

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 REGARDING
INCAPACITATED
PERSON
(After Probable Cause
Hearing)

Respondent.

The petition under Article 3 of the Family Court Act, sworn to on _____, _____, having been filed in this Court in the above-entitled proceeding alleging that Respondent is a juvenile delinquent; and

The Court, by an order dated _____, _____, having found that Respondent is an incapacitated person as defined in subdivision 13 of section 301.2 of the Family Court Act and lacks the capacity to understand the proceeding against (him) (her) or to assist in (his) (her) own defense as a result of (mental illness as defined in subdivision 20 of the section 1.03 of the Mental Hygiene Law) (mental retardation or developmental disability as defined in subdivision 21 and 22 of section 1.03 of the Mental Hygiene Law); and

Notice having been duly given to Petitioner, Respondent, Respondent's parent(s) the person legally responsible for the child's care counsel for Respondent and the Presentment Agency; and

The matter having duly come on for a hearing to determine whether there is probable cause to believe that Respondent committed an act which would be a crime if committed by an adult; and

The Court, after hearing the proof and testimony offered in relation to the case, finds that there is (no probable cause to believe that Respondent committed an act which would be a crime if

committed by an adult) (probable cause to believe that Respondent committed an act which would be a misdemeanor if committed by an adult) (probable cause to believe that Respondent committed an act which would be a felony if committed by an adult) (probable cause to believe that Respondent committed a designated felony act);

NOW therefore, it is hereby

[Check applicable box(es)]:

ORDERED that the petition is DISMISSED.

ORDERED that Respondent be committed to the custody of (the Commissioner of Mental Health) (the Commissioner of Mental Retardation and Developmental Disabilities) for a period not to exceed _____ days;¹ and is further

ORDERED that Respondent be committed to the custody of the Commissioner of _____ for an initial period not to exceed a period of one year, in accordance with Section 322.2 of the Family Court Act;² (and it is further)

ORDERED that Respondent be provided with treatment in a residential facility within the appropriate office of the Mental Hygiene Department.³

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]: _____

¹Applicable if misdemeanor.

²Applicable if felony.

³Applicable if designated felony act.