F.C.A.§322.2 Form 3-23

(Juvenile Delinquency-Order Dismissing Petition for Lack of Capacity) 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.

A Person Alleged to be a

Juvenile Delinquent, ORDER DISMISSING

PETITION FOR LACK

OF CAPACITY

Respondent.

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

A petition under section 322.2 of the Family Court Act, sworn to on

, , having been filed in this Court that there is a substantial probability that Respondent, now in the custody of the ❒ Commissioner of Mental Health ❒ Commissioner of the Office of People with Developmental Disabilities pursuant to an order of commitment entered by this Court dated , , will continue to be incapacitated for the foreseeable future; and

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

, and

❒ And the matter having thereafter duly come on for a hearing before the Court, and the Court, after having made an examination and inquiry into the facts and circumstances of the case, finds that there ❒ is ❒ is not substantial probability that Respondent will continue to be incapacitated for the foreseeable future in that [specify]:

**NOW**, therefore, it is hereby

[Check applicable box(es)]:

❒ **ORDERED** that Respondent be returned to the custody of the Commissioner of .

❒ **ORDERED** that the petition, sworn to on , , and filed in this Court on , , alleging that the above-named Respondent is a juvenile delinquent, be **DISMISSED**.

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]:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_