

## **GENERAL INFORMATION ON CIVIL MATTERS DISTRICT COURT**

The following is general information on civil matters that are heard in the District Court. As the clerks' offices are prohibited in giving legal advice, you are advised to consult an attorney or Rhode Island Legal Services on how to proceed with any legal actions.

### **Filing a Complaint**

A civil action is commenced by filing a complaint with the court with payment of the filing fee as prescribed by law and by delivery of the complaint and summons to an officer for service. The complaint must be filed with the court within ten (10) days after the completion of service.

### **Service**

Personal service of a summons and complaint shall be made in the following manner:

1. Upon an individual other than an incompetent person by delivering a copy to the defendant personally.
2. By serving copies at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion residing therein.
3. Delivering a copy to an agent authorized by appointment or by law to receive service of process.
4. Upon a person for whom a guardian or conservator has been appointed.
5. Upon a private corporation, domestic or foreign, by delivering a copy to an officer, a managing or general agent, or by leaving a copy at the office of the corporation with a person employed therein.
6. Upon a public corporation, body, or authority by delivering a copy to any officer, director, or manager thereof.

Service of a summons can be made by using the following methods:

1. A Deputy Sheriff from the Rhode Island Sheriffs' Department; or
2. A constable licensed by the Chief Judge of the District Court.

For alternative ways that service can be done, please seek guidance from an attorney. After service has been made, the original summons must be returned to the appropriate Clerk's Office as proof that service has been made.

### **Defending a Complaint**

The party should state in short and plain terms his or her defenses by admitting or denying the claim against them. This statement must be filed with the clerk of the court no later than twenty (20) days from the date of the service of summons and complaint. Failure to answer the complaint will result in a Judgment against the defendant(s).

### **Judgments**

As used in District Court Civil Rule 54(a), a "Judgment" is the formal disposition of a claim by the court. The following are some types of judgments:

1. Default - When a party whom a judgment is sought has failed to plead or defend.
2. Summary - Either party seeks to recover upon a claim(s) by motioning the court, when there is not question of fact, judgment may enter on a motion.
3. After Trial - Subject to the provisions of District Court Civil Rule 54.
4. By Agreement - Subject to the provisions of District Court Civil Rule 54.

### **Appeals**

A party may appeal to the Superior Court by filing a notice of appeal with the Clerk of the District Court in accordance with the applicable statutory law, together with the costs and bond, if any, required by law.

### **Enforcement of Judgment**

1. Execution - To enforce a judgment for the payment of money shall be a Writ of Execution.
2. Citation in Supplementary Proceedings - An order issued by the clerk to a debtor ordering him or her to appear before the court at a time and place named, to show cause why an examination into his or her circumstances should not be made and a decree to enter ordering him to pay such judgment in full or by installments.
3. Enforcement - When a debtor fails to comply with an installment on payments and fails to appear in response to a citation hearing, a civil body attachment may be issued.

### **Domestic Abuse Restraining Orders**

At this time there is no filing fee to obtain a Domestic Abuse Order. To qualify for a Domestic Abuse order in District Court you must meet the following criteria:

1. Not an emancipated minor.
2. Over eighteen (18) years of age.
3. Not related to the defendant by blood or marriage.
4. Not the legal parents of any children.
5. Have resided together within the preceding three (3) years.
6. Presently reside in the same living quarters.
7. Have had a substantive dating relationship within the preceding year.

If determined that you qualify in District Court, you will then speak with the Domestic Violence Advocates located in each of the four (4) courthouses in Rhode Island and they will assist you in filling out the forms. You will need to file your restraining order in the appropriate county that you live in.

### **Vicious Dog Complaints (G.L. 1956 § 4-13.1-11)**

After a hearing in the Municipal Court where it has been deemed that a dog is vicious, the party may file an appeal of that decision to the District Court. You will need to provide a copy of the Municipal Court decision and the payment of the filing fee as prescribed by law.