

2019 -- H 5788

LC002000

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - FAMILY COURT

Introduced By: Representatives Shanley, and Mendez

Date Introduced: February 28, 2019

Referred To: House 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, where in 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; adoption of children under eighteen (18) years of age; change of names  
11 of children under the age of eighteen (18) years; paternity of children born out of wedlock and  
12 provision for the support and disposition of such children or their mothers; child marriages; those  
13 matters referred to the court in accordance with the provisions of § 14-1-28; those matters relating  
14 to adults who shall be involved with paternity of children born out of wedlock; responsibility for  
15 or contributing to the delinquency, waywardness, or neglect of children under sixteen (16) years  
16 of age; desertion, abandonment, or failure to provide subsistence for any children dependent upon  
17 such adults for support; neglect to send any child to school as required by law; bastardy  
18 proceedings and custody to children in proceedings, whether or not supported by petitions for  
19 divorce or separate maintenance or for relief without commencement of divorce proceedings; and  
20 appeals of administrative decisions concerning setoff of income tax refunds for past due child  
21 support in accordance with §§ 44-30.1-5 and 40-6-21. The holding of real estate as tenants by the  
22 entirety shall not in and of itself preclude the family court from partitioning real estate so held for  
23 a period of six (6) months after the entry of final decree of divorce.

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

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

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

34 (e) The family court shall have jurisdiction over those civil matters relating to the

1 enforcement of laws regulating child care providers and child placing agencies.

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

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

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

9 (h) Notwithstanding any general or public law to the contrary, it is determined that a  
10 discrete population of vulnerable immigrant children who otherwise qualify for special immigrant  
11 juvenile status pursuant to 8 U.S.C. § 1101 (a)(27)(j) require recourse to the family court to  
12 protect them from further parental abandonment, abuse or neglect. For purposes of this  
13 subsection, the term "child" shall include an unmarried person who is younger than twenty-one  
14 (21) years of age. The family court shall hear and make findings of an immigrant child under the  
15 age of twenty-one (21) years, pursuant to a motion for factual findings requesting certain  
16 determinations including that the child was abused, neglected, or abandoned, and adjudication of  
17 said motion.

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

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

5           This act would take effect upon passage.

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