

ADMINISTRATIVE ORDER #80-10  
(AMENDED - 2/15/84)

RE: PROCEDURES FOR APPEALS FROM ADMINISTRATIVE AGENCIES

Under § 8-10-3 of the General Laws of Rhode Island, the Family Court shall have initial jurisdiction of all appeals from any administrative agency or board affecting or concerning children under the age of eighteen (18) years. The procedure for processing such appeals is as follows:

- (1) Proceedings for review are instituted by filing a complaint in the Family Court Juvenile Clerk's Office within 30 days of mailing notice of the final decision of the agency or, if a rehearing is requested within 30 days after the decision thereon.
- (2) Copies of the complaint shall be served upon the agency and all other parties of record in the manner prescribed by the Family Court Rules of Procedure for Domestic Relations within ten days after it is filed in the Family Court, provided, however, that the time for service may be extended for good cause by order of the court.
- (3) The filing of the complaint does not itself stay enforcement of the agency decision. The agency may grant, or the reviewing court may order, a stay upon appropriate terms.
- (4) Within thirty days after service of the complaint or within further time allowed by the Family Court, the agency shall transmit to the Juvenile Clerk's Office the original or certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the Family Court for additional costs. The Court may require or permit subsequent corrections or additions to the record.
- (5) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the agency, the court may order that the additional evidence be taken before the agency upon conditions determined by the court. The agency may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings or decisions with the reviewing court.
- (6) The review shall be conducted by the Family Court without a jury and shall be confined to the record. In cases of alleged

irregularities in procedure before the agency, not shown in the record, proof thereon may be taken in the court. The Family Court upon request, shall hear oral arguments and receive written briefs.

- (7) The Family Court shall not substitute its judgment for that of the agency as to the weight of the evidence on questions of fact. The Family Court may affirm the decision of the agency or remand the case for further proceedings, or it may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:
- (a) in violation of constitutional or statutory provisions;
  - (b) in excess of the statutory authority of the agency;
  - (c) made upon unlawful procedure;
  - (d) affected by other error of law;
  - (e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
  - (f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

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CHIEF JUDGE

9/2/80

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- 2) Copies of the complaint shall be served upon the agency and all other parties of record in the manner prescribed by Rule 5 of the Superior Court Rules of Civil Procedure within ten days after it is filed in the Family Court, provided, however, that the time for service may be extended for good cause by order of the court.
- 3) Within thirty days after service of the complaint or within further time allowed by the Family Court, the agency shall transmit to the Juvenile Clerk's Office the original or certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. Any party unreasonably refusing to stipulate to limit the record may be taxed by the Family Court for additional costs.
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CHIEF JUDGE