

Name, Address & Phone Number
(If Attorney filing, type Name, Address & Phone Number)

[] Plaintiff/Petitioner, Pro Se [] Defendant/Respondent, Pro Se
[] Attorney for [] Plaintiff/Petitioner [] Defendant/Respondent

IN THE FAMILY COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

Plaintiff/Petitioner,
vs.

Defendant/Respondent.)
) CASE NO. _____
)
) **ORDER [] GRANTING [] DENYING**
) **CONFIDENTIAL REQUEST FOR**
) **SPECIAL IMMIGRANT JUVENILE**
) **FACTUAL FINDINGS**
)
) Hearing Date: _____
)
) Presiding Judge: _____
)

ORDER [] GRANTING [] DENYING CONFIDENTIAL REQUEST
FOR SPECIAL IMMIGRANT JUVENILE FACTUAL FINDINGS

This matter, having come on for hearing on the above hearing date before the Presiding Judge, and after taking judicial notice of the record, files, and evidence presented, the Court enters the following:

A. FINDINGS

1. Section 571-11(11) of the Hawai'i Revised Statutes (HRS) provides this Court with the jurisdiction over unmarried individuals under twenty-one (21) years of age for purposes of awarding custody or guardianship pursuant to a motion for factual findings within the meaning of the Immigrant and Nationality Act, Title 8 of the United States Code section 1101(a)(27)(J).

2. The Child, _____, whose birthday is _____, [] is [] is not under the age of twenty-one (21) years and [] is [] is not married. HRS §571-11(11).

3. [] a. On (date) _____, pursuant to:
[] HRS §560:5-106(2): Guardianship concerning minors,
[] HRS §571:5-11: Family Court jurisdiction; children,
[] HRS §580-1: Family Court jurisdiction: annulment, divorce, separation,
[] HRS §587A-5: Child Protective Act,
Child was legally committed or placed under the custody of a State agency or placed under the custody of an individual or entity appointed by the Family Court of the State of Hawai'i. 8 U.S.C. §1101(a)(27)(J)(i).

[] b. Child was not legally committed or placed under the custody of a State agency or placed under the custody of an individual or entity appointed by the Family Court of the State of Hawai'i.

4. [] a. Reunification with (name) _____, Child's [] parent [] guardian is **not** viable due to [] abuse [] neglect [] abandonment [] a similar basis under Hawai'i law because: *(state reasons reunification is not viable and the facts constituting abuse, neglect, abandonment, or similar basis under Hawai'i law, including disposition of a related case, if any.)* 8 U.S.C. §1101(a)(27)(J)(i); HRS §571-11

b. (If applicable to more than one parent)

Reunification with (names) _____,

Child's parent guardian, is **not** viable due to abuse neglect
 abandonment a similar basis under Hawai'i law because: *(state
reasons reunification is not viable and the facts constituting abuse, neglect,
abandonment, or similar basis under Hawai'i law, including disposition of a related
case, if any.)* 8 U.S.C. §1101(a)(27)(J)(i); HRS §571-11

c. Reunification with Child's Mother Father guardian is viable
despite abuse, neglect, abandonment, or a similar basis under Hawai'i law
because: _____

5. a. It is **not** in Child's best interest to be removed from the United States and
returned to (specify country) _____,
Child's country of nationality or country of last habitual residence of the
Child or of Child's birth parent(s) because: *(state factual basis for the best*

interests determination.) 8 U.S.C. §1101(a)(27)(J)(ii). _____

6. [] a. It is in Child's best interest to be removed from the United States and returned to (specify country) _____, Child's country of nationality or country of last habitual residence or of Child's birth parent(s) because: *(state factual basis for the best interests determination.)* _____

B. ORDER

1. Pursuant to §571-11(11), Hawai'i Revised Statutes (HRS), this Court has jurisdiction to make a factual determination for the purpose of §1101(a)(27)(J) of the federal Immigration and Nationality Act.

2. Based upon the record and files of taken judicial notice of, the evidence presented to Court, the above findings of fact, and the argument of counsel, if any,
 [] a. the Court grants the *Confidential Request for Special Immigrant Juvenile Factual Findings* and finds that, as to Child's custody or guardianship, Child was abused, neglected or abandoned before the age of eighteen (18) years for the purposes of §1101(a)(27)(J) of the federal Immigration and Nationality Act.

[] 1. Child shall be provided two (2) certified copies of this Order.

[] b. the Court denies the *Confidential Request for Special Immigrant Juvenile Factual Findings*.

Dated: _____, Hawai'i, _____,
(City) (Date)

JUDGE OF THE ABOVE-ENTITLED COURT

Printed Name of the Judge



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