§ 304.1. Detention. 1. A facility certified by the office of children and family services as a juvenile detention facility must be operated in conformity with the regulations of the office of children and family services.

2. No child to whom the provisions of this article may apply shall be detained in any prison, jail, lockup, or other place used for adults convicted of crime or under arrest and charged with crime without the approval of the office of children and family services in the case of each child and the statement of its reasons therefor. The office of children and family services shall promulgate and publish the rules which it shall apply in determining whether approval should be granted pursuant to this subdivision.

3. The detention of a child under thirteen years of age in a secure detention facility shall not be directed, unless such child is at least ten years old and is considered a juvenile delinquent pursuant to subparagraph (iii) of paragraph (a) of subdivision one of section 301.2 of this article, nor shall the detention of a child adjudicated solely for an act that would constitute a violation as defined in subdivision three of section 10.00 of the penal law, be directed under any of the provisions of this article.

4. A detention facility which receives a child under subdivision four of section 305.2 of this part shall immediately notify the child's parent or other person legally responsible for his or her care or, if such legally responsible person is unavailable the person with whom the child resides, that he or she has been placed in detention.