

At a term of the Family Court of the
State of New York, held in and for the
County of _____,
at _____, New York
on _____, _____.

P R E S E N T:
Hon. _____
Judge

In the Matter of _____

A Person Alleged to be a
Juvenile Delinquent,
Respondent.

Docket No. _____

ORDER FOR
HIV-RELATED
TESTING

(A petition under Article 3 of the Family Court Act, sworn to on _____, _____, having been filed in this court)(An order of removal, pursuant to section (180.75) (190.71)(210.30) of the Criminal Procedure Law, deemed to be a petition in accordance with section 311.1 of the Family Court Act having been filed with this Court on _____, _____), alleging that the above-named Respondent is a juvenile delinquent, and

This Court having found, in accordance with the Family Court Act §345.1, that Respondent committed an act involving an act or acts of sexual intercourse or deviate sexual intercourse, as those terms are defined in section 130.00 of the Penal Law, which act or acts, if committed by an adult, would constitute a felony sex offense enumerated in any section of Article 130 of the Penal Law or a misdemeanor sex offense enumerated in section 130.20 of the Penal Law, and

The victim of such offense or, if the victim is an infant or incompetent, the representative of the victim as defined in section 1201 of the Civil Practice Law and Rules, having filed a written request with this Court for an order directing HIV-related testing of the Respondent, such request having been filed with the Court (prior to or within ten days after the filing of an order in accordance with section 345.1 or 346.1 of the Family Court Act) (good cause having been shown, prior to entry of an order of disposition in accordance with Section 352.2 of the Family Court Act), and

This Court having found, (after hearing held on _____, _____), that the victim named in said request was the victim of the sex offense found by the Court to have been committed by Respondent,

NOW, therefore, it is hereby

ORDERED that Respondent submit to HIV-related testing by: [specify state, county or local public health officer]

within fifteen days of the date of this order; and

ORDERED that the above-named public health officer submit a written report to the Court specifying the date that such testing was performed, but not the results of such testing; and

ORDERED that the public health officer and all parties shall comply with the provisions of Article 27-F of the Public Health Law regarding confidentiality and disclosure of HIV-related information, as well as pre- and post-test counseling or referrals for counseling for the victim and Respondent; and

ORDERED that the results of such test shall be disclosed to the victim and Respondent in accordance with Section 2785-a of the Public Health Law and that redisclosure of such results shall be subject to the following limitations:

(I) Disclosure of confidential HIV-related information shall be limited to that information which is necessary to fulfill the purpose for which the order is granted; and

(ii) Disclosure of confidential HIV-related information shall be limited to the victim, the victim's representative and immediate family, the Respondent, the victim's guardian, physicians, attorneys, medical or mental health providers and to the victim's past and future contacts to whom there was or is a reasonable risk of HIV transmission, and shall not be permitted to any other person or the Court, and

(iii) The following measures shall be taken to protect against disclosure to others of the identity and HIV status of the victim and Respondent:

; and

ORDERED that confidential HIV-related information obtained pursuant to this order shall not be contained in the medical record of the Respondent or victim unless he or she consents in writing to the recording of such information in a written statement conforming to subdivision 2 of Section 2781 of the Public Health Law, and

ORDERED that the request for this order, related papers and orders, including this order, together with any papers or proceedings related thereto, shall be sealed and not made available for any purpose, except as may be necessary for the conduct of judicial proceedings directly related to the provisions of Section 347.1 of the Family Court Act.

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]:
