

FAMILY COURT OF THE STATE OF NEW YORK  
COUNTY OF

\_\_\_\_\_

A Person Alleged to be a  
Juvenile Delinquent,

Respondent.

Docket No.

PETITION  
(To Determine Capacity  
After Prior Commitment)

\_\_\_\_\_  
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 th  the Commissioner of Mental Health  Commissioner of the Office of People with Developmental Disabilities e 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)**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being duly sworn,  
deposes and says:

That (s)he is the \_\_\_\_\_ of \_\_\_\_\_, an agency authorized to originate the above- entitled proceeding, and is acquainted with the facts and circumstances therein; that (s)he has read the foregoing and knows the contents thereof; that the same is true to (his) (her) own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters (s)he believes it to be true.

\_\_\_\_\_  
Name  
\_\_\_\_\_  
Title

Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

\_\_\_\_\_  
Notary Public

**VERIFICATION  
(Individual)**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being duly sworn,  
deposes and says:

That (s)he is the \_\_\_\_\_ in the above- entitled proceeding and is acquainted with the facts and circumstances therein; that (s)he has read the foregoing and knows the contents thereof; that the same is true to (his) (her) own knowledge, except as to matters therein stated to be alleged on information and belief and as to those matters (s)he believes it to be true.

\_\_\_\_\_  
Sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

\_\_\_\_\_  
(Deputy) (Clerk of the Court)  
(Notary Public)