F.C.A. 322.2

(Juvenile Delinquency­Incapacitated Person­After Probable Cause Hearing) 6/2016

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.

ORDER REGARDING

A Person alleged to be a INCAPACITATED PERSON

Juvenile Delinquent, (After probable Cause

Hearing

Respondent.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

The Court, by an order dated , , having found that 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 proceeding against (him) (her) or to assist in (his) (her) own defense as a result of (mental illness as defined in subdivision 20 of the section l.03 of the Mental Hygiene Law) (intellectual disability as defined in subparagraph (2) of paragraph (a) of subdivision 22 of section l.03 of the Mental Hygiene Law); and

Notice having been duly given to Petitioner, Respondent, Q Respondent's parent(s) Q the person legally responsible for the child's care Q counsel for Respondent and the Q Presentment Agency; and

The matter having duly come on for a hearing 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

The Court, after hearing the proof and testimony offered in relation to the case, finds that there is

Q no probable cause to believe that Respondent committed an act which would be a crime if committed by an adult

Q probable cause to believe that Respondent committed an act which would be a misdemeanor if committed by an adult

Q probable cause to believe that Respondent committed an act which would be a felony if committed by an adult

Q probable cause to believe that Respondent committed a designated felony act;

**NOW** therefore, it is hereby

[Check applicable box(es)]:

Q **ORDERED** that the petition is DISMISSED.

Q **ORDERED** that Respondent be committed to the custody of Q the Commissioner of Mental Health Q the Commissioner of the Office of People with Developmental Disabilities) for a period not to exceed days;[[1]](#footnote-1) and is further

Q **ORDERED** that Respondent be committed to the custody of the Commissioner of for an initial period not to exceed a period of one year, in accordance with Section 322.2 of the Family Court Act; (and it is further)

Q **ORDERED** that Respondent be provided with treatment in a residential facility within the appropriate office of the Mental Hygiene Department.

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.

Dated: , ENTER

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Judge of the Family Court

Check applicable box:

Q Order mailed on [specify date(s) and to whom mailed]:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Q Order received in court on [specify date

1. Applicable if misdemeanor. [↑](#footnote-ref-1)