**CAUSE NO.**

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

 **§**

 **, A CHILD § COUNTY, TEXAS**

 **§**

 **§ \_\_\_ JUDICIAL DISTRICT**

 **§**

**MOTION FOR FINDINGS REGARDING**

**SPECIAL IMMIGRANT JUVENILE STATUS**

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. The findings requested in this motion relate exclusively to facts set forth in the affidavits, reports, documents, testimony and other evidence presented to this Court, as well as the prior findings and orders entered in this Suit Affecting the Parent Child Relationship.

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 which will be adjudicated by the U.S. Citizenship & Immigration Services ("USCIS").

This Court has jurisdiction over this case pursuant to Texas Family Code, Title 5, Subtitle E, PROTECTION OF THE CHILD.

Accordingly, DFPS asks that this Court find as follows:

1. **Child in State Foster Care**

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 \_\_\_\_\_\_\_\_, 201\_\_, 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.

Accordingly, this child, a subject of this suit, has been legally committed to, or placed in the custody of DFPS:

Name:

Sex:

Birth place:

Birth date:

**2. Viability of Reunification with One or Both Parents**

[SELECT **ONE OR BOTH** PARAGRAPHS REGARDING MOTHER/FATHER/BOTH] ]

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 [the facts set forth in the attached Affidavit OR INSERT FACTS TO SUPPORT EACH GROUND LISTED AND EXPLAIN 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 [the facts set forth in the attached Affidavit OR INSERT FACTS TO SUPPORT EACH GROUND LISTED AND EXPLAIN WHY REUNIFICATION IS NOT POSSIBLE].

[**ADD** DATE/TYPE OF FINAL ORDER FOR **ALL** CASES-*if there is no final order, assess carefully before filing for SIJ order*]

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

**3. Not in Child’s Best Interest to Return**

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 [the facts set forth in the attached Affidavit **OR** INSERT FACTS **PARTICULARLY LACK OF PLACEMENT OPTIONS IN HOME COUNTRY**, TIES IN THE COMMUNITY, AS WELL AS ANY SPECIAL NEEDS (EDUCATION/MEDICAL/SOCIAL THE CHILD HAS THAT CAN’T BE MET IN THE HOME COUNTRY).

The primary purpose of the requested Order is to continue to provide protection and to implement a permanency plan.

PRAYER

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

Respectfully Submitted,

Attorney for Petitioner

Texas Department of Family and Protective Services

Bar No.

phone:

fax:

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

**CERTIFICATE OF SERVICE**

 I certify that a true and correct copy of the foregoing has been sent to all of the attorneys of record in accordance with the Texas Rules of Civil Procedure on this \_\_\_\_ day of April 2016.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attorney for the Petitioner