

**RHODE ISLAND FAMILY COURT
ADMINISTRATIVE ORDER 99-6**

In keeping with federal and state initiatives concerning permanency for children, the Rhode Island Family Court hereby creates a court managed caseflow calendar for Providence and Bristol County Dependency/Neglect/Abuse petitions (hereafter referred to as D/N/A petitions). This model will assign one judge to each case from filing to disposition. In addition, the Family Court will provide court-based mediation to all parties involved as a means of alternative case resolution. The caseflow for D/N/A petitions will be as follows:

1. All D/N/A petitions will be assigned to a judge on the "DCYF" calendar. The judge will keep the case for as long as he/she is assigned to that calendar, from filing to disposition.
2. At the time of filing a D/N/A petition, the petitioner for DCYF will be provided with an arraignment date. If a straight petition is filed the arraignment will be held in 21 days. If an ex-parte petition is filed, the arraignment will be scheduled 7 days hence. If, at arraignment, a probable cause hearing is requested, that matter shall be scheduled within 10 days of the arraignment. In the event that DCYF files an affidavit setting forth that the whereabouts of the parent(s) of a child is unknown and the court determines that personal service cannot be effectuated, an order of notice shall be entered directing that notice be given by publication in a newspaper of general circulation. Counsel for DCYF shall notify the office of the Public Defender, the appointed Guardian Ad Litem (Court Appointed Special Advocate or private guardian), Rhode Island Legal Services and any other attorneys of record, of the date and time of the arraignment.
3. At arraignment, if it appears that the father (natural or putative) has not been joined in the petition, inquiry shall be made of the mother. Once identified, notice shall be given to the father either by personal service, or if the whereabouts of the father is unknown, by publication of notice.
4. At the conclusion of the arraignment, the case will be assigned a discovery closure date and a pre-trial date. The closure date, by which all discovery and motions must be completed will be set for 16 weeks from the arraignment. The pre-trial date will be scheduled for 2 weeks after the closure date before the judge assigned to the case. Counsel is under a continuing duty to supplement information provided through discovery up to and including trial.
5. If a parent is financially unable to engage counsel, the court shall refer the parent to the Office of the Public Defender or, in the event of a conflict, Rhode Island Legal Services. In the

event of a conflict with the Public Defender's Office and Rhode Island Legal Services, the Chief Judge may appoint counsel from a rotating list of court-appointed attorneys. Within 14 days of arraignment, counsel shall enter their appearance with the Juvenile Clerk's Office and be responsible for all matters up to and including trial or disposition unless otherwise allowed to withdraw by the judge assigned to the case. If counsel does not enter the appropriate appearance form, that party will be deemed to represent himself/herself pro se and all future notices shall be forwarded accordingly.

6. If the judge assigned to a case deems that mediation would be a feasible alternative to a formal court proceeding, the first mediation session will be scheduled to be held within 3 weeks from the arraignment at a date and time certain. Mediation would be given approximately 16 weeks from the arraignment date to conclude. At the date and time set for mediation, all parties and their attorneys/guardians shall attend. Counsel and their clients shall be prepared to discuss with the mediator assigned to the case, the scope, extent, and timing of discovery, the appropriate placement of the child, the case plan in effect, the efficacy of mediation and any other matter considered appropriate by the court.

Mediation sessions will occur in Family Court at the Garrahy Judicial Complex in Providence, Rhode Island. The participants will include the parties, the DCYF social worker, the child protection agency, agency attorney, the parents' attorneys, the child's guardian ad litem and the case manager/mediator. It is expected that each mediation session would last between 30 and 60 minutes. Prior to a scheduled session, the mediator will confirm the time and meeting place with all the parties.

The mediator will be responsible for assisting the parties in identifying the issues involved and conducting the mediation sessions to allow the parties to have an opportunity to be heard. Mediation sessions must be concluded within 16 weeks from the date of arraignment unless the court orders otherwise. In an effort to successfully complete each of the mediation stages, it may be necessary for the mediator to meet separately with the parties (caucusing). If a mediated agreement is reached, the mediator will draft the agreement and present same to the court. If satisfied with the mediated agreement, the court may confirm same and enter it as an order. If rejected by the court, the court may continue the matter to pre-trial, commit the parties to further mediation or modify the agreement.

7. If a case is not referred to mediation, or where mediation has been completed, a pre-trial conference shall be conducted 18 weeks after the completed arraignment.

8. At the pre-trial conference, the presence of all persons with settlement authority including attorneys, social caseworkers and parties to the case is required. Social workers and parties to the case shall be available during the pre-trial conference for consultation.

Upon the conclusion of the pre-trial conference, a pre-trial order will be entered. The pre-trial order will provide a trial date and time, stipulated facts, list of witnesses and subject of their testimony, list of exhibits, issues still in dispute, anticipated length of trial and any other

facts (plea) in order to be considered for Drug Court. The juvenile calendar judge will determine whether to make such a referral.

The Drug Court program will last between 6-12 months. Successful completion of the program can result in vacation of the admission (plea) and dismissal of the underlying petition. If a juvenile fails to abide by Drug Court conditions and orders, he or she may be terminated from the program by the Drug Court Magistrate. If so, the case will be returned to the juvenile calendar for disposition. The Juvenile Clerk's Office will ensure that the case is reassigned to the juvenile judge who originally handled the matter.

This order shall be effective December 3, 1999.

Jeremiah S. Jeremiah, Jr.
Chief Judge

Family and Juvenile Drug Court Case Flow

