

Putnam County Probation Intake Advisory for Family Offense Petition

Section 812 Family Court Act

Name of Petitioner: _____ Name of Respondent: _____

Address: _____ Address: _____

Phone: _____ Phone: _____

The law requires that before you start a court proceeding because of certain acts which constitute a family offense, you must be informed of the court procedures which are available to you.

- (a) That there is concurrent jurisdiction with respect to family offenses in both family court and the criminal court;
- (b) That a family court proceeding is a civil proceeding and is for the purpose of attempting to stop the violence, end the family disruption and obtain protection. Referrals for counseling, or counseling services are available through Probation for this purpose;
- (c) That a proceeding in the criminal courts is for the purpose of prosecution of the offender and can result in a criminal conviction of the offender;
- (d) That a proceeding or action subject to the provisions of this section is initiated at the time of the filing of the accusatory instrument or family court petition, not at the time of arrest, or request for arrest, if any;
- (e) Repealed
- (f) That an arrest may precede the commencement of a family court or a criminal court proceeding, but an arrest is not a requirement for commencing either proceeding, provided, however, that the arrest of an alleged offender shall be made under the circumstances described in subdivision four of section 140.10 of the criminal procedure law;
- (g) That notwithstanding a complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section.

I acknowledge receipt of the above procedure.

Petitioner: _____ Probation Officer: _____