

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

Docket No.

A Person Alleged to be a
Juvenile Delinquent,

Respondent.

ORDER DIRECTING
EXAMINATION TO
DETERMINE
CAPACITY

A petition under article 3 of the Family Court Act, sworn to on _____, _____, having been filed in the Court alleging that the above-named Respondent is a juvenile delinquent, and it appearing that this Court has jurisdiction over the petition; and

The Court being of the opinion that Respondent may be an incapacitated person as defined in subdivision 13 of section 301.2 of the Family Court Act in that Respondent is or may be (mentally ill as defined in subdivision 20 of section 1.03 of the Mental Hygiene Law) (intellectually disabled as defined in subdivisions 21 and 22 of section 1.03 of the Mental Hygiene Law); and it appearing that Respondent (is) (is not) in custody and that an examination pursuant to section 322.1 of the Family Court Act would serve the purposes of the Act;

NOW, therefore, it is hereby

ORDERED that Respondent be examined by two qualified psychiatric examiners as defined in subdivision 7 of section 730.10 of the Criminal Procedure Law to determine whether Respondent is mentally ill or intellectually disabled; and it is further
[Delete inapplicable provision]

(ORDERED that _____ report for examination on an outpatient basis by two psychiatric examiners appointed or designated for this purpose by the Court, at

New York, on _____, _____, or at such other times and places as may be directed; and it is

further)

¹(ORDERED that (report) (is remanded) to a Department of Health facility in the City of New York maintained for that purpose, at New York, on _____, _____, or at such other times and places as may be directed for the period required for the examination, not exceeding _____ days; and it is further)

(ORDERED that (report) (is remanded) to _____, a hospital maintained by the (county) (State of New York) (qualified private institution approved for such purpose), at _____, New York _____, _____, or a such other times and places as may be directed for the period required for the examination, not exceeding _____ days; and it is further)

(ORDERED that (report) (is remanded) to _____, an institution in the Department of Mental Hygiene, at _____, New York on _____, _____, or at such other times and places as may be directed for the period required for the examination, not exceeding _____ days; and it is further)

(ORDERED that upon completion of the examination ordered herewith, if hospitalization is not required, the person so examined shall be _____; and it is further)

ORDERED that the examination report shall be filed with this Court within ten days after the entry of this order.

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 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.

ENTER

Judge of the Family Court

Dated: _____, _____.

Check applicable box:

- Order mailed on [specify date(s) and to whom mailed]: _____
- Order received in court on [specify date(s) and to whom given]: _____

¹Applicable to NYC only.