

# SAPCR- SIJ TEXAS

- Presented by
- Chief Justice Byrne (Austin)
- Irene Mugambi (Dallas)



1

## Overview of SAPCR

- Under Texas Family Code §101.032
- Possible to have multiple respondents
- Judicial Determination



2



## Judicial Determinations in SAPCR

- Must have custody determination SMC child under 18
- Parental reunification not possible
- Youth's best interest not to return to country of nationality

3

## Key Texas State Law Definitions of SIJ Determinations

Abuse under TFC  
§261.001(1)(A)-(M)

Mental or Emotional Injury resulting in "an observable and impairment of the child's growth, development, or psychological functioning";

Engaging in or failing to make a reasonable effort to prevent "physical injury that results in substantial harm to a child's mental, emotional, or a physical welfare";

4

# Abuse Examples

## Engaging

Engaging in or failing to make reasonable **effort** to prevent sexual conduct

## Using

Using controlled substances and the use results in physical, mental or emotional injury of the child

## Forcing or coercing

Forcing or coercing a child to enter into marriage

5

# Other Relevant Statutes

Texas Family Code  
§153.004(g)

Texas Family Code  
§161.001(b)(1)(D)-(E), this allows for termination of parental rights

Texas Family Code  
71.004(1) Family Violence

Texas Family Code  
§101.009 Danger to the physical health or safety without regard whether **there** has been actual prior injury to the child.

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](http://utcle.org/elibrary)

Title search: SIJ Predicate Orders

Also available as part of the eCourse

[SIJ Predicate Orders](#)

First appeared as part of the conference materials for the  
48<sup>th</sup> Annual Conference on Immigration and Nationality Law session  
"SIJ Predicate Orders"