

**Rhode Island Family Court
Administrative Order No. 2020-05**

**CONTINUITY OF OPERATIONS DURING PUBLIC HEALTH CRISES
CAUSED BY “COVID-19”**

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. 2020-12 of the Supreme Court designed to protect the health, safety and welfare of the public while providing for the continuity of the business of the courts, including the Family Court, during the continuance of the public health crises, it is hereby ordered as follows.

A. Hearings and Trials

1. In-person Hearings or Appearances.

In-person hearings and appearances in the court house are limited to the following unless the matter can be heard or addressed remotely either by telephone, videoconference using the WebEx platform or similar means.

These matters are limited to:

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

2. Remote Hearings.

Judicial officers are authorized to conduct conferences and hearings remotely where appropriate.

a) Domestic Relations Matters.

- i) Bench conferences and chambers conferences shall 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 shall 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) Trials requiring testimony and exhibits may be conducted by videoconference using the WebEx platform provided that the trials 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, and the filing of an affidavit of non-military service, the hearing or trial 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 shall be conducted by telephone or by videoconference using the Webex platform. These conferences need not be recorded.

- ii) Hearings shall be conducted by telephone or by videoconference using the Webex platform provided the hearings are recorded.
- iii) Trials may be conducted by videoconference using the WebEx platform with the consent of the parties provided the trials are recorded.
- iv) 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 to be introduced into evidence at a remote 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 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 document other than proposed exhibits are to be e-mailed to the appropriate exhibits e-mail address. No exhibit or document will be accepted at the clerk's office.

4. WebEx or Telephonic Hearings or Trials.

a) Notices/ Invitations to a WebEx or telephonic hearing or trial.

Notices/Invitations to a WebEx or telephonic hearing or trial will be forward to all parties within one week prior to the scheduled hearing or trial.¹

b) E-Mail Addresses And Telephone Numbers.

No filing shall be processed from a non-registered user unless the filing contains a current telephone number and e-mail address for the filer, if any. When filing initiating documents, all filers will provide a telephone number and e-mail address for the opposing party, if known.

B. Filings.

1) Non-Emergency Filings.

- a) Registered-users shall file non-emergency matters by using the electronic filing system in accordance with the Family Court Rules of Domestic Relations, the Rules for Juvenile Proceedings and the Family Court Rules of Criminal Procedure unless as provided for elsewhere in this administrative order.

¹ During the period March 17, 2020 through June 1, 2020, when emergency measures were implemented to encourage the resolution of matters that could not be addressed in the courthouse, litigants were encouraged to e-mail requests for a remote hearing or conference directly to the judicial officer's clerk. While the willingness of litigants to assist the court utilizing this temporary practice has been greatly appreciated and instructive as to how remote hearings would operate, the practice of requesting a remote hearing or conference is no longer necessary. All matters, including remote conferences and hearings are being scheduled by the court in accordance with the provisions of this administrative order and the applicable rules of procedure. Therefore, the practice of requesting a remote hearing by e-mail is hereby discontinued and e-mail requests will no longer be accepted.

- b) Non-registered users may file non-emergency matters by mail, e-mail and facsimile transmission, in accordance with Executive Order No. 2020-12 of the Supreme Court.

2) Emergency Filings.

- a) Registered Users may file emergency motions through the electronic filing system. After filing an emergency motion through the electronic filing system, the registered user should contact 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.
- b) Non-registered users may file emergency motions, by e-mail, facsimile transmission or in person at the appropriate clerk's office.
- c) The duty judge assigned to each of the counties will hear all emergency motions. Where a duty judge is not available in a county emergencies motions will be referred to the duty judge or judicial officer sitting in Providence/Bristol County.

3) Non-emergency In-person Filings.

Non-emergency filings that are not capable of being filed through the electronic filing system, may be filed in person at the appropriate clerk's office by appointment only. To obtain an appointment, contact 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.

C. 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 30, 2020 are

automatically continued in full force and effect until the matter is rescheduled and heard, unless otherwise ordered by the court.

D. Summonses.

Summonses may command that a litigant appear by telephone or video at a date, time and in the manner described in the summons.

E. Decisions Pending Entry of Final Judgment and Final Judgments.

a) Decisions Pending Entry of Final Judgment.

For any decision granting a divorce issued between February 13, 2020, and March 17, 2020, the time within which a decision pending final judgment must be filed is extended to June 30, 2020.

b) Final Judgment.

For any decision granting a divorce issued between February 13, 2020 and March 17, 2020, the time in which a final judgment must be filed without a court order is extended to January 1, 2021 without a court order.

This Order is effective as of June 1, 2020, supersedes Administrative Order 2020-02 and will remain in effect until further order.

Date: May 22, 2020

/s/

Michael B. Forte
Chief Judge