

2022 -- S 2789

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE--PROCEDURE GENERALLY --
PROCEEDINGS IN AID OF EXECUTION

Introduced By: Senators Quezada, Euer, Burke, Murray, and Cano

Date Introduced: March 24, 2022

Referred To: Senate Judiciary

(Judiciary)

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-28-3 of the General Laws in Chapter 9-28 entitled "Proceedings in
2 Aid of Execution" is hereby amended to read as follows:

3 **9-28-3. Citation to show cause why instalment payments should not be decreed.**

4 On the filing of an application by a judgment creditor, execution on whose judgment has
5 been returned either wholly or in part unsatisfied and unpaid, the clerk or a justice of the court
6 rendering the judgment, or if the judgment is rendered in the superior court in a case in which the
7 writ was returnable to a district court, then and in such case the clerk or justice of the district court
8 to which the writ was returnable, if the papers in the case shall have been transmitted to the district
9 court as hereinafter provided, shall issue a citation to the judgment debtor requiring the judgment
10 debtor to contact the attorney for the judgment creditor or pro se judgment creditor within twenty-
11 five (25) days of receipt of the citation to establish a payment agreement. If the debtor defendant
12 fails to contact the attorney for the judgment creditor or pro se judgment creditor within twenty-
13 five (25) days, the attorney for the judgment creditor or pro se judgment creditor may request that
14 the district court clerk's office mail a notice with a date and time of hearing to the defendant. Upon
15 notice from the district court, the defendant shall ~~to~~ appear at ~~a~~ the time and place named therein
16 to show cause why an examination into his or her circumstances should not be made and a decree
17 be entered ordering him or her to pay the judgment in full or by instalment, weekly, monthly, or
18 otherwise. ~~The citation shall be made returnable to the court by which it was issued and shall be~~

1 ~~served by delivering a copy to the debtor or by leaving a copy at the last and usual place of abode~~
2 ~~of the debtor with some person living there at least six (6) days before the return day named therein.~~

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would require that upon issuance of a citation, the judgment debtor is given
2 twenty-five (25) days to contact the judgment creditor to resolve the matter prior to court
3 intervention. In the event the debtor does not contact the creditor, the court shall issue a notice with
4 a time and date for a hearing.

5 This act would take effect upon passage.

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