

## Administrative Order 2012- 7

### **Powers and Duties of Magistrates Jeanne L. Shepard, Angela M. Paulhus, Patricia K. Asquith, Edward H. Newman and Charles J. Levesque**

In accordance with R.I.G.L. §8-10-3.1, Jeanne L. Shepard, Angela M. Paulhus, Patricia K. Asquith, Edward H. Newman and Charles J. Levesque, having been duly appointed Magistrates of the R.I. Family Court, with the advice and consent of the Senate, shall assist the Court and shall have the following powers and duties:

- (1) the enforcement and implementation of Chapter 23.1 of Title 15;
- (2) the determination of matters that come before the Court pursuant to §8-10-4, Chapter 1 of Title 14, Chapters 5, 7, 8, 9, 10 and 16 of Title 15, Chapter 19 of Title 16, Chapter 11 of Title 40, and Chapter 5 of Title 40.1.
- (3) to hear and determine all motions, pretrial conferences, arraignments of juvenile offenders, probable cause hearings, and review of all such matters, including but not limited to, the temporary placement, custody, disposition and adoption of children, orders of support, final divorce decrees, and the taking of testimony in conducting all hearings relative thereto subject to the review provided for in §8-10-3.1(d).
- (4) The Magistrates shall be authorized:
  - (a) to regulate all proceedings before her or him;
  - (b) to do all acts and take all measures necessary or proper for the efficient performance of her or his duties;
  - (c) to require the production before her or him of books, papers, vouchers, documents and writings;

- (d) to rule upon the admissibility of evidence;
  - (e) to issue subpoenas for the appearance of witnesses, to put witnesses on oath, to examine them, and to call parties to the proceeding and examine them upon oath;
  - (f) to adjudicate a person in contempt and to order her or him imprisoned for not more than seventy-two (72) hours, pending review by a Justice of the Court, for failure to appear in response to a summons or for refusal to answer questions or produce evidence or for behavior disruption of a proceeding;
  - (g) to adjudicate a party in contempt and to order her or him imprisoned for not more than seventy-two (72) hours, pending review by a Justice of the Court, for failure to comply with a pending order to provide support or to perform any other act; and
  - (h) to issue a *capias* and/or body attachment upon the failure of a party or witness to appear after having been properly served and, should the Family Court not be in session, the person apprehended may be detained at the Adult Correctional Institution, if an adult, or at the Rhode Island Training School for Youth, if a child, until the next session of the Family Court.
- (5) to hear *de novo* all applications for income withholding pursuant to Chapter 16 of Title 15 and appeals of administrative agency orders of the Department of Human Services to withhold income under Chapter 16 of Title 15.
  - (6) to hear all matters relating to the revocation or nonrenewal of a license of an obligor due to non-compliance with a Court Order of Support, in accordance with Chapter 11.1 of Title 15.
  - (7) to hear those matters on the Domestic Abuse Prevention Calendar, the Nominal Divorce Calendar, the Drug Court Calendar and the Truancy Court Calendar.

The Magistrates shall serve a term of ten (10) years from the date she or he took the oath of office and may be reappointed to an additional term, with the advice and consent of the Senate. If a successor is appointed at the expiration of her or his ten (10) year term, she or he shall serve until the successor is duly appointed and qualified and her or his powers and duties shall continue as prescribed in this Order appointing him or her or in the Rules of Procedure of the Family Court.

This Order is effective as of November 2, 2012.

Háiganush R. Bedrosian  
Chief Judge  
RI Family Court

Date: 11-2-12