

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]: _____