

CPL ARTICLE 725: REMOVAL.

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Removal to Family Court shall be to the Family Court of same county where action is pending, and shall specify the section pursuant to which removal is ordered. Removal order **MUST** be signed by Judge/Justice.

If Criminal Court removes only some charges due to: lack of reason to believe defendant did acts for which criminally responsible, or insufficient evidence, or pursuant to plea/verdict = Court shall specify the offenses so removed.

Non-secured defendant shall be brought before Family Court by arresting officer or other such; else Criminal Court can release/detain as would otherwise be authorized under Family Law. If defendant is detained, shall be brought before Family Court on next session day; else within 10 days.

All pleadings and proceedings in Criminal Court shall be transferred/delivered/filed with Family Court Clerk; including minutes of grand jury/trial/hearing, and of any *accepted* plea.

Family Court Act Article 3 proceeding is hereby commenced, and the Criminal Court action terminated thereby. No further Criminal Court action on any charges of that accusatory instrument are allowed. Subsequent motions and appeals are governed by Family Law; and all *prior* Criminal Court findings/determinations/verdicts/orders **EXCEPT:** removal are deemed to be by Family Court.

All Court/Police/DCJS papers relating to removed action - up to and including removal - are now confidential, and allowed only by statute or written authorization of removing court; **EXCEPT:** where available to OMH/OMRDD. Access to Family Court records shall be governed by applicable provisions.

Certain specified removal orders (read them!) - or certified copy thereof - must be filed with Clerk of County Court (or in NYC = Supreme) of county where removing court is located; also filed = District Attorney's statements or memoranda as applicable, plea minutes, and minutes of Court's statements. Such filings are to be kept by the Clerk in a separate index; with all identifying indicators deleted therefrom. However Clerk shall also keep a confidential correlation system. Redacted records are then open to public inspection; however access to correlation info shall be only by order of Supreme Court justice, on finding that interests of public/justice warrant disclosure in particular case/cause/use.