F.C.A.§ 322.2 Form 3-27

(Juvenile Delinquency- Order Determining 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 DETERMINING DETERMINING

CAPACITY AFTER PRIOR

COMMITMENT AFTER PRIOR COMMITMENT

Respondent.

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

A petition pursuant to section 322.2 of the Family Court Act, sworn to on [specify]: , having been filed in this Court in the above-entitled proceeding, alleging that Respondent is no longer an incapacitated person as defined in subdivision (3) of section 301.2 of the Family Court Act; 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 having made an examination and inquiry into the facts and circumstances of the case, it is hereby

**ADJUDGED** that Respondent ❒ is ❒is not an incapacitated person as defined in subdivision (13) of section 322.2 of the Family Court Act; and it is hereby

[Check applicable box]

❒ **ORDERED** that Respondent be returned to the ☐ Commissioner of Mental Health ☐ Commissioner of the Office of People with Developmental Disabilities.

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❒ **ORDERED** that Respondent be returned to the Court for further proceedings pursuant to article 3 of the Family Court Act upon the petition filed in this court on [specify date]: , requesting that Respondent be adjudged a juvenile delinquent.

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:

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

☐ Order received in court on [specify date(s) and to whom given]:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_