

2021 -- H 5296

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - FAMILY COURT

Introduced By: Representatives Williams, Knight, Batista, Biah, Perez, and Hull

Date Introduced: January 29, 2021

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

1 for the purposes of modification pursuant to § 15-23.1-611, or (2) Rhode Island issued the order
2 and has continuing exclusive jurisdiction over the parties; antenuptial agreements, property
3 settlement agreements and all other contracts between persons, who at the time of execution of the
4 contracts, were husband and wife or planned to enter into that relationship; complaints for support
5 of parents and children; those matters relating to delinquent, wayward, dependent, neglected, or
6 children with disabilities who by reason of any disability requires special education or treatment
7 and other related services; to hear and determine all petitions for guardianship of any child who has
8 been placed in the care, custody, and control of the department for children, youth, and families
9 pursuant to the provisions of chapter 1 of title 14 and chapter 11 of title 40; adoption of children
10 under eighteen (18) years of age; change of names of children under the age of eighteen (18) years;
11 paternity of children born out of wedlock and provision for the support and disposition of such
12 children or their mothers; child marriages; those matters referred to the court in accordance with
13 the provisions of § 14-1-28; those matters relating to adults who shall be involved with paternity
14 of children born out of wedlock; responsibility for or contributing to the delinquency, waywardness,
15 or neglect of children under sixteen (16) years of age; desertion, abandonment, or failure to provide
16 subsistence for any children dependent upon such adults for support; neglect to send any child to
17 school as required by law; bastardy proceedings and custody to children in proceedings, whether
18 or not supported by petitions for divorce or separate maintenance or for relief without
19 commencement of divorce proceedings; and appeals of administrative decisions concerning setoff
20 of income tax refunds for past due child support in accordance with §§ 44-30.1-5 and 40-6-21. The
21 holding of real estate as tenants by the entirety shall not in and of itself preclude the family court
22 from partitioning real estate so held for a period of six (6) months after the entry of final decree of
23 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 accordance
32 with §§ 44-30.1-5 and 40-6-21, and appeals of administrative agency orders of the department of
33 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 protect
12 them from further parental abandonment, abuse or neglect. For purposes of this subsection, the
13 term "child" shall include an unmarried person who is younger than twenty-one (21) years of age.
14 The family court shall hear and make findings of an immigrant child under the age of twenty-one
15 (21) years, pursuant to a motion for factual findings requesting certain determinations including
16 that the child was abused, neglected, or abandoned, and adjudication of said motion.

17 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 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 law.
4 This act would take effect upon passage.

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