

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)

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

Respondent.

An Order of Removal pursuant to section (220.10) (310.85) (330.25) of the Criminal Procedure Law, deemed to be a petition in accordance with section 311.1 of the Family Court Act, having been duly filed with this Court on , 19 , and containing a finding (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 above-named Respondent, while years of age, committed an act which would constitute the crime(s) of as defined by section(s) of the (Penal Law)(specify other law:) in that said Respondent did the following act(s):

; and

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

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 be and the same 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 Division for Youth 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

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 Division for Youth during the term of this order; and it is further

ORDERED that the Division for Youth (shall) (shall not) report to the Court pursuant to section 353.5 of the Family Court Act. and it is further

(ORDERED that the New York State Division for Youth shall photograph the Respondent, pursuant to Executive Law § 507-a (3)) (and it is further

(ORDERED

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; F.C.A. S 353.3(5).

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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:

Order mailed on [specify date(s) and to whom mailed]: _____

Order received in court on [specify date(s) and to whom given]: _____