

Rule 48. Dismissal

(a) By Office of the Attorney General. The Attorney General may file a dismissal of a petition and the proceedings shall thereupon terminate. The dismissal shall be without prejudice unless otherwise stated. Such a dismissal may not be filed during the factfinding hearing without the consent of the respondent.

(b) By the Family Court. At or after a disposition hearing, the judicial officer may dismiss a petition and terminate the proceedings relating to the respondent, if the judicial officer finds by clear and convincing evidence that the child is not in need of care or rehabilitation. The reason for such dismissal shall be set forth upon request of the Attorney General. A hearing on this issue may be held at the request of any party. If a motion to dismiss is made under this section, the opposing party shall have an opportunity to respond and, if necessary to preserve the rights of either party, the disposition hearing shall be continued for a hearing on the motion.

(c) Notwithstanding subparagraph (b), the Court retains its authority to dismiss a petition for want of prosecution if there is unnecessary delay in the filing of a petition or in bringing a respondent to a hearing or disposition.