**CAUSE NO.**

**IN THE INTEREST OF § IN THE DISTRICT COURT OF**

 **§**

 **§ COUNTY, TEXAS**

 **§**

 **, A CHILD § JUDICIAL DISTRICT**

**CLARIFYING ORDER REGARDING**

**SPECIAL IMMIGRANT JUVENILE STATUS FINDINGS**

This Court exercised jurisdiction over this case pursuant to Texas Family Code, Title 5, Subtitle E, Protection of the Child.

On this day the Court reviewed the reviewed the Order Regarding Eligibility for Special Immigrant Juvenile Status rendered by this Court on as well as the USCIS policy issued October 26, 2016, which now requires state court orders to include the following:

* + - With whom the child is placed and the factual basis for this finding;
		- The specific ground(s) (abuse, neglect, abandonment or a similar basis under state law) which apply to each parent and the factual basis for the court’s finding on non-viability of parental reunification;
		- That the petitioner cannot reunify with one or both of the petitioner’s parents prior to aging out of the juvenile court’s jurisdiction; and
		- The factual basis for the determination that it is not in the child’s best interest to return to country of nationality or last habitual residence.

USCIS Policy Manual, Vol. 6, Ch. 2 D.2 *Parental Reunification*; Ch. 3 A.4 *Supporting Evidence*.

In light of current USCIS policy, and after reviewing the Court’s record in this matter, the Court clarifies the findings made originally on\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as follows:

1. The Texas Department of Family & Protective Services (“DFPS”) is the state agency responsible for child protective services in Texas. Texas Human Resources Code §40.002(b)(1). By order of this Court on DATE, DFPS was named managing

conservator of the child subject to this suit, pursuant to Chapter 262 of the Texas Family Code, Procedures In Suit By Governmental Entity to Protect Health and Safety of Child. Accordingly, this child was legally committed to, or placed under the custody of DFPS:

Name:

Sex:

Birth place:

Birth date:

Further, this Court finds:

1. That reunification of this child with [NAME], mother, is not viable today or within the period of this Court’s jurisdiction due to [SELECT **EACH** GROUND THAT APPLIES TO THIS PARENT —abuse, Tex. Fam. Code § 261.001(1); neglect, Tex. Fam. Code §261.001(4); abandonment, Tex. Fam. Code §161.001(b)]. This finding is based on [DESCRIBE THE FACTS FOR **EACH** GROUND LISTED AND **WHY** REUNIFICATION IS NOT POSSIBLE].

That reunification of this child with [NAME], father, is not viable today or within the period of this Court’s jurisdiction due to [SELECT **EACH** GROUND THAT APPLIES TO THIS PARENT —abuse, Tex. Fam. Code § 261.001(1); neglect, Tex. Fam. Code §261.001(4); abandonment, Tex. Fam. Code §161.001(b)]. This finding is based on [DESCRIBE THE FACTS FOR **EACH** GROUND LISTED AND **WHY** REUNIFICATION IS NOT POSSIBLE].

This Court also finds it is not in this child’s best interest to be returned to\_\_\_\_\_\_\_\_\_\_\_, the child’s country of nationality or last habitual residence, consistent with Texas Family Code §263.307(a). This finding is based on [INSERT FACTS SHOWING LACK OF PLACEMENT OPTIONS IN HOME COUNTRY; TIES TO U.S. BORN SIBLINGS/OTHERS; SPECIAL NEEDS –EDUCATIONAL, MEDICAL, PSYCHOLOGICAL THAT COULDN’T BE MET IN HOME COUNTRY].

[IF A FINAL ORDER OF PMC OR TPR HAS **NOT** BEEN ENTERED ASSESS ELIGIBILITY BEFORE FILING FOR SIJ ORDER]

On [DATE] this Court [entered an order granting DFPS/NAME OF PERSON Permanent Managing Conservatorship of this child AND/OR terminating the parental rights of this child.

3.This Court also finds that it is not in this child’s best interest to return to [COUNTRY], the child’s country of nationality or last habitual residence, consistent with Texas Family Code §263.307(a). This finding is based on [INSERT FACTS, PARTICULARLY LACK OF PLACEMENT OPTIONS IN HOME COUNTRY; TIES WITH U.S. BORN SIBLINGS; ANY SPECIAL NEEDS- EDUCATIONAL, MEDICAL, PSYCHOLOGICAL -THAT COULD NOT BE MET IN THE HOME COUNTRY).

This Court further findsthat the primary purpose of this Order is to continue to provide protection and to implement a permanency plan.

Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 JUDGE