

**MOTION TO DETERMINE ELIGIBILITY
FOR SPECIAL IMMIGRANT JUVENILE STATUS**

December 2011

This Motion is filed by the Texas Department of Family and Protective Services (“DFPS”), pursuant to this agency's authority to pursue Special Immigrant Juvenile Status for eligible foster children for whom the agency serves as managing conservator. 8 U.S.C. §1101(a)(27)(J); Texas Family Code §264.002(a)(2). The findings requested in this motion relate exclusively to facts set forth in the documents, evidence and testimony presented to this Court.

By making the requested findings set forth below, this Court will not grant any immigration benefit or remedy. Rather, this court's findings relating to this child protective litigation are a prerequisite to a petition for Special Immigrant Juvenile Status that is filed with the U.S. Citizenship & Immigration Services ("USCIS") as part of the process of obtaining permanent resident status for a foster child.

Accordingly, DFPS asks that this Court find as follows:

1. The following child, a subject of this suit, has been legally committed to, or placed under the custody of DFPS:

Name:

Sex:

Birth place:

Birth date:

By order of this Court on _____, 2011, DFPS was named managing conservator of this child, pursuant to Chapter 262 of the Texas Family Code, Procedures In Suit By Governmental Entity to Protect Health and Safety of Child.

2. Reunification with one or both of this child's parents is not viable due to abuse, neglect or abandonment or a similar basis under State law. Review of the circumstances that necessitated this child's removal by DFPS, as well as subsequent events, demonstrates that reunification with one or both parents is not viable due to abuse, neglect, abandonment or a similar basis under State law.

3. It is not in this child’s best interest to be returned to his or her country of nationality or last habitual residence. This finding is supported by [this child's lack of ties in the home country; lack of (Spanish/other) language skills; special needs that likely cannot be met in the home country (specify medical diagnosis, learning disability, therapeutic needs); established ties in his/her current community; academic success and promising future in the U.S.]; and

4. This child is not married.

5. DFPS requests that the Court make these findings pursuant to 8 U.S.C. § 1101(a)(27)(J) and enter an order reflecting these findings.

PRAYER

Movant prays that the Court promptly set this motion for hearing, and upon hearing grant an order with the findings as requested above.

«ATTORNEY’S SIGNATURE BLOCK»

ORDER SETTING HEARING

Notice is hereby given to all parties that a hearing on the above and foregoing Motion is set for the ____ day of _____, 201__ , at ____o’clock __.m., in the ____ Court, _____, Texas.

«JUDGE’S SIGNATURE BLOCK»

«CERTIFICATE OF SERVICE»