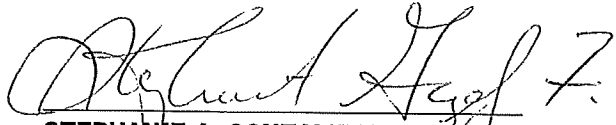
By:


STEPHANIE A. GONZALEZ FERRANDEZ

CERTIFICATE OF SERVICE

I, Stephanie A. Gonzalez Ferrandez, certify I am unable to mail the Dependency
Petition filed in Re: _____ on behalf of _____ to
the child's mother and father as their current and last known addresses are unknown to
Petitioner.

Date: 8/25/10


STEPHANIE A. GONZALEZ FERRANDEZ
Atty. I.D. No. 73580

VERIFICATION

The undersigned verifies that the statements made in this petition are true and correct to the best of his knowledge, information and belief, and that the undersigned is aware that false statements contained herein are made subject to penalties of 18 Pa.Cons.Stat. §4904.

By: Al 27

AL



Fox Rothschild LLP
ATTORNEYS AT LAW

2000 Market Street, 20th Floor
Philadelphia, PA 19103-3222
Tel 215 299 2000 Fax 215.299 2150
www.foxrothschild.com

Julia Swain
Direct Dial: (215) 299-2794
Email Address: jswain@foxrothschild.com

March 23, 2012

Ms. Alba [REDACTED]
Mr. Otilio [REDACTED]
Santa Lucia, Honduras

Re: Custody of Jose [REDACTED]

Dear Ms. [REDACTED] and Mr. [REDACTED]

Please be advised that I am an attorney in Philadelphia Pennsylvania. I am working with HIAS, who his helping your son, Jose, with his immigration matter. I am involved in this case to assist with custody of your son.

It is my understanding that you are in agreement for Jose's uncle, Juan [REDACTED] to have legal and physical custody of Jose. To formalize this arrangement, I have prepared a legal agreement titled Custody Stipulation under which Juan [REDACTED] will have legal and physical custody of Jose. This means that Mr. [REDACTED] will be permitted to make all legal decisions for Jose such as decisions related to Jose's medical treatment and education. It also means that Jose will live with Mr. [REDACTED]

To indicate your agreement to this custody arrangement, kindly sign the enclosed Custody Stipulation where your names appear on the last page. This Stipulation will be submitted to the Court in Philadelphia for approval. Upon the Court's approval, this Stipulation will become a Court Order.

Attorneys at Law



Fox Rothschild LLP
ATTORNEYS AT LAW

Ms. Alba Ruidia Cedillo
Mr. Otilio Ramos-Cruz
March 23, 2012
Page 2

Thank you for your cooperation in this matter. I wish you and your family all best.

Very truly yours,

Julia Swain

JS:cgg

cc: Juan [REDACTED]
Maggie Niebler, Esquire
Susan Gibson, Esquire



Fox Rothschild LLP
ATTORNEYS AT LAW

2000 Market Street, 20th Floor
Philadelphia, PA 19103-3222
Tel 215 299 2000 Fax 215.299 2150
www.foxrothschild.com

Julia Swain
Direct Dial: (215) 299-2794
Email Address: jswain@foxrothschild.com

March 23, 2012

Estimada Sra. Alba [REDACTED]
Sr. Otilio [REDACTED]
Empresa Correos de Honduras
Honducor
Santa Lucia, Palacios, Intibuca
Honduras

En relación con: Custodia de Jose [REDACTED]

Muy Sra. [REDACTED] y el Sr. [REDACTED]

Soy una abogada en Filadelfia, Pensilvania. Estoy trabajando con HIAS, que es una oficina que está ayudando a su hijo, José, con su asunto de inmigración. Estoy involucrado en este caso para ayudar a la custodia de su hijo.

Tengo entendido que están de acuerdo para el tío de José, Juan [REDACTED], para tener la custodia legal y física de José. Para formalizar esto, yo he preparado un acuerdo legal titulado "Acuerdo de Custodia" en el que Juan [REDACTED] tendrá la custodia legal y física de José. Esto significa que el señor [REDACTED] será capaz de tomar todas las decisiones legales para tales como las decisiones médicas y educacionales de José. También significa que José va a vivir con el señor [REDACTED]

Para indicar su conformidad con este acuerdo de custodia, la amabilidad de firmarle formulario "Acuerdo de Custodia" en sus nombres aparecen en la última página. El presente Acuerdo será sometido a la Corte en Filadelfia para su aprobación. Tras la aprobación de la Corte, el presente Acuerdo se convertirá en una orden de la Corte.

Gracias por su cooperación en este asunto. Le deseo lo mejor para usted y su familia.

Atentamente,


Julia Swain

JS:slm-p
Enclosure

A Pennsylvania Limited Liability Partnership

California Connecticut Delaware District of Columbia Florida Nevada New Jersey New York Pennsylvania

JUAN [REDACTED]	:	COURT OF COMMON PLEAS
	:	PHILADELPHIA COUNTY
	:	PENNSYLVANIA
	:	
Plaintiff	:	FAMILY DIVISION
	:	
v.	:	_____ TERM, 2012
	:	
ALBA [REDACTED] AND	:	NO. _____
OTILIO [REDACTED]	:	
	:	
Defendants	:	IN CUSTODY

CUSTODY STIPULATION

And now, this ____ day of March, 2012, the parties hereto, Juan [REDACTED] (“Maternal Uncle”), Alba [REDACTED] (“Mother”), and Otilio [REDACTED] (“Father”) do hereby stipulate and agree as follows:

1. The Plaintiff is Juan [REDACTED], Maternal Uncle of minor child, Jose [REDACTED], (“Jose”) born May 11, 1994.
2. The Defendants are Alba [REDACTED], Mother of Jose and Otilio [REDACTED] Father of Jose.
3. It is in the child’s best interest not to return to Honduras because Mother and Father can no longer provide adequate care or supervision of Jose in their home. Reunification with Mother and Father is not viable.
4. Maternal Uncle shall have sole legal custody of Jose in accordance with 23 Pa.C.S. §5322(a) and Pa.R.C.P. 1915.1(b).
5. Maternal Uncle shall have sole physical custody of Jose in accordance with 23 Pa.C.S. §5322(a) and Pa.R.C.P. 1915.1(b).

6. The parties intend for this Stipulation to be made an Order of Court by the Philadelphia Court of Common Pleas, Philadelphia County.

JUAN [REDACTED]
Maternal Uncle

ALBA [REDACTED]
Mother

OTILIO [REDACTED]
Father

JUAN A [REDACTED]	:	CORTE DE PRIMERA INSTANCIA
	:	CONDADO DE PHILADELPHIA
	:	PENNSYLVANIA
	:	
Demandante	:	DIVISIÓN DE FAMILIA
	:	
v.	:	TÉRMINO DE _____, 2012
	:	
ALBA [REDACTED] AND	:	NUMERO _____
OTILIO [REDACTED]	:	
	:	
Demandados	:	BAJO CUSTODIA

ESTIPULACIÓN DE CUSTODIA

Y ahora, este día ____ de marzo de 2012, las partes presente, Juan [REDACTED] ("Tío Materno"), Alba [REDACTED] ("Madre"), y Otilio [REDACTED] ("Padre") por este medio estipulan y estan de acuerdo de lo siguiente:

1. El demandante es Juan [REDACTED], Tío Materno de menor José [REDACTED], ("José"), nacido dia 11 de Mayo 1994.
2. Los demandados son Alba [REDACTED] Madre de José y Otilio [REDACTED], Padre de José.
3. Es en el mejor interés del joven José no regresar a Honduras, porque su Madre y Padre no pueden prestarle suficiente atención o supervisión. Además reunificación con su Madre y padre no es viable.
4. El Tío Materno tendrá la custodia legal exclusiva de José, de acuerdo con 23 Pa. CS § 5322 (a) y Pa.R.C.P. 1915.1 (b).
5. El Tío Materno tendrá la custodia física de José, de acuerdo con 23 Pa. CS § 5322 (a) y Pa.R.C.P. 1915.1 (b).
6. Las partes tienen la intención que esta Estipulación sea hecho un orden por la Corte de

Primera Instancia de Filadelfia en el condado de Filadelfia.

JUAN [REDACTED]
Tío Materno

ALBA [REDACTED]
Madre

OTILIO [REDACTED]
Padre

JUAN [REDACTED]

Plaintiff

v.

ALBA [REDACTED] AND
OTILIO [REDACTED]

Defendants

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
PENNSYLVANIA

FAMILY DIVISION

NO. 0612 [REDACTED]

IN CUSTODY

ORDER

AND NOW, TO WIT, THIS 30th DAY OF April, 2012, THE ANNEXED
STIPULATION EXECUTED BY THE PARTIES ON APRIL 18, 2012, IS HEREBY
APPROVED AND ENTERED AS AN ORDER OF THIS COURT.

BY THE COURT:

Margaret J. King

J.

I hereby certify that the foregoing
is a true copy of the original as same
appears in the records of this Court this

date 5-1-12
by: Mark A. Alleva
Clerk of Court

COPIES SENT
PURSUANT TO Pa.R.S. 286(b)
MAY 7 - 2012
FIRST JUDICIAL DISTRICT OF PA
USER I.D. ms 57530

Mark A. Alleva
MARK A. ALLEVA
DIRECTOR-CLERK OF FAMILY COURT
PROTHONOTARY-FAMILY COURT

FOX ROTHSCHILD LLP

By: JULIA SWAIN, ESQUIRE

Identification No. 76686
2000 Market Street, 20th Floor
Philadelphia, PA 19103-3222
(215) 299-2000 Telephone
(215) 299-2150 Facsimile

Attorneys for Plaintiff

JUAN [REDACTED] :
:
:
Plaintiff :
:
v. :
ALBA [REDACTED] AND :
OTILIO [REDACTED] :
Defendants :

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
PENNSYLVANIA

FAMILY DIVISION

NO. dlr- [REDACTED]

IN CUSTODY

RECEIVED
12 APR 23 PM 12:03
PRO PROTHY

PRAECIPE TO TRANSMIT CUSTODY STIPULATION

TO THE CLERK OF THE FAMILY COURT: KINDLY SUBMIT FOR COURT APPROVAL THE ATTACHED SIGNED STIPULATION IN REFERENCE TO THE ABOVE CUSTODY CASE. IT IS HEREBY CERTIFIED THAT:

- A Custody Conference is not pending
- This case is assigned under the Consolidated Case Management Program to the Honorable _____
- A Custody Pre-Trial Conference is scheduled before Custody Officer _____ on _____ was held before Custody Officer _____ on _____
- If stipulation is approved, please notify Custody Officer to cancel conference.
- A Court hearing is schedule on _____ before the Honorable _____. If stipulation is approved, please remove case from the Court list.
- A Court hearing is scheduled on _____ before the Honorable _____. This temporary/interim stipulation is filed pending hearing and Order of Court.



JULIA SWAIN, ESQUIRE
Attorney I.D. 76686
ATTORNEY FOR PLAINTIFF

TO BE COMPLETED BY CLERK OF COURT ONLY:

- To Custody Unit Supervisor:
- Please Enter Stipulation in record.
 - Please cancel custody conference per above.
 - Please remove case from Court list.

JUAN A [REDACTED]
Plaintiff
v.
ALBA [REDACTED] AND
OTILIO [REDACTED]
Defendants

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
PENNSYLVANIA
FAMILY DIVISION
_____ TERM, 2012
NO. 0212-00801
IN CUSTODY

RECEIVED
12 APR 23 PM 12:03
PRO PROTHY

CUSTODY STIPULATION

And now, this 18 day of ^{April} ~~March~~, 2012, the parties hereto, Juan [REDACTED] (“Maternal Uncle”), Alba [REDACTED] (“Mother”), and Otilio [REDACTED] (“Father”) do hereby stipulate and agree as follows:

1. The Plaintiff is Juan [REDACTED], Maternal Uncle of minor child, Jose [REDACTED] (“Jose”) born May 11, 1994.
2. The Defendants are Alba [REDACTED], Mother of Jose and Otilio [REDACTED] Father of Jose.
3. It is in the child’s best interest not to return to Honduras because Mother and Father can no longer provide adequate care or supervision of Jose in their home. Reunification with Mother and Father is not viable.
4. Maternal Uncle shall have sole legal custody of Jose in accordance with 23 Pa.C.S. §5322(a) and Pa.R.C.P. 1915.1(b).
5. Maternal Uncle shall have sole physical custody of Jose in accordance with 23 Pa.C.S. §5322(a) and Pa.R.C.P. 1915.1(b).

6. The parties intend for this Stipulation to be made an Order of Court by the Philadelphia Court of Common Pleas, Philadelphia County.

JUAN [REDACTED]
JUAN [REDACTED]
Maternal Uncle

ALBA [REDACTED]
ALBA [REDACTED]
Mother

OTILIO [REDACTED]
OTILIO [REDACTED]
Father

FOX ROTHSCHILD LLP
By: JULIA SWAIN, ESQUIRE
 Identification No. 76686
 2000 Market Street, 20th Floor
 Philadelphia, PA 19103-3222
 (215) 299-2000 Telephone
 (215) 299-2150 Facsimile

Attorneys for Plaintiff

JUAN [REDACTED] :
 :
 :
 :
 :
 Plaintiff :
 :
 v. :
 :
 ALBA [REDACTED] AND :
 OTILIO [REDACTED] :
 :
 Defendants :

COURT OF COMMON PLEAS
 PHILADELPHIA COUNTY
 PENNSYLVANIA

FAMILY DIVISION

NO. 0612 [REDACTED]

IN CUSTODY

RECEIVED
 12 APR 23 PM 12:02
 PRO PROTHY

COMPLAINT FOR CUSTODY

Plaintiff, Juan [REDACTED], by his attorneys, Fox Rothschild LLP and Julia Swain, Esquire, hereby files this Complaint seeking sole legal custody and sole physical custody and, in support thereof, avers as follows:

1. Plaintiff is Juan [REDACTED] (“Maternal Uncle”), who currently resides at [REDACTED] Philadelphia County, Pennsylvania 19147.

2. Defendants are Alba [REDACTED] (“Mother”) and Otilio [REDACTED] (“Father”), who currently reside at an unknown address in Santa Lucia, Intibuca, Honduras.


3. Defendants are the parents of the following child born of the marriage:

NAME	PRESENT RESIDENCE	AGE	DATE OF BIRTH
Jose [REDACTED]	With Maternal Uncle	17	May 11, 1994

4. The child was not born out of wedlock.

5. The child is presently in the custody of Plaintiff and has resided with Plaintiff since July 2011.

6. Since birth, the child has resided with the following persons and at the following addresses:

<u>Date</u>	<u>Address</u>	<u>With Whom</u>
Birth to July 2011	Santa Lucia, Intibuca, Honduras	Mother and Father
July 2011 - Present	 Philadelphia, PA	Maternal Uncle

7. The mother of the child is Co-Defendant. She is the sister of Plaintiff.

8. The father of the child is Co-Defendant. He is the brother-in-law of Plaintiff.

9. The relationships of Co-Defendants to the child are that of mother and father. Co-Defendants currently reside together.

10. The relationship of Plaintiff to the child is that of maternal uncle. Plaintiff currently resides with the child.

11. Plaintiff has no information of a custody proceeding concerning the child pending in a court of this Commonwealth.

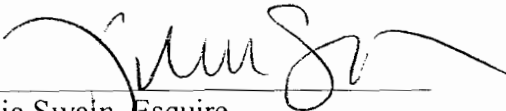
12. Plaintiff does not know of a person not a party to the proceeding who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

13. The best interest and permanent welfare of the child will be served by granting the relief requested.

14. Each parent whose parental rights to the child have not been terminated and the person who has physical custody of the child have been named as parties to this action.

15. The parties have reached an agreement relating to custody which is attached hereto as Exhibit "A".

WHEREFORE, Plaintiff, Juan [REDACTED], respectfully requests that this Honorable Court approve the attached Stipulation, enter it as an Order of Court, grant the Plaintiff sole legal custody and sole physical custody of the child.



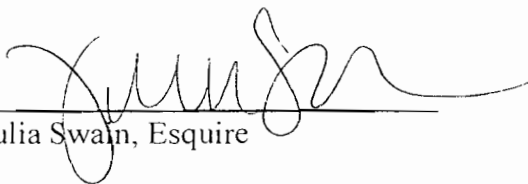
Julia Swain, Esquire
Fox Rothschild LLP
Attorney I.D. No. 76686
2000 Market Street, 20th Floor
Philadelphia, PA 19103-3291
Telephone: (215) 299-2000
Attorneys for Plaintiff,
Juan Angel Cedillo

Dated: 4 / 19 / 12

VERIFICATION

I, Julia Swain, Esquire, counsel for the Plaintiff, Juan [REDACTED], verify as follows:

1. that the undersigned counsel has been informed by the Plaintiff that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief;
2. that the Plaintiff has stated to the undersigned that he understands that that the statements made therein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities; and
3. that the undersigned understands that that the statements made in the Plaintiff's Complaint for Custody, and this Verification are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.



Julia Swain, Esquire

Dated: April 23, 2012

EXHIBIT “A”

JUAN [REDACTED]

Plaintiff

v.

ALBA [REDACTED] AND
OTILIO [REDACTED]

Defendants

COURT OF COMMON PLEAS
PHILADELPHIA COUNTY
PENNSYLVANIA

FAMILY DIVISION

_____ TERM, 2012

NO. _____

IN CUSTODY

CUSTODY STIPULATION

And now, this 18 day of ^{April} ~~March~~, 2012, the parties hereto, Juan [REDACTED] (“Maternal Uncle”), Alba [REDACTED] (“Mother”), and Otilio [REDACTED] (“Father”) do hereby stipulate and agree as follows:

1. The Plaintiff is Juan [REDACTED], Maternal Uncle of minor child, Jose [REDACTED] (“Jose”) born May 11, 1994.

2. The Defendants are Alba [REDACTED], Mother of Jose and Otilio [REDACTED], Father of Jose.

3. It is in the child’s best interest not to return to Honduras because Mother and Father can no longer provide adequate care or supervision of Jose in their home. Reunification with Mother and Father is not viable.

4. Maternal Uncle shall have sole legal custody of Jose in accordance with 23 Pa.C.S. §5322(a) and Pa.R.C.P. 1915.1(b).

5. Maternal Uncle shall have sole physical custody of Jose in accordance with 23 Pa.C.S. §5322(a) and Pa.R.C.P. 1915.1(b).

6. The parties intend for this Stipulation to be made an Order of Court by the Philadelphia Court of Common Pleas, Philadelphia County.

[REDACTED]
JUAN [REDACTED]
Maternal Uncle

ALBA [REDACTED]
ALBA [REDACTED]
Mother

Otilio [REDACTED]
OTILIO [REDACTED]
Father

Domestic Relations Information Sheet

					DATE	CASE I.D.NO.
INFORMATION ON PARENTS						
FATHER OF CHILDREN <i>(First Name)</i> <i>(Middle Initial)</i> <i>(Last Name)</i> Oulho [REDACTED]					ALIAS, IF ANY N/A	
MAILING ADDRESS Santa Lucia, Intibuca, Honduras				RESIDENTIAL ADDRESS, IF DIFFERENT FROM MAILING ADDRESS N/A		
DATE OF BIRTH Unknown		SOCIAL SECURITY NO Unknown		DPW NO		
HEIGHT	WEIGHT	RACE	HAIR	EYES	DISTINGUISHING FEATURES N/A	
PLACE OF EMPLOYMENT unemployed				MEDICAL INSURANCE CARRIER		
HOME PHONE NO [REDACTED]		WORK PHONE NO		POLICY NO	CHILDREN COVERED? <input type="checkbox"/> Yes <input type="checkbox"/> No	
OCCUPATION				ATTORNEY'S NAME AND ADDRESS None		
SALARY \$ ___ per year				ATTORNEY I D NO		
MOTHER OF CHILDREN <i>(First Name)</i> <i>(Middle Initial)</i> <i>(Last Name)</i> Aiba [REDACTED]					ALIAS, IF ANY N/A	
MAILING ADDRESS Santa Lucia, Intibuca, Honduras				RESIDENTIAL ADDRESS, IF DIFFERENT FROM MAILING ADDRESS N/A		
DATE OF BIRTH unknown		SOCIAL SECURITY NO unknown		DPW NO		
HEIGHT	WEIGHT	RACE	HAIR	EYES	DISTINGUISHING FEATURES	
PLACE OF EMPLOYMENT Unemployed				MEDICAL INSURANCE CARRIER		
HOME PHONE NO [REDACTED]		WORK PHONE NO		POLICY NO	CHILDREN COVERED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No N/A	
OCCUPATION Attorney (Unemployed)				Pro Se		
SALARY \$ _____ per year				ATTORNEY I D NO		
RECEIVING ASSISTANCE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	DPW NO		DISTRICT RECEIVING FROM		SEMI-MONTHLY GRANT AMOUNT	TOTAL NO OF PEOPLE IN HOUSEHOLD
PARTIES EVER MARRIED? <input type="checkbox"/> Yes <input type="checkbox"/> No	MARRIAGE DATE:	PLACE	DATE OF SEPARATION	DATE OF DIVORCE	PLACE	
MATERNAL GRANDMOTHER'S MAIDEN NAME				MATERNAL GRANDFATHER'S NAME		

INFORMATION ON CARETAKER OF CHILD(REN) OTHER THAN PARENTS (IF ANY)

NAME (First) (Middle Initial) (Last) Juan [REDACTED] [REDACTED]	RELATIONSHIP Maternal Uncle	DATE OF BIRTH
	HOME PHONE NO	WORK PHONE NO
SOCIAL SECURITY NO		

INFORMATION ON CHILDREN

NAME (First) (Middle Initial) (Last) Jose [REDACTED]	SEX <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DATE OF BIRTH 05/11/1994
SOCIAL SECURITY NO	PLACE OF BIRTH Honduras	ACTIVE ON CASH ASSISTANCE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
FATHER LISTED ON BIRTH CERTIFICATE? <input type="checkbox"/> Yes <input type="checkbox"/> No	BORN OUT OF WEDLOCK <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	WAS PATERNITY ESTABLISHED <input type="checkbox"/> Yes <input type="checkbox"/> No
DATE OF PATERNITY ESTABLISHMENT N/A		

NAME (First) (Middle Initial) (Last) N/A	SEX <input type="checkbox"/> Male <input type="checkbox"/> Female	DATE OF BIRTH
SOCIAL SECURITY NO	PLACE OF BIRTH	ACTIVE ON CASH ASSISTANCE? <input type="checkbox"/> Yes <input type="checkbox"/> No
FATHER LISTED ON BIRTH CERTIFICATE? <input type="checkbox"/> Yes <input type="checkbox"/> No	BORN OUT OF WEDLOCK <input type="checkbox"/> Yes <input type="checkbox"/> No	WAS PATERNITY ESTABLISHED <input type="checkbox"/> Yes <input type="checkbox"/> No
DATE OF PATERNITY ESTABLISHMENT N/A		

NAME (First) (Middle Initial) (Last) N/A	SEX <input type="checkbox"/> Male <input type="checkbox"/> Female	DATE OF BIRTH
SOCIAL SECURITY NO	PLACE OF BIRTH	ACTIVE ON CASH ASSISTANCE? <input type="checkbox"/> Yes <input type="checkbox"/> No
FATHER LISTED ON BIRTH CERTIFICATE? <input type="checkbox"/> Yes <input type="checkbox"/> No	BORN OUT OF WEDLOCK <input type="checkbox"/> Yes <input type="checkbox"/> No	WAS PATERNITY ESTABLISHED <input type="checkbox"/> Yes <input type="checkbox"/> No
DATE OF PATERNITY ESTABLISHMENT		

NAME (First) (Middle Initial) (Last) N/A	SEX <input type="checkbox"/> Male <input type="checkbox"/> Female	DATE OF BIRTH
SOCIAL SECURITY NO	PLACE OF BIRTH	ACTIVE ON CASH ASSISTANCE? <input type="checkbox"/> Yes <input type="checkbox"/> No
FATHER LISTED ON BIRTH CERTIFICATE? <input type="checkbox"/> Yes <input type="checkbox"/> No	BORN OUT OF WEDLOCK <input type="checkbox"/> Yes <input type="checkbox"/> No	WAS PATERNITY ESTABLISHED <input type="checkbox"/> Yes <input type="checkbox"/> No
DATE OF PATERNITY ESTABLISHMENT		

NAME (First) (Middle Initial) (Last) N/A	SEX <input type="checkbox"/> Male <input type="checkbox"/> Female	DATE OF BIRTH
SOCIAL SECURITY NO	PLACE OF BIRTH	ACTIVE ON CASH ASSISTANCE? <input type="checkbox"/> Yes <input type="checkbox"/> No
FATHER LISTED ON BIRTH CERTIFICATE? <input type="checkbox"/> Yes <input type="checkbox"/> No	BORN OUT OF WEDLOCK <input type="checkbox"/> Yes <input type="checkbox"/> No	WAS PATERNITY ESTABLISHED <input type="checkbox"/> Yes <input type="checkbox"/> No
DATE OF PATERNITY ESTABLISHMENT		

JANE DOE,		: IN THE COURT OF COMMON PLEAS OF
	Plaintiff	: CUMBERLAND COUNTY, PENNSYLVANIA
		:
v.		: CIVIL ACTION - LAW
		:
JUAN SMITH,		: NO. 2011 - CIVIL TERM
	Defendant	: IN CUSTODY

ORDER OF COURT

AND NOW, this ____ day of _____, 2012 upon presentation and consideration of the within complaint and the stipulation and agreement incorporated therein, and upon agreement of the parties, it is hereby ordered and decreed as follows:

A. Mother shall have sole legal and physical custody of the minor child namely, Joe Smith, DOB xx/xx/1996 (Age 15).

B. The parties have agreed that reunification between the father and the child is not presently viable due to father's abandonment of the child.

C. The parties agree that it is not in the best interests of the child to return to [insert name of country] and that his best interests are served by his remaining in the custody of the Mother.

D Any modification or waiver of any of the provisions of the agreement of the parties shall be effective only if made in writing and only if executed with the same formality of the agreement of the parties.

E. The Court of Common Pleas of Cumberland County has jurisdiction over these issues and shall retain such jurisdiction should circumstances change and any party desire further or require further modification of said Order.

BY THE COURT,

J.

Distribution:
[Name], Esquire
For Plaintiff

Juan Smith
Pro Se Defendant

[Name and Address]
ATTORNEY FOR PLAINTIFF

JANE DOE, : IN THE COURT OF COMMON PLEAS OF
Plaintiff : CUMBERLAND COUNTY, PENNSYLVANIA
: :
v. : CIVIL ACTION - LAW
: :
JUAN SMITH, : NO. 2011 - CIVIL TERM
Defendant : IN CUSTODY

COMPLAINT FOR CUSTODY

NOW comes the plaintiff, by her attorney, [Name], Esquire, and presents this complaint and agreement for custody, averring as follows:

1. The plaintiff is Jane Doe, (hereinafter Mother) an adult individual residing at [address].
2. The defendant is Juan Smith, (hereinafter Father) an adult individual residing [address].
3. The plaintiffs are the natural parents of one minor child namely, Joe Smith DOB xx/xx/1996 (Age 15).
4. The child has never resided with his natural father.
5. The child resided with Mother in the country of [name] from birth until [date] when Father immigrated to the United States. The child has had virtually no contact with Father since that time, and only limited contact with the child even before Father came to the United States.
6. The child had resided in the custody of Mother's parents from [date] until [date], as Mother had immigrated to the United States but provided constant financial support to the child until the child joined Mother in Pennsylvania.

7. Mother's parents both suffer from medical conditions which prevent them from continuing to care for the child in their home.

8. The child has resided with Mother since [date] at Mother's current address, and Mother provides for all of the child's needs and financial support, including providing health insurance through her employer.

9. The child now attends Cumberland Valley schools and is enrolled in the ninth grade, where he is excelling in his academic progress.

10. The child's best interests and permanent welfare would be negatively effected if the child was to return to [country].

11. Father's actions in removing himself from the child's life and abandoning the child's needs have caused a significant impediment to his reunification with the child and Father acknowledges that reunification is not a viable option at this time.

12. The plaintiff and the defendant have not participated as a party, witness or in any other capacity in other litigation concerning the custody of the child in this or another court.

13. The plaintiff has no information regarding any other custody proceeding concerning the child pending in a court of this Commonwealth.

14. The plaintiff does not know of a person not a party to the proceedings and who is not identified herein, who has physical custody of the child or claims to have custody or visitation rights with respect to the child.

15. The plaintiff believes and therefore avers that the best interests and permanent welfare of the child requires that the Mother have sole legal and physical custody of the child and Father acknowledges and agrees to the entry of an Order entering such an award.

16. Both parties, as evidenced by their joint execution of this complaint, have mutually agreed upon an amicable arrangement for the legal and physical custody of the child and request that the Court enter an order as provided below without the necessity of a hearing:

A. Mother shall have sole legal and physical custody of the minor child namely, Joe Smith DOB xx/xx/xxxx (Age 15).

B. The parties have agreed that reunification between the father and the child is not presently viable due to father's abandonment of the child.

C. The parties agree that it is not in the best interests of the child to return to [country] and that his best interests are served by his remaining in the custody of the Mother.

D Any modification or waiver of any of the provisions of the agreement of the parties shall be effective only if made in writing and only if executed with the same formality of the agreement of the parties.

E. The Court of Common Pleas of Cumberland County has jurisdiction over these issues and shall retain such jurisdiction should circumstances change and any party desire further or require further modification of said Order.

WHEREFORE, the plaintiff and defendant respectfully request that the Court enter an Order providing for the legal and physical custody of the child as aforesaid.

_____, 2011

[NAME]
Attorney for Plaintiff

VERIFICATION AND
CONFIRMATION OF AGREEMENT

We do hereby verify that the acts set forth in this complaint are true and correct. We understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities. Furthermore, by the execution of this Confirmation, we do each unequivocally express our mutual and voluntary agreement to the amicable custody arrangement provided above and request that the terms thereof be entered as an Order of Court without the necessity of a custody conciliation, hearing or other proceeding.

_____, 2011 _____(SEAL)

_____, 2011 _____(SEAL)

COMMONWEALTH OF PENNSYLVANIA :

:SS:

COUNTY OF CUMBERLAND :

On this, the ____ day of _____, 2011, before me, the undersigned officer, personally appeared JANE DOE, known to me (or satisfactorily proven) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged that (s)he executed same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____(SEAL)
Notary Public

COMMONWEALTH OF PENNSYLVANIA :

:SS:

COUNTY OF CUMBERLAND :

On this, the ____ day of _____, 2011, before me, the undersigned officer, personally appeared JUAN SMITH, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that she executed same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____(SEAL)
Notary Public