§ 320.6. The initial appearance; referral to the probation service. 1. If the petition alleges the commission of a designated felony act or the commission of a crime enumerated in subdivision four of section 308.1, the probation service shall make a recommendation to the court at the initial appearance regarding the suitability of adjusting the case pursuant to section 308.1.

2. At the initial appearance or at any subsequent appearance, the court may refer a case to the probation service for adjustment services. The probation service shall consider the views of the complainant and the impact of the alleged act or acts of juvenile delinquency upon the complainant and upon the community in determining whether adjustment under this section would be suitable. In the case of a designated felony petition, the consent of the presentment agency shall be required to refer a case to the probation service for adjustment services. Where an order of fact-finding that includes solely a violation as defined in subdivision three of section 10.00 of the penal law committed by a juvenile sixteen years of age or, commencing on October first, two thousand nineteen, seventeen years of age, has been entered pursuant to section 345.1 of this article, there shall be a rebuttable presumption that the court shall refer the case to the probation service for adjustment services in accordance with this subdivision, dismiss the case pursuant to subdivision two of section 352.1 of this article or adjourn the case in contemplation of dismissal pursuant to section 315.3 of this article.

3. If the court refers a case to the probation service pursuant to this section and the probation service adjusts the case, the petition shall be dismissed.

4. If such case is referred to the probation service, the provisions of section 308.1, except subdivision thirteen thereof, shall apply.