

## FREQUENTLY ASKED QUESTIONS

### SUPERIOR COURT

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**Question:** Does my Temporary Restraining Order (TRO) petition belong in the Superior Court?

**Answer:** The Superior Court may issue a TRO to protect against injury to person or property in accordance with Rule 65(b) of the Superior Court Rules of Civil Procedure. Please inquire as to the criteria for a District Court or a Family Court TRO prior to initiating your petition. A Superior Court TRO is a civil action and, therefore, violation is not considered a criminal offense and an arrest will not be a consequence of a violation.

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**Question:** How do I find out the status of my case?

**Answer:** Criminal case data is available on this website on the Criminal Information Search. Public computers are available in all Clerk's Offices for civil and criminal case inquiries. Having a case number helps the process.

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**Question:** When and how can I get my case expunged?

**Answer:** **The summary below is for informational purposes only. It is recommended that you contact an attorney to discuss the procedures for filing such a motion in your particular case. This summary information does not guarantee that your case will be expunged after a motion has been filed.**

Title 12 of the Rhode Island General Laws sets out a procedure for a first offender to file a motion to expunge a record of conviction for a felony or a misdemeanor. "Expungement" is a legal procedure by which certain individuals can ask the court to seal criminal a record. Once sealed, the criminal record is no longer public. Some time limits apply before a motion to expunge a case can be filed and anyone convicted or placed on probation on more than one occasion is ineligible for expungement.

The motion for expungement should be filed in the court in which the charge and/or the conviction took place and should contain: 1) a copy of the conviction records from the Office of Attorney General's Bureau of Criminal Identification Unit (BCI) and 2) a copy of the criminal complaint located at the Judicial Records Center. A ten-day period is necessary for the offender to give the Attorney General's Office and the arresting police department notice that the motion to expunge is being filed. The court Clerk's Office will assign a hearing date at least ten (10) days from the filing date the motion for expungement was filed.

If the motion to expunge is granted by the court, certified copies of the court order should be provided to the arresting police department, the Department of Attorney General, and to the probation department (if applicable), in order to give notification that the record has been ordered expunged.

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**Question:**     **Can I set up a payment plan for my courts costs and restitution?**

**Answer:**        Yes, all Clerk's Offices are prepared to assist you with payment agreements.

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**Question:**     **What is the civil Motion Calendar schedule?**

**Answer:**        In Providence County Superior Court, dispositive motions are heard on Thursday and non-dispositive motions are heard on Wednesday.

In Kent County Superior Court, dispositive and non-dispositive motions are both heard the 2<sup>nd</sup> and 4<sup>th</sup> Mondays of every month.

In Washington County Superior Court, dispositive and non-dispositive motions are both heard on the 3<sup>rd</sup> Monday of every month. There are no motions heard in the month of July.

In Newport County Superior Court, dispositive and non-dispositive motions are both heard the 1<sup>st</sup> Monday of every month.

Kent, Washington, and Newport County Superior Court - Whenever the Monday motion date falls on a legal holiday, the motion day will be heard the following day.

Dispositive motion dates must be approved by the Calendar Clerk.

Non-dispositive motions are heard with ten (10) days' notice to the opposing party.

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**Question:**     **Is there an information table available?**

**Answer:**        The Licht Judicial Complex in Providence staffs information tables on the 1<sup>st</sup> and 5<sup>th</sup> floors each day between 8:30 a.m. 9:30 a.m. Please inquire at the Clerk's Office in Kent, Washington, and Newport Counties if you have any questions.

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