§ 1026. Action by the appropriate person designated by the court and child protective agency upon emergency removal. (a) The appropriate person designated by the court or a child protective agency when informed that there has been an emergency removal of a child from his or her home without court order shall (i) make every reasonable effort to communicate immediately with the child's parent or other person legally responsible for his or her care, and

(ii) except in cases involving abuse, cause a child thus removed to be returned, if it concludes there is not an imminent risk to the child's health in so doing. In cases involving abuse, the child protective agency may recommend to the court that the child be returned or that no petition be filed.

(b) The child protective agency may, but need not, condition the return of a child under this section upon the giving of a written promise, without security, of the parent or other person legally responsible for the child's care that he or she will appear at the family court at a time and place specified in the recognizance and may also require him or her to bring the child with him or her.

(c) If the child protective agency for any reason does not return the child under this section after an emergency removal pursuant to section one thousand twenty-four of this part on the same day that the child is removed, or if the child protective agency concludes it appropriate after an emergency removal pursuant to section one thousand twenty-four of this part, it shall cause a petition to be filed under this part no later than the next court day after the child was removed. The court may order an extension, only upon good cause shown, of up to three court days from the date of such child's removal. A hearing shall be held no later than the next court day after the petition is filed and findings shall be made as required pursuant to section one thousand twenty-seven of this part.