

FIRM NEWSLETTER

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We hope to provide updates and awareness of legal issues through this newsletter. In this month's issue we will discuss case law regarding the protection of immigrant children and an update on the new orders impacting evictions. We continue to monitor the effects of the Coronavirus (COVID-19) pandemic on the justice system and will provide updates to you as we receive them.

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Protecting Immigrant Children



Special Immigrant Juvenile (SIJ) findings are governed by Section 613.5 of the Parentage Act. 750 ILCS 46/613.5. Section 613.5 provides that when a child is the subject of a parentage proceeding, a court with jurisdiction must first make SIJ findings, and only then can the child petition the United States Citizenship and Immigration Services for classification as a SIJ under Section 1101(a)(27)(J) of Title 8 of the United States Code for permanent residency and citizenship.

If a state court finds that a child should be classified as SIJ status the findings include:

(1) the child is declared as a dependent of the court, or the child is placed under the custody of someone appointed by the court; and (2) reunifying the child with one or both parents is not viable due to abuse, neglect, abandonment, or another basis; and (3) it is not in the best interests of the child to return to his or her previous country of nationality or last habitual residence.

In the case of *In re Parentage of Ervin C.R.*, the Appellate Court determined that the mother did provide sufficient evidence for the court to determine

whether it was in her child's best interest to return to Guatemala or remain in Illinois with her. In that case, a mother and her son lived in Guatemala until she left him there temporarily with his grandparents for a few years to come work in the United States to save up enough money to have him join her here. When her son was traveling to the United States, he was taken into federal custody ([Read more](#))

Eviction Update: New Order Impacts Evictions

On November 13, 2020, Governor JB Pritzker entered an Executive Order regarding the COVID-19 pandemic and the devastating effects it has had on residents of Illinois, specifically their health, financial welfare, and threatened access to housing. As a result of the pandemic, every county in Illinois has been declared a disaster area since March, and as of November 13, 2020 over



550,000 Illinois residents have been infected with COVID-19 while over 10,500 residents have died. The order explained that, even though Illinois residents were taking precautions such as wearing masks and social distancing and that such precautions originally slowed the rate of growth of the virus, the number of infections are once again growing exponentially. The number of new cases has surged over the past several weeks and continues to affect thousands of Illinoisans each day.

Since the start of the pandemic, more than 60 million people have filed for unemployment nationwide, representing more than one in four U.S. workers. The Illinois unemployment rate continues to sit at an extreme high at above 10%. This continues to affect Illinois residents and the most important function of State government is to protect the people and do what is best for their health, safety, and general welfare. Thus, the State of Illinois has temporarily halted residential evictions in order to help those who are struggling as a result of the pandemic, and, most importantly, to stop the spread of the virus.

Access to housing helps prevent the spread of the virus because people are able to minimize their contact with others outside of their own household. Also, temporarily halting eviction proceedings helps prevent the spread because it avoids numerous interactions that come along with being evicted, such as interactions with law enforcement officers, courtroom personnel, landlords, movers, and friends and family who provide temporary housing for those being evicted. It also protects those people forced into homelessness and who would ultimately take refuge in a shelter, and all of the interactions that come along with that.

You are not automatically protected from eviction, though. As a tenant, in order to keep from being evicted ([Read more](#))

Spotlight



We hope you had a safe and happy Thanksgiving.

Most courthouses have the option of conducting hearings and contested matters remotely. In fact, many courthouses have opted to conduct all matters virtually. The procedures and the way the courthouses operate are changing all the time under the global pandemic.

As always, let us know if there are topics or issues that you would like to see addressed in future newsletters. Please feel free to pass this newsletter along to friends and family who may be dealing with these issues.

CARES Act

We will continue to monitor the COVID-19 situation and will follow guidance from public health officials and government agencies, so we can continue to support our clients and communities as needed.

Gehris & Associates, LLC
820 E. Terra Cotta Ave., Crystal Lake, IL 60014
815-893-0020

[Contact Us](#)