

At a term of the Family Court of the
State of New York, held in and for the
County of _____,
at _____ New York
on _____, 19____.

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
_____, 19____, 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 Mental Retardation and Developmental Disabilities)
pursuant to an order of commitment entered by this Court dated _____, 19____,
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 Mental
Retardation and Developmental Disabilities) (and Mental Health Legal Services) in
writing by the Commissioner of

_____, and

(The matter having thereafter duly come on for a hearing before the Court,) (After

having made an examination and inquiry into the facts and circumstances of the case,) the Court finds that there (is) (is not) substantial probability that Respondent will continue to be incapacitated for the foreseeable future in that

NOW, therefore, it is hereby
[Delete inapplicable provisions]:

(ORDERED that Respondent be returned to the custody of the Commissioner of
.)

(ORDERED that the petition, sworn to on _____, 19 __, and filed in this Court on _____, 19 __, 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 LAW GUARDIAN UPON THE APPELLANT, WHICHEVER IS EARLIEST.

ENTER

J.F.C.

Dated: _____, 19 __.

Check applicable box: