

**COPY**

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
388<sup>th</sup> JUDICIAL DISTRICT

FILED  
MARIA L. FAVILLA  
DISTRICT CLERK

2016 MAY - [REDACTED] AM 9:15

EL PASO COUNTY, TEXAS

In the interest of

[REDACTED]

Minor Child.

§  
§  
§  
§  
§  
§

CAUSE NO. [REDACTED]

DEPUTY

FINAL ORDER, FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND DECLARATION OF DEPENDENCY

*Hearing*

1. On this [REDACTED] day of May, 2016, the Court heard the above-captioned cause.

*Appearances*

2. Petitioner [REDACTED] ("the child") appeared in person and by attorney [REDACTED] and authorized representative [REDACTED] and announced ready.

*Record*

3. A record of testimony was taken by Wanda, court reporter.

*Jurisdiction*

4. The Court, after examining the record, the evidence, and the argument of counsel, finds that it has jurisdiction over this case. The child is present in Texas and jurisdiction is necessary to protect the child because the child has been abandoned. See TEX. FAM. CODE ANN. § 152.204(a). Further, no court has continuing jurisdiction over this suit or of the child who is the subject of this suit.

*Venue*

5. The Court finds that venue in El Paso County, Texas, is proper because the child resides in El Paso County. See TEX. FAM. CODE ANN. § 103.001(a), (c)(3).

*Final Order*

[REDACTED]

*Standing*

6. The Court finds that Petitioner has standing to bring suit through a representative authorized by the Court. TEX. FAM. CODE § 102.003(a)(2).

*Service of Process*

7. The Court finds that Respondent [REDACTED], the child's mother, has signed a waiver of service. Accordingly, service is unnecessary.
8. The Court finds that Respondent [REDACTED], the child's father, has signed a waiver of service. Accordingly, service is unnecessary.

*Jury*

9. A jury was waived, and all questions of fact and of law were submitted to the Court.

*Child*

10. The Court finds that the following child is the subject of this suit:

NAME:	[REDACTED]
GENDER:	Male
PLACE OF BIRTH:	[REDACTED], El Salvador
DATE OF BIRTH:	[REDACTED], 1998
PRESENT RESIDENCE:	[REDACTED], El Paso County, Texas
S.S. No.	None

FINDINGS

11. The Court FINDS that the child resides in Canutillo, El Paso County, Texas. The Court therefore RETAINS jurisdiction pursuant to TEX. FAM. CODE ANN. § 152.204(a).
12. The Court FINDS that the child is unmarried.
13. The Court FINDS that child's father, Respondent [REDACTED], has neglected and abandoned the child by failing to provide the child with food, clothing, or shelter necessary to sustain his life and health, *see* TEX. FAM. CODE ANN. § 261.001(4)(B)(iii), and by failing to make even a minimal effort to provide for the child's reasonable care and supervision,

*Final Order*

*see* TEX. FAM. CODE ANN. § 152.102(1). Respondent [REDACTED] abandoned the family when the child was approximately ten years old, and since that date, has not contacted the child or provided any financial assistance to the child or his mother.

14. The Court FINDS that the child's reunification with Respondent [REDACTED] is not viable due to abandonment and neglect.
15. The Court FINDS that the child is a national of El Salvador. The Court FINDS that it is NOT in the best interests of the child to be removed to El Salvador. If returned to El Salvador, the child will continue to be exposed to the abandonment of his father. In El Salvador, the child was the frequent target of attacks by gang members, who beat him and ultimately forced him to drop out of school. Due to the child's abandonment by his father and his mother's poor health, he had insufficient parental protection from these attacks while in El Salvador.
16. The child is in the custody of ORR but is not requesting a change in his physical or legal custody. Therefore, the court FINDS that specific consent of the Secretary of Health and Human Services to the instant proceeding is not required. *See* INA § 101(a)(27)(J)(iii)(I), 8 U.S.C. § 1101(a)(27)(J)(iii)(I). The Court FINDS that obtaining Special Immigrant Juvenile Status will improve the child's ability to obtain health benefits in the future.
17. The Court FINDS that the child has no property of consequence, other than his personal effects.
18. The Court RETAINS jurisdiction over this matter and ORDERS that the child be declared a dependent of the juvenile court in El Paso County, Texas. The Court RETAINS continuing jurisdiction over this matter, even if the child departs El Paso County, unless and until another court properly exercises jurisdiction over the child.

DECLARATION OF DEPENDENCY

19. The Court FINDS that [REDACTED] ("the child") filed this suit to escape neglect and abandonment. The Court FINDS that the instant Final Order, Findings of Fact, and Declaration of Dependency will prevent the child from being subjected to further abuse.

20. The Court DECLARES [REDACTED] dependent on the juvenile court in El Paso County, Texas, pursuant to 8 U.S.C. § 1101(a)(27)(J) and 8 C.F.R. § 204.11(c)(3).

21. The Court also MAKES the following FINDINGS OF FACT with respect to [REDACTED]  
[REDACTED]'s eligibility for Special Immigrant Juvenile Status under federal law:

- a. [REDACTED]'s date of birth is [REDACTED] 1998;
- b. [REDACTED] is now 17 years old and under twenty-one (21) years of age;
- c. [REDACTED] is unmarried;
- d. [REDACTED] has been declared a dependent upon this juvenile court;
- e. Reunification with Respondent [REDACTED], the child's father, is not viable due to abandonment and neglect;
- f. It is NOT in the best interest of [REDACTED] to be returned to his country of nationality, El Salvador.

OTHER ORDERS

22. It is ORDERED that Respondents are prohibited from removing the child beyond El Paso County, Texas.

23. It is ORDERED that the instant Order may be disclosed for purposes of obtaining immigration benefits for [REDACTED].

24. All relief not expressly granted herein is hereby DENIED.

SIGNED on this the [REDACTED] day of May, 2016.

[REDACTED]  
\_\_\_\_\_  
JUDGE PRESIDING

APPROVED AS TO FORM:

[REDACTED], Judge  
[REDACTED]

[REDACTED]  
\_\_\_\_\_  
[REDACTED]

*Attorney for Petitioner*