

At a term of the Family Court of the
State of New York, held in and for the
County of _____,
at _____ New York
on _____, _____.

PRESENT :
Hon.
Judge:

In the Matter of

Docket No.

A Person Alleged to be a
Juvenile Delinquent

ORDER IN
PROCEEDING TO
DETERMINE
CAPACITY AND
NOTICE OF HEARING

Respondent.

A petition under Article 3 of the Family Court Act, sworn to on _____,
having been filed in the above-entitled proceeding in this Court alleging that Respondent is a juvenile
delinquent; and

Respondent having been duly examined pursuant to an order of this Court dated
_____, _____, to determine whether Respondent is an incapacitated person as defined in
subdivision 13 of Section 301.2 of the Family Court Act, and an examination report having been filed
with the Court; and

Notice having been duly given to Respondent, Respondent's parent(s) the person
legally responsible for Respondent's care and counsel for Respondent, the Presentment Agency
and the Commissioner of Mental Health the Commissioner of the Office of People with
Developmental Disabilities, and Mental Hygiene Legal Services ; and

The matter having duly come on for a hearing before the Court, and the Court, after making
an examination and inquiry finds that Respondent is is not an incapacitated person and lacks
 does not lack the capacity to understand the proceedings against him or her or to
assist in his or her own defense as result of mental illness as defined in subdivision 20 of section
1.03 of the Mental Hygiene Law intellectual disability as defined in subparagraph (2) of paragraph
(a) of subdivision 22 of Section 1.03 of the Mental Hygiene Law.

NOW, therefore, it is hereby

ORDERED that the fact-finding hearing in the proceeding to determine whether Respondent is a juvenile delinquent shall proceed.

OR

ORDERED that a hearing pursuant to Section 322.2 of the Family Court Act be held on the _____ day of _____, at _____ o'clock in this court to determine whether there is probable cause to believe that Respondent committed an act which would be a crime if committed by an adult; and it is further

ORDERED that service of a copy of this order as follows:

shall constitute notice of such hearing.)

PURSUANT TO SECTION 1113 OF THE FAMILY COURT ACT, AN APPEAL FROM THIS ORDER MUST BE TAKEN WITHIN 30 DAYS OF RECEIPT OF THE ORDER BY APPELLANT IN COURT, 35 DAYS FROM THE DATE OF MAILING OF THE ORDER TO APPELLANT BY THE CLERK OF COURT, OR 30 DAYS AFTER SERVICE BY A PARTY OR THE ATTORNEY FOR THE CHILD UPON THE APPELLANT, WHICHEVER IS EARLIEST.

ENTER

Judge of the Family Court

Dated: _____, _____.

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____