

F.C.A. §§ 350.2, 351.1, 352.1
352.2, 353.1, 353.3,
353.5

Form 3-34
(Juvenile Delinquency-
Order of Disposition
After Removal-
Restrictive Placement)
10/2018

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 OF DISPOSITION
(Designated Felony --
After Order of Removal
Restrictive Placement)

Respondent.

An Order of Removal pursuant to Article 725 of the Criminal Procedure Law having been
duly filed with this Court on _____, _____, and a finding having been made

- upon the above-named Respondent's plea of guilty
- after a juvenile delinquency fact determination
- after a verdict of guilty beyond a reasonable doubt

that the Respondent did the following act(s) that would, if committed by an adult, constitute the
following crime(s) [specify as to each count]:

designated felony act(s) pursuant to section 301.2 of the Family Court Act [specify,
including section(s) of the Penal Law or other law violated]:

non-designated felony act(s) [specify, including section(s) of the Penal Law or other law
violated]:

_____ ; and

[Check box only if applicable]: The above crime included infliction of serious physical
injury upon a person who is 62 years of age or older. See F.C.A. §355.5(3).

_____ ; and

Notice having been duly given to Respondent, the Presentment Agency and Respondent's
parent(s) person(s) legally responsible for the Respondent's care pursuant to section 341.2 of the
Family Court Act; and

Respondent and counsel for Respondent, and the Presentment Agency having appeared (and of Respondent (not) having appeared) before the Court to answer the petition; and

Pursuant to section 350.2 of the Family Court Act, the matter having thereafter duly come on for a dispositional hearing before the Court, the Court, after making an examination and inquiry into the facts and circumstances of the case and making reports available to counsel in accordance with section 351.1 of the Family Court Act, finds upon a preponderance of the evidence that the respondent requires supervision, treatment, or confinement, and more specifically, restrictive placement in accordance with section 353.5 of the Family Court Act for the following reasons:

[Check box only if applicable]: The above crime included infliction of serious physical injury upon a person who is 62 years of age or older. *See* F.C.A. §355.5(3).

Findings Regarding Pre-dispositional Risk Assessment Instrument:

There is is not a validated pre-dispositional risk assessment instrument in use in this county that was developed by (or in New York City, approved by) the New York State Office of Children and Family Services.

[REQUIRED where there is a validated pre-dispositional risk assessment instrument in use]:

Respondent has been assessed on the risk assessment instrument as a [check box for level of risk]:

[NYC cases only]: low medium high very high level of risk

[NON-NYC cases only]: low medium high level of risk .

[REQUIRED where validated pre-dispositional risk assessment instrument is in use and where Respondent was assessed at a low or moderate level of risk ; omit if inapplicable]:

Placement, as directed below, is necessary, both for the protection of the community and to be consistent with the needs and best interests of the Respondent, notwithstanding the assessed risk level, for the following reasons {specify

NOW therefore, upon the Order of Removal and the findings made in the dispositional hearing, and upon all proceedings had herein, it is hereby

ORDERED and ADJUDGED that the above-named Respondent is a juvenile delinquent based on the Order of Removal and on the further ground that the respondent requires supervision, treatment, or confinement; and it is therefore

ORDERED that the proceeding is hereby continued, and the Respondent is placed for a period of _____ years less the period spent in detention pending disposition,¹ in the custody of the New York State Office of Children and Family Services for confinement in a secure facility for _____ months and may not be released therefrom or transferred to a non-secure facility during the _____ months of confinement; and it is further

¹Applicable unless the court finds that all or part of such credit would not serve the needs and best interests of the respondent or the need for protection of the community. *See* F.C.A. § 353.5(4). Note: the placement period may be tolled by reason of the Respondent's absence without leave.

ORDERED that after the period of confinement in a secure facility, the Respondent shall be placed in a residential facility for a period of _____ months and may not be released therefrom; and it is further

ORDERED that the Respondent shall not be discharged from the custody of the New York State Office of Children and Family Services during the term of this order; and it is further

ORDERED that the New York State Office of Children and Family Services shall shall not report to the Court pursuant to section 353.5 of the Family Court Act. and it is further

ORDERED that **[Check applicable box]:**

Respondent's parent or legal guardian was present in Court and consented to the provision of routine medical, dental and mental health services and treatment to the Respondent by the New York State Office of Children and Family Services;

OR

Consent has not been obtained from Respondent's parent or legal guardian, but this Order shall be deemed to grant consent for the New York State Office of Children and Family to provide routine medical, dental and mental health services and treatment to the Respondent.

[OPTIONAL]: ORDERED that the New York State Office of Children and Family Services shall photograph the Respondent, pursuant to Executive Law § 507-a (3)) ; and it is further

ORDERED that [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.

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]: _____