§ 307.4. Hearing following detention. 1. If a child in custody is brought before a judge of the family court before a petition is filed upon a written application pursuant to subdivision four of section 307.3, the judge shall hold a hearing for the purpose of making a preliminary determination of whether the court appears to have jurisdiction over the child.

2. At such hearing the court must appoint an attorney to represent the child pursuant to the provisions of section two hundred forty-nine if independent legal representation is not available to such child.

3. The provisions of sections 320.3 and 341.2 shall apply at such hearing.

4. After such hearing, the judge shall order the release of the child to the custody of his parent or other person legally responsible for his care if:

(a) the court does not appear to have jurisdiction, or

(b) the events occasioning the taking into custody do not appear to involve allegations that the child committed a delinquent act, or

(c) the events occasioning the taking into custody appear to involve acts which constitute juvenile delinquency, unless the court finds and states facts and reasons which would support a detention order pursuant to section 320.5.

5. Such hearing shall be held within seventy-two hours of the time detention commenced or the next day the court is in session, whichever is sooner.

6. The appropriate presentment agency shall present the application at a hearing pursuant to this section.

7. A petition shall be filed and a probable-cause hearing held under section 325.1 within four days of the conclusion of a hearing under this section. If a petition is not filed within four days the child shall be released.

8. Upon a finding of facts and reasons which support a detention order pursuant to section 320.5 of this chapter, the court shall also determine and state in any order directing detention:

(a) whether the continuation of the child in the child's home would be contrary to the best interests of the child based upon, and limited to, the facts and circumstances available to the court at the time of the hearing held in accordance with this section; and

(b) where appropriate and consistent with the need for protection of the community, whether reasonable efforts were made prior to the date of the court hearing that resulted in the detention order issued in accordance with this section to prevent or eliminate the need for removal of the child from his or her home or, if the child had been removed from his or her home prior to the initial appearance, where appropriate and consistent with the need for protection of the community, whether reasonable efforts were made to make it possible for the child to safely return home.