

2018 -- H 7894

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LC004854
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO DOMESTIC RELATIONS - DIVORCE AND SEPARATION

Introduced By: Representatives McEntee, Knight, O'Brien, Solomon, and Ucci

Date Introduced: February 28, 2018

Referred To: House Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 15-5-14 and 15-5-23 of the General Laws in Chapter 15-5 entitled
2 "Divorce and Separation" are hereby amended to read as follows:

3 ~~15-5-14. Return day of petitions -- Notice -- Issuance of process -- Time of hearing.~~
4 **Return day of complaints -- Notice -- Issuance of process -- Time of hearing.**

5 ~~(a) The court may, by general rule,:~~

6 ~~(1) Determine determine~~ the return day of ~~petitions~~ complaints for divorce; ~~and~~

7 ~~(2) Prescribe prescribe~~ the notice to be given, within or without the state, on all ~~petitions~~
8 complaints for divorce; ~~and;~~

9 ~~(3) May may~~ issue any process that may be necessary to carry into effect all powers
10 conferred upon ~~it~~ the court in relation to ~~the petitions~~ complaints and divorce; and,

11 ~~(4) the court may also, by general rule, fix~~ Fix the times, ~~during its session,~~ when all
12 ~~petitions~~ complaints for divorce shall be heard, ~~as they may be filed in Providence, Newport, East~~
13 ~~Greenwich, or South Kingstown, respectively.~~ These general rules shall, be subject to special
14 orders which the court may make in special cases. ~~Until general rules are made, special order in~~
15 ~~each case shall be made.~~

16 ~~(b) Notwithstanding the provisions of subsection (a) of this section, no petition for~~
17 ~~divorce or separation shall be in order for hearing until after the expiration of sixty (60) days after~~
18 ~~the filing of the petition, unless sooner ordered, ex parte, by a justice of the family court. During~~
19 ~~this period the family counseling service may investigate the circumstances at the discretion of~~

1 ~~the court, or at the request of either party, counsel the parties, and make recommendations to the~~
2 ~~court and the parties.~~

3 **15-5-23. Final judgment -- Remarriage.**

4 (a) ~~No judgment for a divorce shall become final and operative until three (3) months~~
5 ~~after the trial and decision.~~ Final ~~decree~~ judgment from the bond of marriage may be entered ex
6 parte and in chambers on the suggestion of the prevailing party at any time within one hundred
7 eighty (180) days next after the expiration of ~~three (3) months~~ twenty (20) days from the ~~date of~~
8 ~~decision~~ entry of the decision pending entry of final judgment. After the expiration of the one
9 hundred eighty (180) days, final ~~decrees~~ judgment may be entered only in open court and on
10 motion or upon written consent of the attorneys or parties. Notice of the filing of the motion shall
11 not be required in cases in which the original complaint is unanswered.

12 (b) After entry of the final judgment for a divorce from the bond of marriage, either party
13 may marry again.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would eliminate the sixty (60) day waiting period for the granting of a complaint
2 for divorce or separation following the filing of the complaint, and would shorten the waiting
3 period from three (3) months to twenty (20) days for the filing of a final judgment for divorce,
4 following the hearing at which the divorce is granted.

5 This act would take effect upon passage.

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