

FAMILY COURT OF THE STATE OF NEW YORK
COUNTY OF

In the Matter of

Docket No.

A Person Alleged to be a
Juvenile Delinquent,

PETITION
(To Determine Capacity
After Prior Commitment)

Respondent.

TO THE FAMILY COURT:

The undersigned (appearing on behalf of the) Petitioner respectfully alleges that:

1. (a.) Petitioner is: the Commissioner of Mental Health Commissioner of the Office of People with Developmental Disabilities related to Respondent in the above-entitled proceeding as follows [specify]: _____ and appeared on behalf of the Respondent for the purpose of this petition.

(b) Respondent is in the custody of the Commissioner of Mental Health Commissioner of the Office of People with Developmental Disabilities for a period which will expire on [specify date]: _____, pursuant to an order dated [specify]: _____, entered in the above-entitled proceeding which determined that the Respondent is an incapacitated person as defined in subdivision (13) of section 301.2 of the Family Court Act and lacks the capacity to understand the proceedings against him or her or to assist in his or her own defense.

2. Petitioner has determined alleges that Respondent is no longer incapacitated in that [specify]: _____

WHEREFORE Petitioner requests that the Court enter an order declaring that Respondent is no longer an incapacitated person as defined in subdivision 13 of section 301.2 of the Family Court Act.

Dated:

Commissioner
By: _____
Name

Title

OR

By _____
Person Appearing on Behalf of the Respondent

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