

RHODE ISLAND FAMILY COURT  
ADMINISTRATIVE ORDER 2011-4

DOMESTIC RELATIONS  
CASE FLOW SYSTEM

(This Order amends Administrative Orders 96-3, 98-1, 2006-09, 2007-2)

As of October 1, 2011, due to the lack of an authorized statutory complement of associate justices and magistrates, the Family Court cannot maintain its usual Domestic Relations services to members of the Rhode Island Bar, litigants and witnesses. All Domestic Relations cases filed after October 1, 2011 and going forward are affected by this Order.

It is necessary to extend the time from filing to disposition in order to handle cases effectively. Without the Judicial Staff as well as supporting staff required to assist lawyers and litigants, the public has been denied access to this Court. In the event that all judicial appointments are made and a full complement of sufficient judicial officers and staff are employed, subsequent administrative orders may be written.

TWO TRACK SYSTEM

1. The two-track system for all domestic relations divorce proceedings consists of the nominal and contested tracks:
  - a. The nominal track (uncontested cases) is designed for uncontested cases or cases in which there are agreements regarding all issues;

- b. The contested track is designed for those cases identified as potentially requiring a future trial.
2. At the time of filing a complaint for divorce, plaintiff's counsel shall designate the case for placement on the nominal track or the contested track. Selection of the nominal track will place the case in line for disposition within a maximum of one hundred forty (140) days from the date of filing. Selection of the contested track will place the case in line for disposition in two hundred ten (210) days (30 weeks) up to four hundred ninety (490) days (70 weeks).

In the event that a track is not selected by plaintiff's counsel, the case will be placed on the nominal track by the clerk of the court.

3. Motions for temporary support, custody or counsel fees shall be accompanied by a supporting affidavit containing a statement of the applicant's current assets, liabilities, income and expenses (DR-6 Form Revised 2011). Motions for temporary orders will be heard at 9:00 AM six (6) to (8) weeks or the next available Court date after filing.

A party who opposes the motion(s) shall also file an affidavit containing a statement of current assets, liabilities, income and expenses (DR-6 Form Revised 2011) with the Court and opposing counsel at least seven (7) days prior to the hearing date. Orders on motions for temporary support, custody or counsel fees may be reviewed by the Court at the case management conference.

4. Upon the filing of a complaint, the Clerk of Court will assign a hearing date and time for the case as follows: For the nominal track, a hearing on the merits will be set for a date and time certain within a maximum of twenty (20) weeks -- one hundred forty (140) days -- after the date of the filing of the complaint. For the contested track, the Clerk of Court will assign a date and time certain for a case management conference within twenty (20) weeks -- (140) days -- from the date of the filing of the complaint.

#### NOMINAL TRACK

5. In answered cases, it shall be the duty of counsel to notify the client of the date and time of the hearing on the merits for nominal track cases.

In unanswered cases, nothing herein shall prevent counsel from notifying the defendant of hearing dates and times.

6. On the day set for the nominal hearing, the case will be called for hearing. If the case is unable to proceed, then the case will be moved to the contested track and the Court will set the case down for a case management conference within thirty (30) weeks of the date of filing. At the hearing on the merits, a decision will be made and judgment will be entered after hearing. Counsel shall prepare and file with the Court a Decision Pending Entry of Final Judgment within thirty (30) days after the hearing on the merits. Failure to do so will require counsel to file a motion for entry of the judgment out of time and the Court may impose appropriate sanctions.

The Final Decree may be entered at any time within thirty (30) days after the expiration of three (3) months from the date of decision. Failure to enter the Final

Decree pursuant to RIGL § 15-5-23 will require counsel to file a motion for entry of the Final Decree out of time and the Court may impose appropriate sanctions.

#### CASE MANAGEMENT CONFERENCE

7. Prior to all case management conferences, counsel shall personally meet to discuss resolution of the case and all outstanding issues. It shall be the duty of the Plaintiff's and Defendant's counsel to appear on the date and time of the case management conference for contested track cases.

One (1) week – (7 days) – prior to the case management conference, counsel shall submit to the Domestic Relations Case Management Office, a written case management conference statement which shall be concise and include:

- a. Statement notifying the Court if the case is ready to be heard as a nominal;
- b. Statement of the issues that are resolved or agreed to as evidenced by an appropriate stipulation executed by the parties;
- c. Statement of the issues which are unresolved and outstanding;
- d. Status of any pending discovery;
- e. Discovery deadlines;
- f. Names of any expert or out-of-state witnesses to be called at trial;
- g. Estimated trial length and number of witnesses;
- h. Dates for which counsel of record is unavailable for trial between ninety (90) days to one hundred fifty (150) days from the date of the case management conference;

- i. Updated DR-6 Form if circumstances have changed since the original filing;
- j. Referral to the Mediation Unit; and
- k. Certificate of counsel that counsel has made a diligent, good faith effort to confer with opposing counsel to settle the case.

Counsel is under a continuing duty to supplement the information provided in the case management conference statement.

8. All designated trial counsel shall appear at the case management conference to discuss the merits of the case with a view toward early disposition of the case. At the case management conference, if the parties are able to reach agreement, the matter will be scheduled for a nominal hearing. Otherwise, at the conclusion of the case management conference, the Court will issue a case management order which will set:

- a. The closure date for all motions and discovery;
- b. The date and time for a pretrial conference;
- c. A statement of the issues resolved and/or agreed to by the parties;
- d. A statement of the issues in dispute;
- e. An order or modification of an order on temporary support, custody or counsel fees and costs if required; and
- f. Any other matter reviewed by the Court at the case management conference.

The case management order, when entered, shall control the subsequent course of the action, unless modified by the Court.

9. On or before the discovery closure date set in the case management conference order, all interrogatories, requests for production and depositions and other discovery must be completed. No discovery may be conducted after the closure date except upon order of the Court. Nothing contained in this order shall excuse a party from its continuing obligation under Fam Ct Dom Rel Rule 33 (C) to update responses to discovery.

No motion may be filed after the closure date set in the case management order except by approval of the Court.

10. Failure to submit the case management conference statement on or before one (1) week – (7 days) – prior to the case management conference may result in the imposition of appropriate sanctions and/or the exclusion of any evidence that should have been disclosed in the timely filing of the case management conference statement.

#### PRETRIAL CONFERENCE

11. At least one (1) week – (7 days) – prior to the scheduled pretrial conference, designated trial counsel shall file with the Domestic Relations Case Management Office and serve on opposing counsel a written pretrial statement which shall be concise and include:

- a. Trial Memorandum Affidavit including but not limited to updated complete statement of assets and liabilities and income expenses (DR-6 Revised 2011);

- b. Proposed Child Support Guidelines Worksheet (DR-30);
  - c. Proposed Findings of Fact and/or Proposed Judgment;
  - d. Brief statements of Plaintiff or Defendant's argument;
  - e. List of all witnesses and brief summary of each witness' testimony;
  - f. List of all exhibits to be introduced at trial with all exhibits marked numerically for Plaintiff and alphabetically for Defendant;
  - g. Statement of Values of Assets and Liabilities;
  - h. Certificate of Counsel that counsel has made a diligent, good faith effort to settle the case but has been unsuccessful; and
  - i. Request for Mediation.
12. Failure to submit the pretrial statement on or before one (1) week – (7 days) prior to the pretrial conference may result in the imposition of appropriate sanctions and/or the exclusion of any evidence that should have been disclosed in the timely filing of the pretrial statement.
13. All designated trial counsel and the parties shall attend the pretrial conference to discuss the merits of the case. At the pretrial conference, if the parties are able to reach agreement, the matter may be heard that day as a nominal hearing. If the parties are unable to reach an agreement, the Court may issue a pretrial conference

order which will confirm or address the matters reviewed at the pretrial conference. The Court will set a date and time for trial at the pretrial conference.

#### CONTESTED TRIAL

14. Trial shall commence on the date and time set by the court except for extraordinary or unforeseen circumstances which are brought to the Court's attention prior to the date set for trial. In the discretion of the trial judge, a case that has been reached for trial after more than one and one-half (1 ½) years --(78 weeks) -- has passed from the time of filing may be continued for ninety (90) days. A written Stipulation signed by the parties and counsel shall be presented to the Court requesting said extension. Said extension may be granted at the discretion of the trial justice. The approved form of the stipulation entitled Extension for a First Ninety Day Extension Request is attached hereto and made a part hereof.

"Good Cause" may warrant the extension and/or continuation of the matter to a day certain; the particular circumstances supporting "good cause" for the extension must be explained to the satisfaction of the trial justice.

15. In the event that the Court has granted an extension in accordance with the procedure outlined in Paragraph 14 and the parties and counsel wish to extend the time for trial past the ninety (90) days previously granted, a second request may be filed with the Court for an additional ninety (90) days. The approved form of the stipulation entitled Extension for a Second Ninety Day Extension Request is attached. In the

event the trial judge determines that "good cause" has been demonstrated, she/he will sign the parties' stipulation and forward same for review and approval by the Chief Judge.

16. Within thirty (30) days after a decision in a contested track case, counsel for the prevailing party shall prepare and file with the Court a Decision Pending Entry of Final Judgment. Failure to do so will require counsel to file a motion for entry of the judgment out of time and the Court may impose appropriate sanctions.

The Final Decree may be entered at any time within thirty (30) days after the expiration of three (3) months from the date of decision. Failure to enter the Final Decree pursuant to RIGL § 15-5-23 will require counsel to file a motion for entry of the Final Decree out of time and the Court may impose appropriate sanctions.

EFFECTIVE DATE

17. This order will become effective on **October 1, 2011**, and shall apply only to those cases filed on or after **October 1, 2011**.

9-29-11

Date

  
Haig Anush R. Bedrosian, Chief Judge

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PROVIDENCE SC. FAMILY COURT

V

F.C. NO. \_\_\_\_\_

STIPULATION FOR FIRST NINETY DAY EXTENSION REQUEST

Now come the parties and attorneys of record to the above-entitled action to request an extension be granted. The following circumstances exist to warrant such request:

1. The matter has been reached for trial before Chief Judge/Associate Justice  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

2. The following circumstances warrant "good cause" for the granting of said extension:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The parties are in agreement that an extension would serve substantial justice if granted.

\_\_\_\_\_  
PLAINTIFF

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

The following request has been granted/denied and the matter is continued for trial on  
the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHIEF JUDGE/ASSOCIATE JUSTICE

\_\_\_\_\_  
CLERK

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PROVIDENCE SC. FAMILY COURT

V

F.C. NO. \_\_\_\_\_

STIPULATION FOR SECOND NINETY DAY EXTENSION REQUEST

Now come the parties and attorneys of record to the above-entitled action to request a second extension be granted. The following circumstances exist to warrant such request:

1. The matter has been reached for trial before Chief Judge/Associate Justice  
\_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

2. The following circumstances warrant "good cause" for the granting of said second extension:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The parties are in agreement that a second extension would serve substantial justice if granted.

\_\_\_\_\_  
PLAINTIFF

\_\_\_\_\_  
DEFENDANT

\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF

\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

The following request has been granted/denied and the matter is continued for trial on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CHIEF JUDGE/ASSOCIATE JUSTICE

\_\_\_\_\_  
CLERK

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

**THE PARTIES MUST ALSO SEEK REVIEW AND APPROVAL FROM THE CHIEF JUDGE OF THE RHODE ISLAND FAMILY COURT.**