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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2010

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- FAMILY COURT

Introduced By: Senators McCaffrey, and Maselli

Date Introduced: June 01, 2010

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-10-3 of the General Laws in Chapter 8-10 entitled "Family Court"
2 is hereby amended to read as follows:
3 **8-10-3. Establishment of court -- Jurisdiction -- Seal -- Oaths. --** (a) There is hereby
4 established a family court, consisting of a chief judge and eleven (11) associate justices, to hear
5 and determine all petitions for divorce from the bond of marriage and from bed and board; all
6 motions for allowance, alimony, support and custody of children, allowance of counsel and
7 witness fees, and other matters arising out of petitions and motions relative to real and personal
8 property in aid thereof, including, but not limited to, partitions, accountings, receiverships,
9 sequestration of assets, resulting and constructive trust, impressions of trust, and such other
10 equitable matters arising out of the family relationship, wherein jurisdiction is acquired by the
11 court by the filing of petitions for divorce, bed and board and separate maintenance; all motions
12 for allowance for support and educational costs of children attending high school at the time of
13 their eighteenth (18th) birthday and up to ninety (90) days after high school graduation, but in no
14 case beyond their nineteenth (19th) birthday; enforcement of any order or decree granting
15 alimony and/or child support, and/or custody and/or visitation of any court of competent
16 jurisdiction of another state; modification of any order or decree granting alimony and/or custody
17 and/or visitation of any court of competent jurisdiction of another state on the ground that there
18 has been a change of circumstances; modification of any order or decree granting child support of
19 any court of competent jurisdiction of another state provided: (1) the order has been registered in

1 Rhode Island for the purposes of modification pursuant to section 15-23.1-611, or (2) Rhode
2 Island issued the order and has continuing exclusive jurisdiction over the parties; antenuptial
3 agreements, property settlement agreements and all other contracts between persons, who at the
4 time of execution of the contracts, were husband and wife or planned to enter into that
5 relationship; complaints for support of parents and children; those matters relating to delinquent,
6 wayward, dependent, neglected, or children with disabilities who by reason of any disability
7 requires special education or treatment and other related services; to hear and determine all
8 petitions for guardianship of any child who has been placed in the care, custody, and control of
9 the department for children, youth, and families pursuant to the provisions of chapter 1 of title 14
10 and chapter 11 of title 40; adoption of children under eighteen (18) years of age; change of names
11 of children under the age of eighteen (18) years; paternity of children born out of wedlock and
12 provision for the support and disposition of such children or their mothers; child marriages; those
13 matters referred to the court in accordance with the provisions of section 14-1-28; those matters
14 relating to adults who shall be involved with paternity of children born out of wedlock;
15 responsibility for or contributing to the delinquency, waywardness, or neglect of children under
16 sixteen (16) years of age; desertion, abandonment, or failure to provide subsistence for any
17 children dependent upon such adults for support; neglect to send any child to school as required
18 by law; bastardy proceedings and custody to children in proceedings, whether or not supported by
19 petitions for divorce or separate maintenance or for relief without commencement of divorce
20 proceedings; and appeals of administrative decisions concerning setoff of income tax refunds for
21 past due child support in accordance with sections 44-30.1-5 and 40-6-21. The holding of real
22 estate as tenants by the entirety shall not in and of itself preclude the family court from
23 partitioning real estate so held for a period of six (6) months after the entry of final decree of
24 divorce.

25 (b) The family court shall be a court of record and shall have a seal which shall contain
26 such words and devices as the court shall adopt.

27 (c) The judges and clerk of the family court shall have power to administer oaths and
28 affirmations.

29 (d) The family court shall have exclusive initial jurisdiction of all appeals from any
30 administrative agency or board affecting or concerning children under the age of eighteen (18)
31 years and appeals of administrative decisions concerning setoff of income tax refunds, lottery set
32 offs, insurance intercept, and lien enforcement provisions for past due child support, in
33 accordance with sections 44-30.1-5 and 40-6-21, and appeals of administrative agency orders of
34 the department of human services to withhold income under chapter 16 of title 15.

1 (e) The family court shall have jurisdiction over those civil matters relating to the
2 enforcement of laws regulating child care providers and child placing agencies.

3 (f) The family court shall have exclusive jurisdiction of matters relating to the revocation
4 or nonrenewal of a license of an obligor due to noncompliance with a court order of support, in
5 accordance with chapter 11.1 of title 15.

6 [See section 12-1-15 of the General Laws.]

7 (g) Notwithstanding any general or public law to the contrary, the family court shall have
8 jurisdiction over all protective orders provided pursuant to the Rhode Island general laws, when
9 said order is being provided to a juvenile.

10 SECTION 2. Section 11-37.2-1 of the General Laws in Chapter 11-37.2 entitled "Sexual
11 Assault Protective Orders" is hereby amended to read as follows:

12 **11-37.2-1. Filing of complaint.** -- (a) Proceedings under this chapter shall be filed, heard
13 and determined in the district court of the division in which the plaintiff resides except where the
14 plaintiff or the person for whom the proceeding is being provided is a juvenile. Any proceedings
15 under this chapter shall not preclude any other available civil or criminal remedies. A party filing
16 a complaint under this chapter may do so without payment of any filing fee. There shall be no
17 minimum residence requirements for the bringing of an action under this chapter.

18 (b) Answers to the summons and complaint shall be made within ten (10) days of service
19 upon the defendant and the action shall take precedence on the calendar. If no answer is filed
20 within the time prescribed, judgment shall enter forthwith.

21 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO COURTS AND CIVIL PROCEDURE--COURTS -- FAMILY COURT

1 This act would provide the family court with jurisdiction over all protective orders being
2 sought by a juvenile.

3 This act would take effect upon passage.

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