F.C.A.§322.2 Form 3-25

(Juvenile Delinquency- Order Modifying Order of Commitment 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 (Modifying

Order of Commitment

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 by , in the above-entitled proceeding, alleging that Respondent, committed to a residential facility within the appropriate office of the Mental Hygiene Department, may be more appropriately treated in a non-residential facility; and

Notice having been duly given to Respondent, ☐Respondent's parent (s)

☐the person legally responsible for the child's care, ☐counsel for the Respondent,

☐the Commissioner of Mental Health ☐ the Commissioner of the Office of People with Developmental Disabilities ☐ Mental Hygiene Legal Services; 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 treatment in a non-residential facility ☐would ☐would not be more appropriate for the Respondent in that

NOW therefore, it is hereby

[Check applicable box]:

❒ **ORDERED** that Respondent be returned to the Commissioner of specify]:

for continued care in a residential facility.

❒ **ORDERED** that the order of commitment dated , is hereby modified to authorize the transfer of Respondent to a non-residential facility, under the continued care of the Commissioner of [specify]: .

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