

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

In the Matter of

Docket No.

A Person Alleged to be a
Juvenile Delinquent,

PETITION
(To Determine Capacity
After Prior Commitment)

Respondent.

TO THE FAMILY COURT:

The undersigned (appearing on behalf of the) Petitioner respectfully alleges that:

*1. Petitioner is the (Commissioner of Mental Health) (Commissioner of Mental Retardation and Developmental Disabilities) and has custody of the above-named Respondent for a period which will expire on _____, pursuant to an order dated _____ entered in the above-entitled proceeding which determined that the Respondent is an incapacitated person as defined in subdivision (13) of section 301.2 of the Family Court Act and lacks the capacity to understand the proceedings against (him) (her) or to assist in (his) (her) own defense.)

*1. (S)he is the _____ of the petitioning Respondent in the above-entitled proceeding, and is appearing on behalf of said child for the purpose of filing this petition. Petitioning Respondent is in the custody of the (Commissioner of Mental Health) (Commissioner of Mental Retardation and Developmental Disabilities) for a period which will expire on _____ pursuant to an order dated _____ entered in the above-entitled proceeding which determined that the above-named child is an incapacitated person as defined in subdivision (13) of section 301.2 of the Family Court Act and lacks the capacity to understand the proceedings against (him) (her) or to assist in (his) (her) own defense.)

2. Petitioner (has determined) (alleges) that (Respondent) (he) (she)) is no longer incapacitated in that

*Select applicable

WHEREFORE Petitioner prays that the Court enter an order declaring that (Respondent) (he) (she) is no longer an incapacitated person as defined in subdivision (13) of section 301.2 of the Family Court Act.

Dated:

Commissioner)

By _____
Name

Title

(By _____)
On Behalf of the Petitioner (Child)

VERIFICATION

(Agency)

STATE OF NEW YORK)

) ss.:

COUNTY OF _____)

_____, being duly sworn,
deposes and says:

That (s)he is the _____ of _____,
an agency authorized to originate the above- entitled proceeding, and is acquainted with the facts
and circumstances therein; that (s)he has read the foregoing and knows the contents thereof; that
the same is true to (his) (her) own knowledge, except as to matters therein stated to be alleged on
information and belief and as to those matters (s)he believes it to be true.

Name

Title

Sworn to before me this _____ day of _____, _____ .

Notary Public

VERIFICATION
(Individual)

STATE OF NEW YORK)
) ss.:
COUNTY OF _____)

_____, being duly sworn,
deposes and says:

That (s)he is
the _____ in the above-entitled
proceeding and is acquainted with the facts and circumstances therein; that (s)he has read the
foregoing and knows the contents thereof; that the same is true to (his) (her) own knowledge,
except as to matters therein stated to be alleged on information and belief and as to those matters
(s)he believes it to be true.

Sworn to before me this _____ day of _____, _____.

(Deputy) (Clerk of the Court)(Notary Public)