

Delinquency-
Order Determining
Capacity)

12/97

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
DETERMINING
CAPACITY
AFTER PRIOR
COMMITMENT

Respondent.

A petition pursuant to section 322.2 of the Family Court Act, sworn to on _____, 19____ 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 the Presentment Agency, Respondent, (Respondent's parent(s)) (person legally responsible for the child's care), counsel for the Respondent, (Commissioner of Mental Health) (Commissioner of Mental Retardation and Developmental Disabilities) (Mental Health 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

[Delete where inapplicable.]

(ORDERED that Respondent be returned to the Commissioner of

.)

(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 19 , praying 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 LAW GUARDIAN UPON THE APPELLANT, WHICHEVER IS EARLIEST.

Dated: , 19 .

ENTER

J.F.C.

Check applicable box: