§ 1039. Adjournment in contemplation of dismissal. (a) Prior to or upon a fact-finding hearing, the court may upon a motion by the petitioner with the consent of the respondent and the child's attorney or upon its own motion with the consent of the petitioner, the respondent and the child's attorney, order that the proceeding be "adjourned in contemplation of dismissal". Under no circumstances shall the court order any party to consent to an order under this section. The court may make such order only after it has apprised the respondent of the provisions of this section and it is satisfied that the respondent understands the effect of such provisions.

(b) An adjournment in contemplation of dismissal is an adjournment of the proceeding for a period not to exceed one year with a view to ultimate dismissal of the petition in furtherance of justice. Upon the consent of the petitioner, the respondent and the child's attorney, the court may issue an order extending such period for such time and upon such conditions as may be agreeable to the parties.

(c) Such order may include terms and conditions agreeable to the parties and to the court, provided that such terms and conditions shall include a requirement that the child and the respondent be under the supervision of a child protective agency during the adjournment period. In any order issued pursuant to this section, such agency shall be directed to make a progress report to the court, the parties and the child's attorney on the implementation of such order, no later than ninety days after the issuance of such order, unless the court determines that the facts and circumstances of the case do not require such reports to be made. The child protective agency shall make further reports to the court, the parties and the child's attorney in such manner and at such times as the court may direct.

(d) Upon application of the respondent, the petitioner, the child's attorney or upon the court's own motion, made at any time during the duration of the order, if the child protective agency has failed substantially to provide the respondent with adequate supervision or to observe the terms and conditions of the order, the court may direct the child protective agency to observe such terms and conditions and provide adequate supervision or may make any order authorized pursuant to section two hundred fifty-five of this act.

(e) Upon application of the petitioner or the child's attorney or upon

the court's own motion, made at any time during the duration of the order, the court may restore the matter to the calendar, if the court finds after a hearing that the respondent has failed substantially to observe the terms and conditions of the order or to cooperate with the supervising child protective agency. In such event, unless the parties consent to an order pursuant to section one thousand fifty-one of this act or unless the petition is dismissed upon the consent of the petitioner, the court shall thereupon proceed to a fact-finding hearing under this article no later than sixty days after such application unless such period is extended by the court for good cause shown.

(f) If the proceeding is not so restored to the calendar, the petition is, at the expiration of the adjournment period, deemed to have been dismissed by the court in furtherance of justice unless an application is pending pursuant to subdivision (e) of this section. If such application is granted the petition shall not be dismissed and shall proceed in accordance with the provisions of such subdivision (e).

(g) Notwithstanding the provisions of this section, the court, may, at any time prior to dismissal of the petition pursuant to subdivision (f), issue an order authorized pursuant to section one thousand twenty-seven.