File #:	15-363 **Version:** 1		
Type:	Rules Proposal	**Status:**	Passed
File created:	9/23/2015	**In control:**	Judicial Council
On agenda:	10/27/2015	**Final action:**	10/27/2015
Title:	Family, Juvenile, and Probate Guardianship Law: Special Immigrant Juvenile Findings (Action Required)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. 20151027itemA20		

Date	Ver.	Action By	Action	Result
10/27/2015	1	Judicial Council	approved	Pass

Title
Family, Juvenile, and Probate Guardianship Law: Special Immigrant Juvenile Findings (Action Required)

Summary
The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend adopting one rule of court, adopting four Judicial Council forms (including a joint findings form), and revoking two separate findings forms. The rule and forms are needed to implement Senate Bill 873 (Stats. 2014, ch. 685), which clarified the superior court's authority to make the factual findings needed for an undocumented child to apply for federal classification as a Special Immigrant Juvenile (SIJ) and incorporated relevant elements of the federal Immigration and Nationality Act into California law. The rule and forms are intended to guide a party requesting SIJ findings from a superior court in a child custody, guardianship, or juvenile dependency or delinquency proceeding, and to supply the court with a sufficient factual basis to make accurate, just, and effective findings under California law.

Recommendation
The Family and Juvenile Law (F&J) and the Probate and Mental Health (PMHAC) Advisory Committees recommend that the Judicial Council, effective January 1, 2016:

1. Adopt rule 7.1020 of the California Rules of Court to specify procedural requirements for seeking SIJ findings in probate guardianship proceedings;
2. Adopt *Request for Special Immigrant Juvenile Findings-Family Law* (form FL-356) to request SIJ findings in a family law custody proceeding;
3. Adopt *Petition for Special Immigrant Juvenile Findings* (form GC-220) to request SIJ findings in a probate guardianship proceeding;
4. Adopt *Request for Special Immigrant Juvenile Findings* (form JV-356) to request SIJ findings in a juvenile dependency or delinquency proceeding;
5. Adopt *Special Immigrant Juvenile Findings* (form FL-357/GC-224/JV-357); and
6. Revoke *Order Regarding Eligibility for Special Immigrant Juvenile Status-Probate Guardianship* (form GC-224) and *Order Regarding Eligibility for Special Immigrant Juvenile Status* (form JV-224).