§ 320.2. The initial appearance; timing; adjournment and appointment of counsel. 1. If the respondent is detained, the initial appearance shall be held no later than seventy-two hours after a petition is filed or the next day the court is in session, whichever is sooner. If the respondent is not detained, the initial appearance shall be held as soon as practicable and, absent good cause shown, within ten days after a petition is filed. If a warrant for the respondent's arrest has been issued pursuant to section 312.2 of this article due to the respondent's failure to appear for an initial appearance of which he or she had notice, computation of the time within which the initial appearance must be held shall exclude the period extending from the date the court issues the warrant to the date the respondent is returned pursuant to the warrant or appears voluntarily; provided, however, no period of time may be excluded hereunder unless the respondent's location cannot be determined by the exercise of due diligence or, if the respondent's location is known, his or her presence in court cannot be obtained by the exercise of due diligence. In determining whether due diligence has been exercised, the court shall consider, among other factors, the report presented to the court pursuant to subdivision two of section 312.2 of this article.

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

3. The initial appearance may be adjourned for no longer than seventy-two hours or until the next court day, whichever is sooner, to enable an attorney for the respondent to appear before the court.

4. The clerk of the court shall notify the presentment agency and any attorney for the respondent of the initial appearance date.