

2021 -- S 0919

LC002873

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - SUPREME COURT - COURTS

Introduced By: Senators McCaffrey, Coyne, and Goodwin

Date Introduced: May 20, 2021

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 8-1-4 of the General Laws in Chapter 8-1 entitled "Supreme Court"  
2 is hereby amended to read as follows:

3 **8-1-4. Seal of court.**

4 The supreme court shall have a seal, which shall contain the words "SUPREME COURT  
5 OF THE STATE OF RHODE ISLAND ~~AND PROVIDENCE PLANTATIONS~~", and such device  
6 as the court shall adopt.

7 SECTION 2. Section 8-2-12 of the General Laws in Chapter 8-2 entitled "Superior Court"  
8 is hereby amended to read as follows:

9 **8-2-12. Seal of superior court.**

10 The superior court shall have a seal in each of the counties of Providence, Newport, Kent,  
11 and Washington, which shall contain the words "SUPERIOR COURT OF THE STATE OF  
12 RHODE ISLAND ~~AND PROVIDENCE PLANTATIONS~~", with the name of the county in which  
13 the seal belongs, and also such device as the justices of the court, or a majority of them, shall adopt.

14 SECTION 3. Section 8-8-2 of the General Laws in Chapter 8-8 entitled "District Court" is  
15 hereby amended to read as follows:

16 **8-8-2. Divisions.**

17 (a) For the distribution of court business, the state is divided into four (4) divisions as  
18 follows:

19 (1) Second division. The second division consists of the city of Newport and the towns of

1 Jamestown, Little Compton, Middletown, Portsmouth, and Tiverton. Appeals and transfers in cases  
2 arising in the enumerated cities and towns of the second division shall be transmitted by the clerk  
3 of the Second Division District Court to the clerk of the Newport County Superior Court.

4 (2) Third division. The third division consists of the city of Warwick and the city of  
5 Cranston and the towns of Coventry, East Greenwich, Foster, Glocester, Johnston, Lincoln, North  
6 Kingstown, North Providence, North Smithfield, Scituate, Smithfield, West Greenwich and West  
7 Warwick. Appeals and transfers in cases arising in the enumerated cities and towns of the third  
8 division shall be transmitted by the clerk of the Third Division District Court to the clerk of the  
9 Kent County Superior Court.

10 (3) Fourth division. The fourth division consists of the towns of Charlestown, Exeter,  
11 Hopkinton, Narragansett, New Shoreham, Richmond, South Kingstown, and Westerly. Appeals  
12 and transfers in cases arising in the enumerated cities and towns of the fourth division shall be  
13 transmitted by the clerk of the Fourth Division District Court to the clerk of the Washington County  
14 Superior Court.

15 (4) Sixth division. The sixth division consists of the cities of Central Falls, East Providence,  
16 Providence, Pawtucket, Woonsocket and the towns of Barrington, Bristol, Burrillville, Cumberland  
17 and Warren. Appeals and transfers in cases arising in the enumerated cities and towns of the sixth  
18 division shall be transmitted by the clerk of the Sixth Division District Court to the clerk of the  
19 Providence County Superior Court.

20 (b) In each division the place or places for holding court shall be designated by the chief  
21 judge.

22 (c) The district court shall have a seal for each of its divisions, which shall contain the  
23 words, "District court of the State of Rhode Island ~~and Providence Plantations~~, division."

24 SECTION 4. Section 8-8.1-6 of the General Laws in Chapter 8-8.1 entitled "Domestic  
25 Assault" is hereby amended to read as follows:

26 **8-8.1-6. Form of complaint.**

27 (a) A form in substantially the following language shall suffice for the purpose of filing a  
28 complaint under this chapter:

29 STATE OF RHODE ISLAND DISTRICT COURT  
30 COUNTY OF \_\_\_\_\_ DIVISION  
31 \_\_\_\_\_:  
32 Plaintiff :  
33 :  
34 VS : NO:

1 \_\_\_\_\_ :  
2 \_\_\_\_\_ :  
3 Defendant \_\_\_\_\_ :

4 COMPLAINT FOR PROTECTION FROM ABUSE

5 Pursuant to chapter 8.1 of title 8 I request that the court enter an order protecting  
6 me from abuse.

7 (1) My full name, present street address, city and telephone number are as follows:

8 \_\_\_\_\_  
9 \_\_\_\_\_

10 (2) My former residence, at which I resided with the defendant, is as follows  
11 (street address and city): \_\_\_\_\_

12 \_\_\_\_\_

13 (3) My former residence is a house

14 I own \_\_\_\_\_

15 Defendant owns \_\_\_\_\_

16 We jointly own \_\_\_\_\_

17 My former residence is an apartment

18 There is no lease \_\_\_\_\_

19 My name is on lease and defendant's is not \_\_\_\_\_

20 Defendant's name is on lease and mine is not \_\_\_\_\_

21 Both our names are on lease \_\_\_\_\_

22 (4) The full name, present street address, city and telephone number of the person  
23 causing me abuse (the defendant) are as follows:

24 \_\_\_\_\_

25 (5) On or about \_\_\_\_\_, without cause or provocation I suffered abuse  
26 when the defendant:

27 \_\_\_\_\_ Threatened or harmed with a weapon:

28 (type of weapon used: \_\_\_\_\_)

29 \_\_\_\_\_ Attempted to cause me physical harm;

30 \_\_\_\_\_ Caused me physical harm;

31 \_\_\_\_\_ Placed me in fear of imminent physical harm;

32 \_\_\_\_\_ Caused me to engage involuntarily in sexual relations by force, threat  
33 of force, or duress specifically, the defendant: \_\_\_\_\_

34 (6) I ask that: \_\_\_\_\_



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STATE OF RHODE ISLAND  
COUNTY OF \_\_\_\_\_

DISTRICT COURT  
\_\_\_\_\_ DIVISION

\_\_\_\_\_ :

Plaintiff :

:

VS : NO:

:

\_\_\_\_\_ :

Defendant :

(TEMPORARY) ORDER PURSUANT TO CHAPTER  
\_\_\_\_\_ OF THE G.L. OF R.I.

Upon consideration of plaintiff's complaint, (and having found that immediate and irreparable injury, loss or damage will result to the plaintiff before a notice can be served and a hearing had thereon) it is ORDERED:

\_\_\_\_\_ That the defendant is restrained and enjoined from contacting, assaulting, molesting, or otherwise interfering with plaintiff at home, on the street or elsewhere.

\_\_\_\_\_ That the defendant vacate forthwith the household located at

\_\_\_\_\_  
\_\_\_\_\_

A hearing on the continuation of this ORDER will be held at the District Court, \_\_\_\_\_ County, \_\_\_\_\_ Division, at (A.M.) (P.M.) on \_\_\_\_\_. If the defendant wishes to be heard, she/he will be heard at that time. If she/he does not appear at that time, this ORDER shall remain in effect.

This ORDER is effective forthwith, and will remain in effect until the time and date of the above-mentioned hearing.

A copy of this ORDER shall be transmitted to the appropriate local law enforcement agency forthwith, and shall be served in-hand on the defendant herein.

ENTERED as an Order of Court this \_\_\_\_\_ day of \_\_\_\_\_ A.D. ~~19~~20\_\_\_\_\_.

ENTER: \_\_\_\_\_ PER ORDER: \_\_\_\_\_

Judge \_\_\_\_\_ Clerk \_\_\_\_\_

Presented by: \_\_\_\_\_

Attorney for Plaintiff

WHITE COPY \_\_\_\_\_ Court

1 YELLOW COPY \_\_\_\_\_ Plaintiff  
2 PINK COPY \_\_\_\_\_ Defendant  
3 GOLDENROD COPY \_\_\_\_\_ Police Department

4 SECTION 5. Sections 9-5-1 and 9-5-15 of the General Laws in Chapter 9-5 entitled "Writs,  
5 Summons and Process" are hereby amended to read as follows:

6 **9-5-1. Writs in name of state -- Seal -- Signature by clerk or justice.**

7 Writs issuing from any court shall issue in the name of the state of Rhode Island ~~and~~  
8 ~~Providence-Plantations~~, shall be under the seal of the court from which they issue, and shall be  
9 signed by the clerk or by one of the justices thereof.

10 **9-5-15. Form for writs of replevin.**

11 Writs of replevin shall be substantially in the following form:

12 WRIT OF REPLEVIN.

13 THE STATE OF RHODE ISLAND ~~AND PROVIDENCE~~

14 ~~PLANTATIONS.~~

15 SC. To the sheriffs of our several counties, their deputies, or to a certified constable,  
16 (SEAL) Greeting:

17 We command you that you replevy, if to be found within your precinct, the goods and  
18 chattels following, viz.: (Here enumerate and particularly describe them) belonging to  
19 ..... of ..... now taken (detained, or attached as the case may be) by  
20 ..... in the county of ..... and them deliver unto the said .....,  
21 provided the same are not taken, attached, or detained upon original writ, mesne process, warrant  
22 of distress, or upon execution as the property of the said .....; and summon the said  
23 ..... to appear on the return-day hereof (said return-day being the ..... day of  
24 ..... A. D. ~~1920~~.....) in the SUPERIOR COURT to be holden at the county courthouse at  
25 ....., to answer unto the said ..... in a plea of replevin that the said  
26 ..... on the ..... day of ..... at said ..... unlawfully, and  
27 without justifiable cause, took the goods and chattels of the said ..... as aforesaid, and  
28 them unlawfully detained unto this day, (or, unlawfully detained the goods and chattels aforesaid,  
29 as the case may be) to the damage of the said ....., as he says, ..... dollars.

30 Hereof fail not, and make true return of this writ with your doings thereon, together with  
31 the bond you shall take of the plaintiff.

32 Witness, the seal of our superior court, at ..... day of ..... in  
33 the year .....

34 \_\_\_\_\_, Clerk

1 SECTION 6. Sections 9-10-2 and 9-10-20 of the General Laws in Chapter 9-10 entitled  
2 "Selection of Jury" are hereby amended to read as follows:

3 **9-10-2. Service of notice on jurors.**

4 The city or town sergeant or certified constable, upon receipt of the notification as provided  
5 in § 9-10-1, shall forthwith make service of the notification upon the persons named therein as  
6 jurors by delivering to each of them, or by leaving at their last and usual place of abode, a notice  
7 substantially in the following form:

8 STATE OF RHODE ISLAND ~~AND~~  
9 ~~PROVIDENCE PLANTATIONS~~

10 Sc.

11 TO ..... Greeting:

12 You are hereby notified that you have been drawn as a juror for the superior or family court  
13 for the county (or counties) of ..... and you are required to attend the said court be holden  
14 at ..... on the ..... day of ....., at ..... o'clock in the forenoon.

15 Sergeant.

16 Constable.

17 The jury commissioner or his or her agents, having retained the notifications in accordance  
18 with § 9-10-1, shall forthwith serve the notifications in the same form as contained in this section  
19 by regular mail.

20 **9-10-20. Oaths of jurors.**

21 Grand and petit jurors, before acting as such, shall take the oath prescribed for them in the  
22 following terms:

23 GRAND JURORS OATH

24 "You severally and solemnly swear (or, affirm) that as members of the grand inquest for  
25 the body of the county (or counties) of you will diligently inquire and true presentment make of all  
26 such crimes and misdemeanors cognizable by this court as shall come to your knowledge: the state's  
27 council, your fellow's and your own, will keep secret: will present no person for envy, hatred or  
28 malice: neither will you leave any person unrepresented for love, fear, favor, affection or hope of  
29 reward: but you will present things truly, as they come to your knowledge, according to the best of  
30 your understanding: So help you God. (Or: This affirmation you make and give upon peril of the  
31 penalty of perjury.)"

32 PETIT JURORS OATH IN CRIMINAL CASES

33 "You swear (or, affirm) that you will well and truly try and true deliverance make between  
34 the state of Rhode Island ~~and Providence Plantations~~ and the prisoner (or, defendant) at the bar

1 according to law and the evidence given you: So help you God. (Or: This affirmation you make  
2 and give upon peril of the penalty of perjury.)"

3 PETIT JURORS OATH IN CIVIL CASES

4 "You swear (or, affirm) that in all cases between party and party, that shall be committed  
5 to you, you will give a true verdict therein, according to law and the evidence given you: So help  
6 you God. (Or: This affirmation you make and give upon peril of the penalty of perjury.)"

7 SECTION 7. Section 9-17-1 of the General Laws in Chapter 9-17 entitled "Witnesses" is  
8 hereby amended to read as follows:

9 **9-17-1. Form of subpoena.**

10 The form of subpoena to a witness shall be substantially as follows:

11 Sc.

12 To \_\_\_\_\_ of \_\_\_\_\_ Greeting:

13 You are hereby required, in the name of the state of Rhode Island ~~and Providence~~  
14 ~~Plantations~~, to make your appearance before ..... holden ..... at .....  
15 on the ..... day of ..... to give evidence of what you know relative to an action  
16 or plea of ..... then and there are to be heard and tried between ..... plaintiff  
17 and .....defendant.

18 Hereof fail not, as you will answer your default under the penalty of the law in that  
19 behalf made and provided.

20 Dated at ..... the ..... day of ..... in the year .....

21 SECTION 8. Sections 9-25-6, 9-25-7, 9-25-8, 9-25-9 and 9-25-10 of the General Laws in  
22 Chapter 9-25 entitled "Execution" are hereby amended to read as follows:

23 **9-25-6. Style of executions.**

24 Executions issued by any court shall issue in the name of the state of Rhode Island ~~and~~  
25 ~~Providence-Plantations~~ and shall be signed, sealed, and run in like manner as original writs.

26 **9-25-7. Form of superior court writ of execution.**

27 A writ of execution issued by the superior court shall be substantially in the following form:

28 THE STATE OF RHODE ISLAND ~~AND PROVIDENCE~~  
29 ~~PLANTATIONS.~~

30 SC.

31 To the sheriffs of our several counties, or to their deputies,

32 (SEAL) \_\_\_\_\_ Greeting:

33 Whereas ..... of ..... by the consideration of the SUPERIOR COURT holden at  
34 ..... did on the ..... day of ..... recover judgment against ..... of ..... for the



1 sum of ..... debt (or damages) and ..... costs of suit, as to us appears of record, whereof  
2 execution remains to be done: We command you, therefore, that of the goods and chattels and real  
3 estate of the said ....., within your precinct, you cause to be levied and paid unto the said  
4 ..... the aforesaid sums, being ..... in the whole, with 50 cents more for this writ; and  
5 thereof also to satisfy yourself for your own fees; [and for want of the goods and chattels and real  
6 estate of the said ..... to be found in your precinct to satisfy and pay the same as aforesaid,  
7 we command you to take the body of the said ..... and ..... commit unto our correctional  
8 institution in your precinct, therein to be kept until ..... pay the full sum above mentioned, with  
9 your fees, or until ..... be discharged by the said ..... or otherwise by order of law.]

10 Hereof fail not, and make true return of this writ and of your doings thereon to our superior  
11 court at ..... for our county of ..... on the ..... day of ..... A.D. .... .

12 Witness, the seal of our superior court at ..... this ..... day of .....in  
13 the year ..... .

14 , Clerk.

15 **9-25-8. Form of district court writ of execution.**

16 A writ of execution issued by a district court shall be substantially in the following form:

17 THE STATE OF RHODE ISLAND ~~AND PROVIDENCE~~  
18 ~~PLANTATIONS.~~

19 SC.

20 To the sheriff, his deputy or to either of the town sergeants or constables in the county  
21 of .....

22 (SEAL) Greeting:

23 Whereas ..... of ..... at a DISTRICT COURT holden at ..... did on the ..... day of  
24 ..... recover judgment of said court against ..... of ..... for the sum of ..... debt or (damages),  
25 and costs of suit taxed at ....., as of record of said court doth appear, which sums, in the whole,  
26 amount to ..... for which execution remains to be done: We command you, therefore, that of the  
27 goods and chattels and real estate of the said ..... within your precinct, you levy the said sum of  
28 ....., together with 15 cents for this execution, as also your lawful fees for serving the same, and  
29 therewith satisfy and pay the said .....; [and for want of the goods and chattels and real estate of  
30 the said to be by you found within your precinct, to satisfy and pay the same sums aforesaid, we  
31 command you to take the body of the said ..... into your custody, and ..... safely secure in our  
32 jail in ..... until ..... satisfy and pay the said ..... the sums aforesaid and your fees, or until .....  
33 be by the said ..... therefrom discharged, or otherwise by order of law.]

34 Hereof fail not, and make true return of this writ and of your doings thereon, on the .....

1 day of ..... A.D. ....

2 Witness, the seal of the district court of the ..... judicial district, this ..... day of .....  
3 in the year .....

4 , Clerk (or Justice.)

5 **9-25-9. Form of superior court writs of possession.**

6 (a) Writs of possession issuing from the superior court shall be substantially in the  
7 following form:

8 THE STATE OF RHODE ISLAND ~~AND PROVIDENCE~~  
9 ~~PLANTATIONS.~~

10 SC.

11 To the sheriffs of our several counties or to their deputies or to a certified constable,  
12 (SEAL) .....; .....; Greeting:

13 Whereas ..... by the consideration of the SUPERIOR COURT holden at ..... did on the  
14 ..... day of ..... recover judgment for the possession of ..... with the privileges and  
15 appurtenances thereto belonging against ..... who had unjustly withholden ..... from the  
16 possession thereof, and also by the consideration of the same court recovered judgment against the  
17 said ..... for the sum of ..... costs of suit, as to us appears of record, whereof execution remains  
18 to be done: We command you, therefore, that without delay you cause the said ..... to have  
19 possession of and in the said ..... with the privileges and appurtenances thereunto belonging. We  
20 also command you that of the goods and chattels and real estate of the said ....., within your  
21 precinct, you cause to be levied and paid to the said ..... the aforesaid sum of ....., and thereof  
22 also to satisfy yourself for your own fees; [and for want of the goods and chattels and real estate of  
23 the said ..... to be found in your precinct to satisfy and pay the same as aforesaid, we command  
24 you to take the body of the said ..... commit unto our correctional institution in your precinct,  
25 therein to be kept until ..... pay the full sum above mentioned, with your fees, or until ..... be  
26 discharged by the said ..... or otherwise by order of law.]

27 Hereof fail not, and make true return of this writ and of your doings thereon to our superior  
28 court at ..... on the ..... day of ..... A.D. ....

29 Witness, the seal of our superior court at ..... this ..... day of ..... in the year .....  
30 , Clerk.

31 (b) If an officer, serving an execution issued under this section on a judgment for the  
32 plaintiff for possession of land or tenements, removes personal property belonging to a person other  
33 than the plaintiff from the land or tenements and places it upon the sidewalk, highway, street, or  
34 way on which land or tenements abut, he or she may forthwith and before the expiration of the time

1 limited in any statute or ordinance for the removal of obstructions in the street, remove the personal  
2 property and cause it to be stored for the benefit of the owners thereof.

3 (c) Whoever accepts the personal property on storage from the officer shall have a lien  
4 thereon for reasonable storage fees and for reasonable expenses of removing it to the place of  
5 storage, but the lien shall not be enforced by sale of the property until the property has been kept  
6 on storage for at least thirty (30) days.

7 (d) If the owner of the property is present and claims it when it is so removed from the land  
8 or tenements, the officer shall not remove and store it, and his or her act of placing it upon the  
9 sidewalk, highway, street, or way shall be deemed to be the act of the owner, who alone shall be  
10 held to answer therefor.

11 **9-25-10. Form of district court writs of possession.**

12 (a) Writs of possession, issuing from a district court, shall be substantially in the following  
13 form:

14 THE STATE OF RHODE ISLAND ~~AND PROVIDENCE~~  
15 ~~PLANTATIONS.~~

16 SC.

17 To the sheriff, his deputy, or to either of the town sergeants or constables in the county  
18 of .....

19 (SEAL) Greeting:

20 Whereas ..... of ..... at a DISTRICT COURT holden at ..... did on the  
21 ..... day ..... of recover judgment of said court for the possession of ..... with  
22 the privileges and appurtenances thereto belonging against ..... of ..... who had  
23 unjustly withholden ..... from the possession thereof, and also, by the consideration of the  
24 same court, recovered judgment against the said ..... for the sum of ..... costs of suit,  
25 as of record of said court doth appear, whereof execution remains to be done: We command you,  
26 therefore, that without delay you cause the said ..... to have possession of and in the said  
27 ..... with the privileges and appurtenances thereunto belonging. We also command you that  
28 of the goods and chattels and real estate of the said ..... within your precinct, you cause to  
29 be levied and paid to the said ..... the aforesaid sum of ..... with 15 cents more for  
30 this writ, and thereof also to satisfy yourself for your own fees; [and for want of the goods and  
31 chattels and real estate of the said ..... to be found in your precinct to satisfy and pay the  
32 same as aforesaid, we command you to take the body of the said ..... and commit unto our  
33 correctional institution, in your precinct, therein to be kept until ..... pay the full sum above  
34 mentioned, with your fees, or until ..... be discharged by the said ..... or otherwise by

1 order of law.]

2 Hereof fail not, and make true return of this writ and of your doings thereon, on the  
3 ..... day of ..... A.D. ....

4 Witness, the seal of the district court of the ..... judicial district, this .....day  
5 of ..... in the year .....

6 , Clerk (or Justice.)

7 (b) If an officer, serving an execution issued under this section on a judgment for the  
8 plaintiff for possession of land or tenements, removes personal property belonging to a person other  
9 than the plaintiff from the land or tenements and places it upon the sidewalk, highway, street, or  
10 way on which land or tenements abut, he or she may forthwith and before the expiration of the time  
11 limited in any statute or ordinance for the removal of obstructions in the street, remove the personal  
12 property and cause it to be stored for the benefit of the owners thereof.

13 (c) Whoever accepts the personal property on storage from the officer shall have a lien  
14 thereon for reasonable storage fees and for reasonable expenses of removing it to the place of  
15 storage, but the lien shall not be enforced by sale of the property until the property has been kept  
16 on storage for at least thirty (30) days.

17 (d) If the owner of the property is present and claims it when it is so removed from the land  
18 or tenements, the officer shall not remove and store it, and his or her act of placing it upon the  
19 sidewalk, highway, street, or way shall be deemed to be the act of the owner, who alone shall be  
20 held to answer therefor.

21 SECTION 9. Section 10-9-4 of the General Laws in Chapter 10-9 entitled "Habeas Corpus"  
22 is hereby amended to read as follows:

23 **10-9-4. Issuance of writ -- Forms.**

24 (a) The court or justice to whom the complaint shall be made shall, without delay, award  
25 and issue a writ of habeas corpus; if against any sheriff or deputy sheriff of this state, or against the  
26 warden of any correctional institution in this state, or against any marshal or deputy marshal of the  
27 United States, it shall be substantially in the following form:

28 The State of Rhode Island ~~and Providence Plantations.~~

29 SC.

30 (SEAL) To Greeting:

31 We command you, that the body of ..... of ....., in your custody (or, by you  
32 imprisoned or restrained of his or her liberty, as the case may be), as it is said, together with the  
33 day and cause of his or her taking and detaining by whatsoever name the said ..... shall be  
34 called or charged, you have before our supreme (or superior as the case may be) court, held at



1 precinct, and ..... in safe custody keep, to answer the complaint of ..... of  
2 ..... on the return day hereof (said return day being the ..... day of .....  
3 A. D. 19 .... ) in the SUPERIOR COURT to be holden at the county courthouse at ....., in  
4 an action of ..... as by declaration to be filed in court will be fully set forth, to the damage  
5 of the plaintiff, as he or she says, ..... dollars.

6 Hereof fail not, and make true return of this writ with your doings thereon.

7 Witness, the seal of our superior court, at ..... this ..... day of .....  
8 in the year .....

9 , Clerk.

10 **10-10-3. Form of writ from district court.**

11 An original writ of arrest issued from a district court shall be substantially in the following  
12 form:

13 THE STATE OF RHODE ISLAND ~~AND PROVIDENCE~~  
14 ~~PLANTATIONS.~~

15 SC.

16 To the sheriff of the county of ....., his or her deputies, or to either of the town  
17 sergeants or constables in said county,

18 (SEAL) Greeting:

19 We command you to arrest the body of ..... of ....., if to be found in  
20 your precinct, and ..... in safe custody keep, to answer the complaint of .....  
21 of ....., (The remainder as in a writ of summons.)

22 SECTION 11. Section 11-37.2-7 of the General Laws in Chapter 11-37.2 entitled "Sexual  
23 Assault Protective Orders" is hereby amended to read as follows:

24 **11-37.2-7. Form of complaint.**

25 (a) A form in substantially the following language shall suffice for the purpose of filing a  
26 complaint under this chapter:

27 STATE OF RHODE ISLAND DISTRICT COURT

28 COUNTY OF \_\_\_\_\_ DIVISION

29 \_\_\_\_\_

30 Plaintiff:

31 VS: NO:

32 \_\_\_\_\_:

33 Defendant:

34 COMPLAINT FOR PROTECTION FROM ABUSE

1 Pursuant to chapter 8.1 of title 8, I request that the court enter an order protecting me from  
2 abuse.

3 (a)(1) My full name, present street address, city and telephone number are as follows:

4 \_\_\_\_\_

5 (b)(2) The full name, present street address, city and telephone number of the person  
6 causing me abuse (the defendant) are as follows:

7 \_\_\_\_\_

8 (c)(3) On or about \_\_\_\_\_, without cause or provocation, I suffered abuse  
9 when the defendant:

10  Threatened or harmed with a weapon: \_\_\_\_\_ (type of weapon used)

11  Attempted to cause me physical harm;

12  Caused me physical harm;

13  Placed me in fear of imminent physical harm;

14  Caused me to engage involuntarily in sexual relations by force, threat of force or duress;

15  Attempted to cause me to engage involuntarily in sexual relations by force, threat of  
16 force or duress;

17 Specifically, the defendant: \_\_\_\_\_

18 \_\_\_\_\_

19 (d) I ask that:

20  The court order that the defendant be restrained and enjoined from contacting,  
21 assaulting, molesting or otherwise interfering with the plaintiff at home, on the street or elsewhere.

22  I request that the above relief be ordered without notice because it clearly appears from  
23 specific facts shown by affidavit or by the verified complaint that I will suffer immediate and  
24 irreparable injury, loss or damage before notice can be served and a hearing had thereon. I  
25 understand that the court will schedule a hearing no later than twenty-one (21) days after such order  
26 is entered on the question of continuing such temporary order.

27 (e) I have not sought protection from abuse from any other judge of the district court arising  
28 out of the same facts or circumstances alleged in this complaint.

29 \_\_\_\_\_

30 (Signature) (Date)

31 Subscribed and sworn to before me in \_\_\_\_\_ in the County of  
32 \_\_\_\_\_ in the State of Rhode Island ~~and Providence Plantations~~, this \_\_\_\_\_ day of

33 \_\_\_\_\_ A.D. \_\_\_\_\_

34 Notary Public

1 Note: If this complaint is filed by an attorney, the attorney's certificate should appear  
2 below:

3 ATTORNEY CERTIFICATE

4 Signed:

5 \_\_\_\_\_

6 Attorney for Plaintiff

7 Address:

8 \_\_\_\_\_

9 \_\_\_\_\_

10 Date: \_\_\_\_\_

11 WHITE COPY [ ] Court

12 YELLOW COPY [ ] Plaintiff

13 PINK COPY [ ] Defendant

14 GOLDENROD COPY [ ] Police Department

15 (b) A form in substantially the following language shall suffice for the purpose of  
16 requesting temporary orders under this chapter:

17 STATE OF RHODE ISLAND DISTRICT COURT

18 COUNTY OF \_\_\_\_\_ DIVISION

19 \_\_\_\_\_

20 Plaintiff:

21 VS: NO:

22 SECTION 12. Section 12-7-11 of the General Laws in Chapter 12-7 entitled "Arrest" is  
23 hereby amended to read as follows:

24 **12-7-11. Summons.**

25 (a) In any case in which a peace officer has reasonable grounds to believe that a person has  
26 committed or is committing a misdemeanor, he or she may issue a summons to the person  
27 substantially in the following form:

28 (Summons)

29 STATE OF RHODE ISLAND ~~AND PROVIDENCE PLANTATIONS~~

30 To.....

31 You are hereby summoned to appear before a judge of the District Court for the .....  
32 Division, located at ..... in the (City)(Town) of ....., in the State of Rhode Island, on  
33 the ..... day of ....., 20 ..... at ..... o'clock ..... m., to answer to a complaint charging  
34 you with the crime of ..... in violation of [statute, ordinance, etc.]



1 If you fail to appear and answer, a warrant will issue for your arrest.

2 Dated at ..... the..... day of..... 20.....

3 Title .....

4 Department .....

5 (b) Willful failure to appear in answer to this summons may be punished by a fine of not  
6 over fifty dollars (\$50.00) or imprisonment for not over fifteen (15) days.

7 SECTION 13. Section 15-14.1-2 of the General Laws in Chapter 15-14.1 entitled "Uniform  
8 Child Custody Jurisdiction and Enforcement Act" is hereby amended to read as follows:

9 **15-14.1-2. Definitions.**

10 As used in this chapter the following words and phrases shall have the following meanings  
11 unless the context shall indicate another or different meaning or intent:

12 (1) "Abandoned" means left without provision for reasonable and necessary care or  
13 supervision;

14 (2) "Child" means an individual who has not attained eighteen (18) years of age;

15 (3) "Child custody determination" means a judgment, decree, or other order of a court  
16 providing for the legal custody, physical custody, or visitation with respect to a child. The term  
17 includes a permanent, temporary, initial, and modification order. The term does not include an order  
18 relating to child support or other monetary obligation of an individual;

19 (4) "Child custody proceeding" means a proceeding in which legal custody, physical  
20 custody, or visitation with respect to a child is an issue. The term includes a proceeding for divorce,  
21 separation, neglect, abuse, dependency, guardianship, paternity, termination of parental rights, and  
22 protection from domestic violence, in which the issue may appear. The term does not include a  
23 proceeding involving juvenile delinquency, contractual emancipation, or enforcement under this  
24 chapter;

25 (5) "Commencement" means the filing of the first pleading in a proceeding;

26 (6) "Court" means the family court of the State of Rhode Island ~~and Providence Plantations~~  
27 unless another meaning is so indicated;

28 (7) "Home state" means the state in which a child lived with a parent or a person acting as  
29 a parent for at least six (6) consecutive months immediately before the commencement of a child  
30 custody proceeding. In the case of a child less than six (6) months of age, the term means the state  
31 in which the child lived from birth with any of the persons mentioned. A period of temporary  
32 absence of any of the mentioned persons is part of the period;

33 (8) "Initial determination" means the first child custody determination concerning a  
34 particular child;

1 (9) "Issuing court" means the court that makes a child custody determination for which  
2 enforcement is sought under this chapter;

3 (10) "Issuing state" means the state in which a child custody determination is made;

4 (11) "Modification" means a child custody determination that changes, replaces,  
5 supercedes, or is otherwise made after a previous determination concerning the same child, whether  
6 or not it is made by the court that made the previous determination;

7 (12) "Person" means an individual, corporation, business trust, estate, trust, partnership,  
8 limited liability company, association, joint venture, government, governmental subdivision,  
9 agency, or instrumentality, public corporation, or any other legal or commercial entity;

10 (13) "Person acting as a parent" means a person, other than a parent, who:

11 (i) Has physical custody of the child or has had physical custody for a period of six (6)  
12 consecutive months, including any temporary absence, within one year immediately before the  
13 commencement of a child custody proceeding; and

14 (ii) Has been awarded legal custody by a court or claims a right to legal custody under the  
15 law of this state.

16 (14) "Physical custody" means the physical care and supervision of a child;

17 (15) "State" means a state of the United States, the District of Columbia, Puerto Rico, the  
18 United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the  
19 United States;

20 (16) "Tribe" means an Indian tribe or band, or Alaskan Native village, which is recognized  
21 by federal law or formally acknowledged by a state;

22 (17) "Warrant" means an order issued by a court authorizing law enforcement officers to  
23 take physical custody of a child.

24 SECTION 14. Section 31-3-47 of the General Laws in Chapter 31-3 entitled "Registration  
25 of Vehicles" is hereby amended to read as follows:

26 **31-3-47. Judiciary plates.**

27 (a) The administrator of the division of motor vehicles is empowered to make available to  
28 each justice of the supreme, superior, family, and district courts to each judge of the workers'  
29 compensation court, the general magistrate of the family court, and to each judge or magistrate of  
30 the traffic tribunal of the state of Rhode Island ~~and Providence Plantations~~, so long as that member  
31 is serving, a special motor vehicle registration plate.

32 (b) Each special motor vehicle registration plate shall carry thereon the design and the seal  
33 of the state of Rhode Island ~~and Providence Plantations~~ and the word, "judiciary".

34 (c) The special motor vehicle registration plate shall have consecutive numbers starting

1 with one through the combined number of people entitled to said plates. Numbers one through five  
2 (5) shall be assigned to the supreme court; numbers six (6) through eight (8) shall be assigned to  
3 the presiding justice of superior court, chief judge of family court, and chief judge of district court,  
4 number nine (9) shall be assigned to the chief judge of the workers' compensation court; number  
5 ten (10) shall be assigned to the chief magistrate of the traffic tribunal. Each remaining member of  
6 the judiciary, and the remaining members of the workers' compensation court, and the remaining  
7 judges and magistrates of the traffic tribunal and the general magistrate of the family court will  
8 then be awarded a number according to seniority. The administrator of the division of motor  
9 vehicles shall reassign numbers no more than every four (4) years after the initial distribution.

10 (d) Each member of the judiciary, workers' compensation court, the general magistrate of  
11 the family court and traffic tribunal, as provided in this section, shall have the option of displaying  
12 at any time that plate or the private registration plate assigned to his or her vehicle.

13 (e) The administrator of the division of motor vehicles shall issue the judiciary plate upon  
14 payment, in addition to the regular prescribed motor vehicle registration fee, of a service charge of  
15 ten dollars (\$10.00) for each issue and for each registration renewal.

16 SECTION 15. Sections 34-19-1, 34-19-2 and 34-19-6 of the General Laws in Chapter 34-  
17 19 entitled "Forcible Entry and Detainer" are hereby amended to read as follows:

18 **34-19-1. Warrant for summons of jury.**

19 Whenever a complaint shall be made in writing and under oath of the complainant, or of  
20 some one in his or her behalf, to a justice of the superior court, that any person has made unlawful  
21 and forcible entry into lands or tenements, and with a strong hand detains the lands or tenements,  
22 or that, having made lawful and peaceable entry, or peaceable entry, into lands or tenements, any  
23 person unlawfully and with force holds and detains them, the court shall make out a warrant under  
24 its hand and seal, directed to the sheriff of the county in which the lands or tenements lie, or to his  
25 or her deputy, commanding him or her in behalf of the state to cause to come before the superior  
26 court, at such time and place as the court shall appoint within the county, twelve (12) good and  
27 lawful men or women of the same county, which warrant shall be in the following form:

28 THE STATE OF RHODE ISLAND ~~AND PROVIDENCE~~  
29 ~~PLANTATIONS.~~  
30 SC.

31 (SEAL) To the sheriff of the county of ..... or ..... to his or her  
32 deputy, ..... Greeting:

33 Whereas complaint is made to me, the subscriber, by ..... of ..... that  
34 ..... of ..... upon the ..... day of ..... at ..... with force and

1 arms and with a strong hand did unlawfully and forcibly enter into and upon a tract of land of him  
2 or her ..... in ..... aforesaid ..... containing ..... acres, bounded  
3 as follows, viz.: (or, into the messuage or tenement of him or her, ..... as the case may be,  
4 describing it) and him or her ..... with force and a strong hand as aforesaid did expel and  
5 unlawfully put out of possession of the same (or, as the case may be, that having made lawful and  
6 peaceable entry, or peaceable entry, such person unlawfully and with force holds and detains him  
7 or her ..... out of the same), you are hereby commanded in behalf of the state to cause to  
8 come before our superior court, upon the ..... day of ..... at ..... o'clock  
9 ( : ) in the ..... noon at ..... in the county of ..... twelve (12) good and lawful  
10 men or women of your county to be impaneled and sworn, to inquire into the forcible entry and  
11 detainer (or forcible detainer, as the case may be), as aforescribed.

12 Given under my hand and seal the ..... day of ..... in the year .....  
13 Justice of the superior court.

14 **34-19-2. Issuance of summons to defendant.**

15 The court shall also make out a summons to the party complained against in the form  
16 following:

17 THE STATE OF RHODE ISLAND ~~AND PROVIDENCE~~  
18 PLANTATIONS.  
19 SC.

20 (SEAL) To the sheriff of the county of ..... or ..... to his deputy,  
21 ..... Greeting:

22 We command you that you summon ..... of ..... to appear before our superior court  
23 at ..... in our county of ..... on the ..... day of ..... at ..... o'clock ( : ) in the  
24 ..... noon, then and there to answer to and defend against the complaint of ..... there  
25 exhibited: ..... wherein ..... complains that (here recite the complaint); and you are to  
26 make return of this writ with your doings thereon unto our the court upon or before the such day.

27 Given under my hand and seal, the ..... day of ..... in the year .....  
28 Justice of the superior court.

29 **34-19-6. Judgment and writ of restitution.**

30 Upon the return of verdict for the complainant, the court shall enter up judgment that the  
31 complainant have restitution of the premises, with all costs, to be taxed by the court, and shall  
32 award a writ of restitution and for costs against the party complained of, in the form following:

33 THE STATE OF RHODE ISLAND ~~AND PROVIDENCE~~  
34 PLANTATIONS.

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SC.

(SEAL) To the sheriff of our county of ....., or to ..... his or her deputy,

..... Greeting:

Whereas, at a court of inquiry of forcible entry and detainer, ..... held at .....  
in our county of ..... upon the ..... day of ..... in the year ..... before one of the  
justices of the superior court, the jurors impaneled and sworn by our justice did return their verdict  
in writing, signed by each of them, that ..... was upon the ..... day of ..... in the rightful  
possession of a certain messuage or tract of land (as in the verdict returned), and that (as in the  
verdict), whereupon it was considered by our court that ..... should have restitution of the same,  
we command you, that, taking with you the power of the county, if necessary, you cause ..... to  
be forthwith removed from the premises, and ..... to have peaceable possession of the same,  
and also that you levy of the goods and chattels and real estate of the said ..... the sum of .....  
being costs taxed against him or her on the trial aforesaid, together with twenty-five cents (25¢)  
more for this writ, and also your own fees for levying the same; and for want of such goods and  
chattels or real estate of ..... to be by you found, you are commanded to take the body of .....  
and him or her to commit to jail in ....., in ..... county of ....., there to remain until he  
shall pay the sum aforesaid together with all fees arising on the service of this writ or until he is  
delivered by order of law; and make return of this writ and your doings thereon within twenty (20)  
days next coming.

Witness the seal of the superior court the ..... day of ..... in the year .....

..... Clerk.

(or) Witness my hand and seal the ..... day of ..... in the year .....

Justice of the superior court.

SECTION 16. This act shall take effect upon passage.

=====  
LC002873  
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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - SUPREME COURT - COURTS

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1           This act removes all references to "and Providence Plantations" in statutes relating to the  
2 judiciary, in accordance with the constitutional amendment approved by the voters on November  
3 3, 2020.

4           This act would take effect upon passage.

=====  
LC002873  
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