

ABOUT THE FAMILY COURT

HISTORY

In 1935, the Domestic Relations Division was created within the Superior Court, the state's general trial court. The act creating this court division was designed to focus attention upon this field of jurisprudence, primarily with a view to reconciling the parties and re-establishing friendly family relations. In 1944, jurisdiction of juveniles was moved from the District Courts and placed in a statewide juvenile court.

In 1956 the Governor appointed a Family Court study committee which, in 1958, submitted a report recommending a Family Court for the State. On June 3, 1961, the Act creating a Family Court became law. Five (5) judges were appointed, one Chief Judge and four (4) Associate Justices.

The Rhode Island Family Court was the first statewide Family Court in the United States. In 1973, a Master of the court was appointed, and in 1987 a General Master was appointed. Today the Rhode Island Family Court consists of a Chief Judge, eleven (11) Associate Justices, a General Magistrate, and eight (8) Magistrates. The Family Court employs approximately 165 persons including all department personnel, court reporters, judges, and magistrates.

In 1981, the Rhode Island Family Court moved into the newly constructed Garrahy Judicial Complex in Providence, a six story building designed and constructed specifically for use as a courthouse. The building also houses other state judicial entities including the District and Workers' Compensation Courts. (The state's Superior and Supreme Courts are housed in separate courthouses.) The Family Court has offices in three (3) county courthouses.

GOALS AND JURISDICTION

The Family Court was created to focus special attention on individual and social problems concerning families and children. Consequently, its goals are to assist, to protect, and if possible, to restore families whose unity or well-being is threatened.

This court is also charged with assuring that children within its jurisdiction receive care, guidance, and control conducive to their welfare and the best interest of the state. Additionally, if children are removed from the control of their parents the court seeks to secure care equivalent to that which their parents should have provided.

Consistent with on these goals, the Family Court has jurisdiction to hear and determine all petitions for divorce and any motions in conjunction with divorce proceedings, such as motions relating to the distribution of property, alimony, support, and custody of children. It also hears petitions for separate maintenance and complaints regarding support for parents and children.

The Family Court also has jurisdiction over matters relating to delinquent, wayward, dependent, neglected, abused, or mentally deficient or mentally disordered children. In addition, it has jurisdiction over adoptions, child marriages, paternity proceedings, and a number of other matters involving domestic relations and juveniles.

Appeals from decisions of the Family Court are taken directly to the state Supreme Court.

ORGANIZATIONAL CHART

The Family Court's [organizational chart](#).

DEPARTMENTS

JUDGES AND MAGISTRATES

- 1 Chief Judge
- 11 Associate Justices
- 1 General Magistrate
- 8 Magistrates

FAMILY COURT ADMINISTRATOR

The Family Court Administrator is appointed by the Chief Judge. Under the general supervision of the Chief Judge, the administrator formulates procedures governing the administration of court services; collects the necessary statistics and prepares the annual report of the work of the court; provides supervision and consultation to the staff of the court concerning administration of court services, training and supervision of personnel, and fiscal management; as a clerk, is the keeper of the court seals and records, administers the court registry, collect all fees, fines and costs; and with the approval of the Chief Judge, appoints deputy clerks, assistant clerks, and clerical assistants as may be necessary.

COURT REPORTERS

The responsibilities of a Court Reporter is to make a true, complete, and accurate record of all criminal and civil proceedings required by law and transcribe faithfully the testimony offered to the court as required by law and directed by the judge. Court Reporters maintain all notes, tapes and records safely, recognizing that they are the property of the Judiciary by statute and that the clerk is the ultimate custodian.

JUVENILE SERVICES

When a police or school department refers a juvenile to the Family Court alleging that the youth is wayward or delinquent by reason that he or she has committed an offense in violation of state law or a city or town ordinance, a petition is submitted, accompanied by an incident report, to the Family Court Juvenile Clerks' Office. Except in cases of emergency detention, all petitions are referred to the Juvenile Services Department for preliminary investigation to determine whether the facts are legally sufficient to bring the child within the jurisdiction of the court and if so, to determine whether the interest of the public or the child require that further action be taken.

On a daily basis, case files with new petitions are assigned to Assistant Intake Supervisors who, using guidelines which were developed and approved by the judges of the Family Court, decide whether or not they qualify for diversion (non-judicial disposition). Those youth whose alleged offense(s) do not fit into the serious category and do not have multiple petitions filed against them will be notified to appear for an Intake Conference with their parent(s) and/or guardian(s) to discuss the allegation(s) filed against them, at which time their constitutional rights are discussed, and a determination of conditions which are to be met to satisfy a non-judicial disposition are issued. The Intake Supervisor/Juvenile Counselor will not divert a case

where the youth denies any involvement or responsibility or where the conditions set forth are not acceptable to the juvenile and his/her parent(s) or guardian(s). Also, factors such as age and sophistication of crime, impact on the victim, recommendations of the petitioner, and prior police contacts are taken into consideration. Once the conditions of the informal hearing are executed, a petition can still be filed before the court at a later date should the juvenile clearly and willfully refuse to comply.

In addition, if the proposed informal adjustment is unacceptable to the petitioner an appeal to the Chief Judge is available under Rules of Juvenile Proceedings 4. On average, approximately 30% of the Family Court wayward/delinquent petitions are disposed of informally.

Intake Supervisor's also prepare Waiver of Jurisdiction and Certification Reports for the judge(s) and attorneys that document a youth's prior Family Court involvement including Wayward/Delinquent adjudications and dispositions. As such, private and government agencies are notified and requested to provide reports of their involvement with the youth and his/her family and the prognosis for habilitation or rehabilitation within the juvenile justice system.

The Juvenile Services Department also performs restitution collection for the court. A Restitution Investigator has primary responsibility to assist victims of juvenile crime by collecting monetary restitution payments which are ordered by Family Court judges or agreed to as a condition of informal disposition. This investigator may assist the Family Court in determining the amount of restitution due the victim as well as the juvenile's ability to pay. In cases where the amount of restitution requested is in dispute, the Investigator will determine the fair and equitable value by conducting an investigation of the facts or by mediation with the parties. Other functions include monitoring and documenting community service for youths ordered by the court to perform a specified number of hours within a given period of time.

FAMILY AND JUVENILE DRUG CALENDAR

The Family Court is committed to providing innovative rehabilitative services to Rhode Island's youth and their families. The creation of the Family and Juvenile Drug Calendar allows the judicial system to focus on a therapeutic approach as opposed to the traditional adversarial process. The Drug Calendar combines the persuasive and coercive powers of the juvenile court with clinical assessment and therapeutic interventions. Under the supervision of the Chief Judge of the Family Court, the Drug Calendar is the product of a collaboration among the offices of Family Court, Attorney General, Public Defender, Department of Children, Youth and Families, Department of Human Services, other state agencies, the legislature, as well as, members of business, minority, and community groups.

To be admitted into the program, a juvenile must meet certain eligibility criteria. The program targets juvenile offenders aged thirteen (13) to seventeen (17) who are charged with alcohol and/or drug offenses. Juveniles with a prior violent adjudication or a pending violent delinquent charge are not eligible for the program. A juvenile must also be highly motivated to change his or her behavior, to engage in intensively supervised and ambitious tasks intended to bring about change, and to ultimately succeed in life. Successful completion of the program can result in vacation of a juvenile's adjudication or plea on the drug offense and dismissal of the petition(s).

TRUANCY CALENDAR

The Truancy Calendar constitutes a change in the present policy of handling truants from a formal court petition to a community and school based intervention program involving various elements of the community. A reduction in truancy has been shown to decrease crime, teen pregnancy, drug and alcohol use as well as to change attitudes to enhance school readiness.

The Truancy Calendar assigns a magistrate to initially hear cases at the local level on a weekly or bi-weekly basis. Both parents and truants are summoned before the court which after a hearing recommends appropriate intervention measures. The court supervises cases on a continuing basis until truancy is no longer an issue.

CHILD PROTECTIVE SERVICES COURT APPOINTED SPECIAL ADVOCATE PROGRAM (CASA)

The CASA program was initiated in 1978 by the Family Court. It was modeled after a program developed in Seattle, Washington and was the second program of its type in the United States. The program is based on a unique and innovative format involving trained volunteer advocates who work with full-time staff attorneys and social workers as a team to represent the best interests of dependent, neglected, and abused children who are under the jurisdiction of the Family Court. Since its inception, staff has been expanded several times to meet ever increasing caseloads. Staff attorneys carry an average caseload of 300 children. Staff social workers carry an average caseload of 125 children and act as a resource for CASA volunteers and staff attorneys.

CASA volunteers investigate the circumstances surrounding a case to which they are assigned by conducting home visits and contacting other service providers involved in a case. The volunteers provide ongoing advocacy for the child and submit written reports to the Family Court with recommendations as to the best interests of the child.

Because volunteers are essential to the CASA Office, there are ongoing efforts to bring about name recognition for CASA and to greatly increase volunteer recruitment.

JUVENILE CLERK'S OFFICE

The Juvenile Clerk's Office in Providence maintains all filings of juvenile petitions for the entire state. Assignments are made to the various counties. This office processes petitions which consist of: wayward/delinquent and dependent/neglected/abused children, adoption petitions, voluntary termination of rights, involuntary termination of rights, placement petitions, minors' permit to marry, civil court certification applications, various miscellaneous petitions, administrative appeals, and Mary Moe (abortions by a minor) petitions, as well as maintains an adoption registry.

DOMESTIC RELATIONS OFFICE

The Domestic Clerk's Office processes all domestic relations and domestic abuse complaints and maintains records of same. The office also processes criminal complaints filed by the Attorney General's Office, school departments, and police departments, i.e. child abuse, domestic assault, failure of parent(s) to send children to school.

It coordinates the jury trial calendar and requisitions jurors when needed. It receives and prepares all appeals to the Supreme Court.

The office prepares the daily calendars for each judge, maintains a daily score card, and maintains a continuous contested calendar. The Principal Supervisory Clerk is responsible for the three (3) offices in the county courthouses.

COLLECTIONS UNIT

The Collections Unit has two divisions: Reciprocal and Bookkeeping. The Reciprocal Office deals with child support enforcement and paternity actions filed by the Department of Administration - Division of Taxation - Child Support Enforcement, attorneys, and the public.

The Bookkeeping Office maintains accounting records for various accounts of the Family Court oversees day-to-day recordings of receipts, reconciles various bank statements, prepares and issues monthly reports depicting the financial condition of the court and cash required, and assists in testifying in court through records.

FAMILY SERVICES

The Family Services Office has two (2) units: drug testing and investigations.

The Investigation Unit works with orders from judges to provide information on custody and visitation cases. The unit also works closely with the court on support matters, often helping to find employment.

The Family Service Unit is also charged with administering Alcohol and Drug screens for the various court calendars.