

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 (Modifying  
Order of Commitment  
for Lack of Capacity)

Respondent.

\_\_\_\_\_  
A petition under section 322.2 of the Family Court Act, sworn to on \_\_\_\_\_,  
\_\_\_\_\_, having been filed in this Court by \_\_\_\_\_, in the  
above-entitled proceeding, alleging that Respondent, committed to a residential facility within  
the appropriate office of the Mental Hygiene Department, may be more appropriately treated in  
a non-residential facility; and

Notice having been duly given to Respondent,  Respondent's parent (s)  
 the person legally responsible for the child's care,  counsel for the Respondent,  
 the Commissioner of Mental Health  the Commissioner of the Office of People with  
Developmental Disabilities  Mental Hygiene Legal Services; and

The matter having thereafter duly come on for a hearing before the Court and the  
Court, after having made an examination and inquiry into the facts and circumstances of the  
case, finds that treatment in a non-residential facility  would  would not be more  
appropriate for the Respondent in that

NOW therefore, it is hereby  
[Check applicable box]:

**ORDERED** that Respondent be returned to the Commissioner of [specify]:  
for continued care in a residential facility.

**ORDERED** that the order of commitment dated \_\_\_\_\_, \_\_\_\_\_ is hereby  
modified to authorize the transfer of Respondent to a non-residential facility, under the  
continued care of the Commissioner of [specify]: \_\_\_\_\_.

ENTER

\_\_\_\_\_  
Judge of the Family Court

Dated: \_\_\_\_\_, \_\_\_\_\_.

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 OR  
ELECTRONIC TRANSMISSION 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.

**Check applicable box:**

Order mailed or electronically transmitted on [specify date(s) and to whom sent]:

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

\_\_\_\_\_