

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

M247843  
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JOHN M. LEVENTHAL, J.P.  
ROBERT J. MILLER  
HECTOR D. LASALLE  
VALERIE BRATHWAITE NELSON, JJ.

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2018-00636

DECISION & ORDER ON MOTION

In the Matter of Justin L. (Anonymous), respondent.  
New York State Office of Mental Health,  
nonparty-appellant.

(Docket No. L-677-17)

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Appeal by New York State Office of Mental Health from an order of the Family Court, Kings County, dated November 3, 2017. By order to show cause dated February 7, 2018, the parties were directed to show cause before this Court why an order should or should not be made and entered dismissing the appeal in the above-entitled proceeding on the ground that the nonparty-appellant is not aggrieved by the order dated November 3, 2017.

Now, upon the order to show cause and the papers filed in response thereto, it is

ORDERED that the motion to dismiss the appeal is denied; and it is further,

ORDERED that pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), the appeal in the above-entitled proceeding shall be perfected within 60 days after the receipt by the nonparty-appellant of the transcripts of the minutes of the proceedings in the Family Court, and the nonparty-appellant shall notify this Court by letter of the date the transcripts are received, or, if there are no minutes of proceedings to be transcribed, within 60 days of the date of this decision and order on motion; and it is further,

ORDERED that pursuant to § 670.4(a) of the rules of this Court (22 NYCRR 670.4[a]), within 30 days after the date of this decision and order on motion, the nonparty-appellant shall file in the office of the Clerk of this Court one of the following:

(1) an affidavit or affirmation stating that there are no minutes of the Family Court proceedings to be transcribed for the appeal; or

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(2) if there are such minutes, an affidavit or affirmation stating that the transcript has been received, and indicating the date that it was received; or

(3) if the transcript has not been received, an affidavit or affirmation stating that it has been ordered and paid for, the date thereof, and the date by which the transcript is expected; or

(4) an affidavit or an affirmation withdrawing the appeal; and it is further,

ORDERED that if none of the actions described in (1), (2), (3), or (4) above has been taken within 30 days of the date of this decision and order on motion, the Clerk of this Court shall issue an order to all parties to the appeal to show cause why the appeal should or should not be dismissed.

LEVENTHAL, J.P., MILLER, LASALLE and BRATHWAITE NELSON, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court

The Case Manager assigned to this case is Mr. Rose. Please contact him at 718-722-6487 with any questions.