§ 725.05 Order of removal.

When a youth part directs that an action or charge is to be removed to the family court the youth part must issue an order of removal in accordance with this section. Such order must be as follows:

1. It must provide that the action or charge is to be removed to the family court of the county in which such action or charge was pending, and it must specify the section pursuant to which the removal is authorized.

2. Where the direction is authorized pursuant to paragraph (b) of subdivision three of sections 722.20 or 722.21 of this title, it must specify the act or acts it found reasonable cause to believe the defendant did.

3. Where the direction is authorized pursuant to subdivision four of section 722.20 or section 722.21 of this title, it must specify the act or acts it found reasonable cause to allege.

4. Where the direction is authorized pursuant to section 190.71 of this chapter, the court shall annex to the order as part thereof a certified copy of the grand jury request.

4-a. Where the direction is authorized pursuant to subdivision seven of section 210.30 of this chapter, it must specify the act or acts for which there was sufficient evidence to believe that defendant did.

5. Where the direction is authorized pursuant to section 220.10, 310.85 or 330.25 of this chapter, it must specify the act or acts for which a plea or verdict of guilty was rendered or accepted and entered.

6. Where a securing order has not been made, the order of removal must provide that the police officer or peace officer who made the arrest or some other proper officer forthwith and with all reasonable speed take the juvenile to the designated family court or, where that cannot be done, it must provide for release or detention in the same manner as

provided for a family court proceeding pursuant to section 320.5 of the family court act.

7. Whether or not a securing order has been made, the order of removal must specify a date certain within ten days from the date of the order of removal for the defendant's appearance in the family court and where the defendant is in detention or in the custody of the sheriff that date must be not later than the next day the family court is in session. Unless the defendant is in detention or is in the custody of the sheriff or unless the order of removal specifies a juvenile or adolescent offense for which the defendant is not eligible for consideration for adjustment under subdivision thirteen or fourteen of section 308.1 of the family court act, the order of removal shall direct the defendant to appear at the family court intake office of the county department of probation for adjustment consideration; provided, however, that pursuant to subdivision three of section 308.1 of the family court act, the fact that the defendant is in detention or is in the custody of the sheriff shall not preclude the probation service from adjusting the case if the defendant is otherwise eligible for adjustment.

8. The order of removal must direct that all of the pleadings and proceedings in the action, or a certified copy of same be transferred to the designated family court and be delivered to and filed with the clerk of that court. For the purposes of this subdivision the term "pleadings and proceedings" includes the minutes of any hearing inquiry or trial held in the action, the minutes of any grand jury proceeding and the minutes of any plea accepted and entered.

9. The order of removal must be signed by a judge or justice of the court that directed the removal.