

F.C.A. § 322.2

(Juvenile Delinquency-  
Incapacitated Person-  
After Probable Cause  
Hearing)

1/2026

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,  
  
Respondent.

ORDER REGARDING  
INCAPACITATED PERSON  
(After probable Cause  
Hearing)

The petition under Article 3 of the Family Court Act, sworn to on \_\_\_\_\_, \_\_\_\_\_, having  
been filed in this Court in the above-entitled proceeding alleging that Respondent is a  
juvenile delinquent; and

The Court, by an order dated \_\_\_\_\_, \_\_\_\_\_, having found that 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 proceeding against (him) (her) or to assist in  
(his) (her) own defense as a result of (mental illness as defined in subdivision 20 of the  
section 1.03 of the Mental Hygiene Law) (intellectual disability as defined in subparagraph  
(2) of paragraph (a) of subdivision 22 of section 1.03 of the Mental Hygiene Law); and

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

The matter having duly come on for a hearing to determine whether there is  
probable cause to believe that Respondent committed an act which would be a crime if  
committed by an adult; and

The Court, after hearing the proof and testimony offered in relation to the case,  
finds that there is  
 no probable cause to believe that Respondent committed an act which would

be a crime if committed by an adult

probable cause to believe that Respondent committed an act which would be a misdemeanor if committed by an adult

probable cause to believe that Respondent committed an act which would be a felony if committed by an adult

probable cause to believe that Respondent committed a designated felony act;

**NOW** therefore, it is hereby

[Check applicable box(es)]:

**ORDERED** that the petition is DISMISSED.

**ORDERED** that Respondent be committed to the custody of  the Commissioner of Mental Health  the Commissioner of the Office of People with Developmental Disabilities) for a period not to exceed \_\_\_\_\_ days;<sup>1</sup> and is further

**ORDERED** that Respondent be committed to the custody of the Commissioner of \_\_\_\_\_ for an initial period not to exceed a period of one year, in accordance with Section 322.2 of the Family Court Act; (and it is further)

**ORDERED** that Respondent be provided with treatment in a residential facility within the appropriate office of the Mental Hygiene Department.

Dated: \_\_\_\_\_, \_\_\_\_\_ ENTER

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

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]:

\_\_\_\_\_  
<sup>1</sup>Applicable if misdemeanor.