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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - FAMILY COURT

Introduced By: Representatives Valencia, Ferri, O'Grady, MacBeth, and McCauley

Date Introduced: February 16, 2012

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. This act shall be known as the "Equal Access to Family Court Act."

2 SECTION 2. Section 8-10-3 of the General Laws in Chapter 8-10 entitled "Family Court"
3 is hereby amended to read as follows:

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

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

26 Consistent with established comity law, regardless of the sex of the parties or whether the
27 parties would have been eligible to marry in Rhode Island, the parties to any marriage celebrated
28 in any state of the United States, possession of the United States, or in any foreign country, may
29 petition for a divorce proceeding in this state so long as the parties meet the jurisdictional
30 requirements of section 15-5-12.

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

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

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

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

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

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

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

16 SECTION 3. This act shall take effect upon passage and applies to any marriage or civil
17 union whether entered into before or after the effective date of the act.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would allow anyone meeting the jurisdictional requirements of section 15-5-12
2 to petition for divorce from marriage or civil union.

3 This act would take effect upon passage and would apply to any divorce entered into
4 before or after the effective date.

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