

2018 -- S 2429

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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 COURTS AND CIVIL PROCEDURE - COURTS - FAMILY COURT

Introduced By: Senators Quezada, Metts, Nesselbush, Goodwin, and Calkin

Date Introduced: February 15, 2018

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.**

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

1 order has been registered in Rhode Island for the purposes of modification pursuant to § 15-23.1-
2 611, or (2) Rhode Island issued the order and has continuing exclusive jurisdiction over the
3 parties; antenuptial agreements, property settlement agreements and all other contracts between
4 persons, who at the time of execution of the contracts, were husband and wife or planned to enter
5 into that relationship; complaints for support of parents and children; those matters relating to
6 delinquent, wayward, dependent, neglected, or children with disabilities who by reason of any
7 disability requires special education or treatment and other related services; to hear and determine
8 all 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; subject to the provisions of chapter 14.1 of title 15, custody or
11 guardianship of an immigrant child, or immigrant person having attained the age of eighteen (18)
12 years but under the age of twenty-one (21) years, pursuant to a motion for Special Immigrant
13 Juvenile factual findings requesting a determination that the child was abused, neglected, or
14 abandoned before the age of eighteen (18) years for purposes of § U.S.C. § 101(a)(27)(J) of the
15 Federal Immigration and Nationality Act, and adjudication of said motion; adoption of children
16 under eighteen (18) years of age; change of names of children under the age of eighteen (18)
17 years; paternity of children born out of wedlock and provision for the support and disposition of
18 such children or their mothers; child marriages; those matters referred to the court in accordance
19 with the provisions of § 14-1-28; those matters relating to adults who shall be involved with
20 paternity of children born out of wedlock; responsibility for or contributing to the delinquency,
21 waywardness, or neglect of children under sixteen (16) years of age; desertion, abandonment, or
22 failure to provide subsistence for any children dependent upon such adults for support; neglect to
23 send any child to school as required by law; bastardy proceedings and custody to children in
24 proceedings, whether or not supported by petitions for divorce or separate maintenance or for
25 relief without commencement of divorce proceedings; and appeals of administrative decisions
26 concerning setoff of income tax refunds for past due child support in accordance with §§ 44-30.1-
27 5 and 40-6-21. The holding of real estate as tenants by the entirety shall not in and of itself
28 preclude the family court from partitioning real estate so held for a period of six (6) months after
29 the entry of final decree of divorce.

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

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

34 (d) The family court shall have exclusive initial jurisdiction of all appeals from any

1 administrative agency or board affecting or concerning children under the age of eighteen (18)
2 years and appeals of administrative decisions concerning setoff of income tax refunds, lottery set
3 offs, insurance intercept, and lien enforcement provisions for past due child support, in
4 accordance with §§ 44-30.1-5 and 40-6-21, and appeals of administrative agency orders of the
5 department of human services to withhold income under chapter 16 of title 15.

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

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

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

12 (g) Notwithstanding any general or public law to the contrary, the family court shall have
13 jurisdiction over all protective orders provided pursuant to the Rhode Island general laws, when
14 either party is a juvenile.

15 SECTION 2. 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 expand jurisdiction of the family court related to custody of immigrant
2 children to include, immigrant persons between eighteen (18) years and twenty-one (21) years of
3 age for purposes of abuse and neglect determinations in accordance with federal law.

4 This act would take effect upon passage.

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