

Rhode Island Family Court

Administrative Order No. 2020-02

Continuation of Suspension of Family Court Calendars from March 23rd through May 17, 2020 and Remote Hearings

In accordance with the administrative and supervisory responsibilities conferred on the Chief Judge of the Family Court under R.I. Gen Laws § 8-10-14 and in light of Executive Order No. 2020-04 and Executive Order No. 2020-09 issued by the Rhode Island Supreme Court, due to the severe risk of person-to-person transmission of the 2019 novel Coronavirus “COVID-19”, which has been declared a pandemic by the World Health Organization and which has occasioned the declaration of a State of Emergency in the State of Rhode Island, it is hereby ordered as follows.

1. Suspension of Calendars

The suspension of Family Court calendars and appointments effectuated by Administrative Order No. 2020-01, is hereby extended through May 17, 2020 with the exceptions of the following emergency/essential matters:

- restraining order hearings;
- all emergency motions;
- *ex parte* motions;
- probable cause hearings; and,
- drug screenings appointments.

Any of the above-excepted matters shall be heard either remotely (by telephone, videoconference using the Webex platform or similar means where available and publicly accessible) or in the appropriate judicial building as directed by current or future

Executive Order of the Rhode Island Supreme Court or Administrative Order of the Family Court.

Attorneys must file emergency motions through the electronic filing system and not in person at the clerks' counters. Self-represented litigants may file emergency motions through the electronic filing system, by e-mail, facsimile transmission or in person at the appropriate clerk's office. After filing an emergency motion through the electronic filing system, the registered user should contact the supervisor at the appropriate clerks' office in the appropriate judicial building as directed by current or future Executive Order of the Rhode Island Supreme Court or Administrative Order of the Family Court. The supervisor will further process the papers.

2. Non-emergency/Non-essential Matters

With the exception of the emergency and essential matters specifically identified above and such other matters as the Chief Judge may specifically assign, no in-person hearing shall take place in any judicial building until further notice.

If a judicial officer is able to conduct a conference or a hearing involving non-emergency/matters remotely, the judicial officer is authorized to do so where appropriate, provided all parties agree to the remote conference or hearing and the method under which the conference or hearing will proceed in accordance with the following.

a) Domestic Relations Matters

- i) Bench conferences and chambers conferences may be conducted by telephone or by videoconference using the Webex

platform. These conferences need not be recorded nor made accessible to the public.

- ii) Hearings not requiring testimony or exhibits may be conducted by telephone or by videoconference using the Webex platform provided the hearings are recorded and are made accessible to the public in accordance with the methods prescribed by Executive Order of the Supreme Court. Information regarding public access is available on the Judiciary's website or by contacting the appropriate clerk's office for further information.
- iii) Hearings and trials requiring testimony and exhibits may be conducted by videoconference using the Webex platform provided the hearings are recorded and accessible to the public. Information regarding public access is available on the Judiciary's website or by contacting the appropriate clerk's office for further information. See section 3 below for the process for presenting exhibits.
- iv) If a party to a matter has been duly served in accordance with the Rules of Domestic Relations Procedure but fails to answer or appear, after entry of default by the judicial officer, the hearing may proceed without the defaulted party's specific consent to the remote hearing.

b) Juvenile Justice and Child Welfare Matters

- i) Bench conferences and chambers conferences may be conducted by telephone or by videoconference using the Webex platform. These conferences need not be recorded.
- ii) Hearings not requiring testimony or exhibits may be conducted by telephone or by videoconference using the Webex platform provided the hearings are recorded.
- iii) Hearings and trials may be conducted by videoconference using the Webex platform provided the hearings are recorded. If a party to a child welfare hearing or trial has been duly served in accordance with the Rules for Juvenile Proceedings but fails to answer or appear, after entry of default by the judicial officer, the hearing or trial may proceed without the defaulted party's specific consent to the remote hearing.

3. Exhibits

Any exhibit or document required for or to be introduced into evidence at a hearing or trial must be forwarded by e-mail to either JuvenileExhibits@courts.ri.gov or DomesticExhibits@Courts.ri.gov, as appropriate, and to all other parties at least two (2) business days before the date of the scheduled hearing or trial. If a party does not have access to e-mail, the exhibit or document must be provided to that party by mail or facsimile transmission at least two days before the hearing. Parties without access to e-mail must provide to the court and all other parties exhibits or documents by mail or facsimile transmission at least two business days before the scheduled hearing or trial.

The clerks' office will attach the exhibit to the appropriate exhibit tab or enter the document into the case management system as appropriate.

No exhibit or document will be accepted at the clerk's office.

4. Outstanding Orders

With the exception of ex parte orders for protection and temporary orders for protection, all outstanding orders including final judgments for orders for protection which by their own terms would have expired on a day scheduled to be heard between March 17, 2020 and May 17, 2020 are automatically continued in full force and effect until the matter is rescheduled and heard, unless otherwise ordered by the court.

This Order is effective as of April 15, 2020 and supersedes Administrative Order 2020-01.

Date: April 15, 2020

/s/ Michael B. Forte
Chief Judge