

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

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

Introduced By: Representatives Craven, Dawson, and Shanley

Date Introduced: January 24, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-10-3.1 of the General Laws in Chapter 8-10 entitled "Family Court"  
2 is hereby amended to read as follows:

3 **8-10-3.1. Magistrates — Appointment, duties, and powers.**

4 (a) The chief judge of the family court may appoint magistrates, with the advice and  
5 consent of the senate, to assist the court in the conduct of its business. A person appointed to serve  
6 as a magistrate shall be a member of the bar of Rhode Island. The powers and duties of magistrates  
7 shall be prescribed in the order appointing them.

8 (b) In addition, magistrates may assist the court in:

9 (1) the enforcement and implementation of chapter 23.1 of title 15,

10 (2) the determination of matters that come before the court pursuant to § 8-10-4, chapter  
11 1 of title 14, chapters 5, 7, 8, 9, 10 and 16 of title 15, chapter 19 of title 16, chapter 11 of title 40,  
12 and chapter 5 of title 40.1.

13 Magistrates shall be empowered to hear and determine all motions, pretrial conferences,  
14 arraignments of juvenile offenders, probable cause hearings, and review of all such matters,  
15 including but not limited to, the temporary placement, custody, disposition and adoption of  
16 children, orders of support, final divorce decrees, and the taking of testimony in conducting all  
17 hearings relative thereto subject to the review provided for in subsection (d).

18 (c) The magistrates shall serve a term of ten (10) years and until a successor is appointed  
19 and qualified and his or her powers and duties shall be prescribed in the order appointing him or

1 her or in the rules of procedure of the family court. Any magistrate in service as of January 1, 2008  
2 who serves at the pleasure of the chief judge of the family court may be appointed for a term of ten  
3 (10) years with the advice and consent of the senate and until a successor is appointed and qualified.  
4 Nothing herein shall be construed to prohibit the assignment of a magistrate to more than one such  
5 term, subject to the advice and consent of the senate. The magistrates may be authorized:

6 (1) To regulate all proceedings before him or her;

7 (2) To do all acts and take all measures necessary or proper for the efficient performance  
8 of his or her duties;

9 (3) To require the production before him or her of books, papers, vouchers, documents,  
10 and writings;

11 (4) To rule upon the admissibility of evidence;

12 (5) To issue subpoenas for the appearance of witnesses, to put witnesses on oath, to  
13 examine them, and to call parties to the proceeding and examine them upon oath;

14 (6) To adjudicate a person in contempt and to order him or her imprisoned for not more  
15 than seventy-two (72) hours, pending review by a justice of the court, for failure to appear in  
16 response to a summons or for refusal to answer questions or produce evidence or for behavior  
17 disrupting a proceeding;

18 (7) To adjudicate a party in contempt and to order him or her imprisoned for not more than  
19 seventy-two (72) hours, pending review by a justice of the court, for failure to comply with a  
20 pending order to provide support or to perform any other act; and

21 (8) To issue a capias and/or body attachment upon the failure of a party or witness to appear  
22 after having been properly served and, should the family court not be in session, the person  
23 apprehended may be detained at the adult correctional institution, if an adult, or at the Rhode Island  
24 training school for youth, if a child, until the next session of the family court.

25 (d) A party aggrieved by an order entered by a magistrate shall be entitled to a review of  
26 the order by a justice of the family court. Unless otherwise provided in the rules of procedure of  
27 the family court, such review shall be on the record and appellate in nature. The family court shall  
28 by rules of procedure establish procedures for review of orders entered by a magistrate, and for  
29 enforcement of contempt adjudications of a magistrate.

30 (e) Final orders of the family court entered in a proceeding to review an order of a  
31 magistrate may be appealed to the supreme court.

32 (f) The magistrates shall be empowered to hear de novo all applications for income  
33 withholding pursuant to chapter 16 of title 15 and appeals of administrative agency orders of the  
34 department of human services to withhold income under chapter 16 of title 15.

1 (g) The magistrates shall be empowered to hear all matters relating to the revocation or  
2 nonrenewal of a license of an obligor due to non-compliance with a court order of support, in  
3 accordance with chapter 11.1 of title 15.

4 (h) The magistrates may be authorized by the chief judge to hear those matters on the  
5 domestic abuse prevention calendar and the nominal ~~calendar~~ [and contested divorce trial calendars](#).

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

7 SECTION 2. This act shall take effect upon passage and shall apply retroactively to all  
8 actions for divorce pending at the time of or filed after the effective date of this act.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO COURTS AND CIVIL PROCEDURE -- COURTS -- FAMILY COURT

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1           This act provides that a magistrate of the family court has the power and authority to hear  
2 contested divorce matters.

3           This act would take effect upon passage and shall apply retroactively to all actions for  
4 divorce pending at the time of or filed after the effective date of this act.

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