§ 1033-b. Initial appearance; procedures. 1. (a) At the initial appearance, the court shall appoint an attorney to represent the interests of any child named in a petition who is alleged to be abused or neglected, unless an attorney has already been appointed for such child pursuant to section one thousand sixteen of this act.

(b) At the initial appearance, the court shall advise the respondent of the allegations in the petition and further advise the respondent of the right to an adjournment of the proceeding in order to obtain counsel. The recitation of such rights shall not be waived except that the recitation of the allegations in the petition may be waived upon the consent of the counsel for the respondent and such counsel's representation on the record that he or she has explained such allegations to the respondent and has provided the respondent with a copy of the petition and the respondent's acknowledgement of receipt of the petition and such explanation.

(c) At the initial appearance, the court shall appoint counsel for indigent respondents pursuant to section two hundred sixty-two of this act.

(d) In any case where a child has been removed, the court shall advise the respondent of the right to a hearing, pursuant to section ten hundred twenty-eight of this act, for the return of the child and that such hearing may be requested at any time during the proceeding. The recitation of such rights shall not be waived.

(e) At the initial appearance, the court shall inquire of the child protective agency whether such agency intends to prove that the child is a severely or repeatedly abused child as defined in subdivision eight of section three hundred eighty-four-b of the social services law, by clear and convincing evidence. Where the agency advises the court that it intends to submit such proof, the court shall so advise the respondent.