

F.C.A. § 322.2

Form 3-22
(Juvenile Delinquency- Petition to
Dismiss for Continuing Lack of Capacity)
4/2025

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

In the Matter of

A Person Alleged to be a
Juvenile Delinquent,

Respondent.

Docket No.

PETITION
(Dismissal for Continuing Lack of
Capacity)

TO THE FAMILY COURT:

The undersigned (appearing on behalf of the) Petitioner respectfully alleges that:
[Check applicable box(es)]:

1. Petitioner is the Commissioner of Mental Health Commissioner of the
Office of People with Developmental Disabilities to whose custody the above-named
Respondent was committed by an order of this Court, dated [specify]: .

OR

1. (S)he is the _____ of the petitioning
Respondent in above-entitled proceeding and is appearing on behalf of the child for the purpose
of filing this petition. Respondent was committed to the custody of the Commissioner of
Mental Health Commissioner of the Office of People with Developmental Disabilities by an
order of this Court, dated [specify]:

2.Petitioner alleges that there exists a substantial probability that the above-
named Respondent will continue to be incapacitated for the foreseeable future because [specify]:

WHEREFORE, Petitioner requests that an order be entered herein dismissing the
petition sworn to on _____, _____, and filed in this
Court on _____, _____, alleging that Respondent is a juvenile
delinquent.

Dated: _____,

Commissioner: Office of: Mental Health People with Developmental Disabilities

BY _____
Signature of Agency Petitioner/Print or Type Name

Title

OR

BY _____
Petitioner on Behalf of the Petitioner Child

VERIFICATION

(Agency)

I am a duly authorized representative of the Petitioner Agency in the above-entitled proceeding and affirm this ___ day of _____, _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that I am acquainted with the facts and circumstances of the above-entitled proceeding and believe the above statements are true to my own knowledge, except as to those matters stated to be alleged on information and belief and as to those matters I believe them to be true. I understand that this document may be filed in an action or proceeding in a court of law.

Signature/ Print or type name

Agency and Title

VERIFICATION

(Individual)

I am the Petitioner in the above-entitled proceeding and affirm this ___ day of _____, _____, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the above statements are true to my own knowledge, except as to those matters stated to be alleged on information and belief and as to those matters I believe them to be true. I understand that this document may be filed in an action or proceeding in a court of law.

Petitioner: Signature/ Print or type name