

2012 -- S 2510

=====  
LC01576  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

—————  
A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - FAMILY COURT

Introduced By: Senators Nesselbush, Perry, Miller, Pichardo, and Doyle

Date Introduced: February 16, 2012

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. This act shall be known and may be cited as the “Equal Access to Family  
2 Court Act.”

3           SECTION 2. Section 8-10-3 of the General Laws in Chapter 8-10 entitled "Family Court"  
4 is hereby amended to read as follows:

5           **8-10-3. Establishment of court -- Jurisdiction -- Seal -- Oaths. --** (a) There is hereby  
6 established a family court, consisting of a chief judge and eleven (11) associate justices, to hear  
7 and determine all petitions for divorce from the bond of marriage and from bed and board;  
8 [petitions for dissolution of civil unions](#); all motions for allowance, alimony, support and custody  
9 of children, allowance of counsel and witness fees, and other matters arising out of petitions and  
10 motions relative to real and personal property in aid thereof, including, but not limited to,  
11 partitions, accountings, receiverships, sequestration of assets, resulting and constructive trust,  
12 impressions of trust, and such other equitable matters arising out of the family relationship,  
13 wherein jurisdiction is acquired by the court by the filing of petitions for divorce, bed and board  
14 and separate maintenance; all motions for allowance for support and educational costs of children  
15 attending high school at the time of their eighteenth (18th) birthday and up to ninety (90) days  
16 after high school graduation, but in no case beyond their nineteenth (19th) birthday; enforcement  
17 of any order or decree granting alimony and/or child support, and/or custody and/or visitation of  
18 any court of competent jurisdiction of another state; modification of any order or decree granting  
19 alimony and/or custody and/or visitation of any court of competent jurisdiction of another state on

1 the ground that there has been a change of circumstances; modification of any order or decree  
2 granting child support of any court of competent jurisdiction of another state provided: (1) the  
3 order has been registered in Rhode Island for the purposes of modification pursuant to section 15-  
4 23.1-611, or (2) Rhode Island issued the order and has continuing exclusive jurisdiction over the  
5 parties; antenuptial agreements, property settlement agreements and all other contracts between  
6 persons, who at the time of execution of the contracts, were ~~husband and wife~~ [spouses](#) or planned  
7 to enter into ~~that~~ [a spousal](#) relationship; complaints for support of parents and children; those  
8 matters relating to delinquent, wayward, dependent, neglected, or children with disabilities who  
9 by reason of any disability requires special education or treatment and other related services; to  
10 hear and determine all petitions for guardianship of any child who has been placed in the care,  
11 custody, and control of the department for children, youth, and families pursuant to the provisions  
12 of chapter 1 of title 14 and chapter 11 of title 40; adoption of children under eighteen (18) years  
13 of age; change of names of children under the age of eighteen (18) years; paternity of children  
14 born out of wedlock and provision for the support and disposition of such children or their  
15 mothers; child marriages; those matters referred to the court in accordance with the provisions of  
16 section 14-1-28; those matters relating to adults who shall be involved with paternity of children  
17 born out of wedlock; responsibility for or contributing to the delinquency, waywardness, or  
18 neglect of children under sixteen (16) years of age; desertion, abandonment, or failure to provide  
19 subsistence for any children dependent upon such adults for support; neglect to send any child to  
20 school as required by law; bastardy proceedings and custody to children in proceedings, whether  
21 or not supported by petitions for divorce or separate maintenance or for relief without  
22 commencement of divorce proceedings; and appeals of administrative decisions concerning setoff  
23 of income tax refunds for past due child support in accordance with sections 44-30.1-5 and 40-6-  
24 21. The holding of real estate as tenants by the entirety shall not in and of itself preclude the  
25 family court from partitioning real estate so held for a period of six (6) months after the entry of  
26 final decree of divorce. [Consistent with established comity law, regardless of the sex of the  
27 parties or whether the parties would have been eligible to marry in Rhode Island, the parties to  
28 any marriage, celebrated in any state of the United States, possession of the United States, or in  
29 any foreign country may petition for a divorce proceeding in this state so long as the parties meet  
30 the jurisdictional requirements of section 15-5-12.](#)

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

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

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

7           (e) The family court shall have jurisdiction over those civil matters relating to the  
8 enforcement of laws regulating child care providers and child placing agencies.

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

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

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

16           SECTION 3. This act shall take effect upon passage and apply to any marriage or civil  
17 union whether entered into before or after the effective date of this act.

=====  
LC01576  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO COURTS AND CIVIL PROCEDURE - COURTS - FAMILY COURT

\*\*\*

1           This act would broaden the power of the family court to hear petitions for dissolution of  
2 civil unions and marriages regardless of the sex of the parties.

3           This act would take effect upon passage and would apply to civil unions and all  
4 marriages which were entered into before or after the effective date of this act.

=====  
LC01576  
=====