

2020 -- H 7717

=====  
LC004629  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

—————  
A N A C T

RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION

Introduced By: Representatives Casimiro, and Roberts

Date Introduced: February 26, 2020

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 15-5-29 of the General Laws in Chapter 15-5 entitled "Divorce and  
2 Separation" is hereby amended to read as follows:

3 **15-5-29. Mediation proceedings involving custody and/or visitation.**

4 (a) Where, in any petition for divorce, divorce from bed and board, or relief without the  
5 commencement of divorce proceedings, the family court may, as to issues of custody and visitation,  
6 direct the parties to participate in mediation in an effort to resolve their differences, the court may  
7 order the participation in mediation in a program established by the court.

8 (b) At its discretion, the court may:

9 (1) Order mediation under this section prior to trial and postpone trial of the case pending  
10 the outcome of the mediation, in which case the issues of custody and visitation shall be tried only  
11 upon failure to resolve the issues of custody by mediation;

12 (2) Order mediation under this section prior to trial and proceed to try the case as to issues  
13 other than custody and visitation while the parties are at the same time engaged in the mediation,  
14 in which the issue of custody shall be tried separately upon failure to resolve the issues; ~~and~~

15 (3) Complete the trial of the case on all issues and order mediation under this section upon  
16 the conclusion of the trial, postponing entry of the decree pending outcome of the mediation, in  
17 which case the court may enter a temporary decree as to issues other than custody any visitation  
18 upon completion of the trial or may postpone entry of any decree until the expiration of the  
19 mediation period of agreement of the parties: and

1           (4) Order mediation to consider the reasonable visitation of the grandchild or grandchildren  
2 to the grandparent.

3           (i) Grandparents shall be eligible to initiate and access mediation proceedings to seek  
4 reasonable visitation with their grandchildren under this section, independent of whether the  
5 grandparents' child who is the parent of the grandchild is involved in the mediation action. The  
6 court shall exercise discretion in these matters, but in making determinations, the best interest of  
7 the grandchild shall be paramount.

8           (c) Communications made by or to a mediator or between parties in the presence of the  
9 mediator as a part of mediation ordered under this section are privileged and are not admissible as  
10 evidence in any civil or criminal proceeding.

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

=====  
LC004629  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T  
RELATING TO DOMESTIC RELATIONS -- DIVORCE AND SEPARATION

\*\*\*

1           This act would require family court mediation to consider grandparent visitation and permit  
2 grandparents to initiate and access mediation proceedings to seek reasonable visitation with a  
3 grandchild.

4           This act would take effect upon passage.

=====  
LC004629  
=====