

2024 -- H 7097

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

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A N A C T

RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION

Introduced By: Representatives DeSimone, Noret, Cardillo, Shallcross Smith, Caldwell,  
Morales, Diaz, Hull, Corvese, and Kislak

Date Introduced: January 10, 2024

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-5-12 of the General Laws in Chapter 15-5 entitled "Divorce and  
2 Separation" is hereby amended to read as follows:

3 **15-5-12. Domicile and residence requirements.**

4 (a) No complaint for divorce from the bond of marriage shall be granted unless the plaintiff  
5 has been a domiciled inhabitant of this state and has resided in this state for a period of ~~one-year~~  
6 six (6) months next before the filing of the complaint; provided, that if the defendant has been a  
7 domiciled inhabitant of this state and has resided in this state for the period of ~~one-year~~ six (6)  
8 months next before the filing of the complaint, and is actually served with process, the requirement  
9 of this subsection as to domicile and residence on the part of the plaintiff is deemed satisfied and  
10 fulfilled. The residence and domicile of any person immediately prior to the commencement of his  
11 or her active service as a member of the armed forces or of the merchant marine of the United  
12 States, or immediately prior to his or her absence from the state in the performance of services in  
13 connection with military operations as defined in subsection (c) of this section, shall, for the  
14 purposes of this section, continue to be his or her residence and domicile during the time of his or  
15 her service and for a period of thirty (30) days after this. Testimony to prove domicile and residence  
16 may be received through the ex parte affidavit of one witness.

17 (b) Every word importing the masculine gender only shall be construed in this section to  
18 extend to and include females as well as males.

19 (c) The term "services in connection with military operations" shall be construed in this

1 section to include persons serving with the American Red Cross, the Society of Friends, the  
2 Women's Auxiliary Service Pilots, and the United Service Organizations.

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 provide for a residency requirement of at least six (6) months rather than
- 2 one year for the Rhode Island family court to have jurisdiction over a divorce complaint.
- 3           This act would take effect upon passage.

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