

Supreme Court

In re	:
Article I. Appellate Procedure	:
Article X. Rules Governing Electronic Filing	:
Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information	:
Superior Court Rules Governing Arbitration of Civil Actions	:
Superior Court Rules of Civil Procedure	:
Superior Court Rules of Criminal Procedure	:
Superior Court Rules of Practice	:
Family Court Rules of Criminal Procedure	:
Family Court Rules of Domestic Relations Procedure	:
Family Court Rules of Practice	:
Rules of Juvenile Proceedings	:
District Court Civil Rules	:
District Court Rules of Small Claims Procedure	:
Workers' Compensation Court Rules of Practice	:
Traffic Tribunal Rules of Procedure	:
(Proposed Amendments)	:

ORDER

The Rhode Island Judiciary currently uses a Tyler Technologies software system to provide access to the Judiciary's case information remotely (the Rhode Island Judiciary Public Portal (Public Portal)). Tyler Technologies will be retiring the Public Portal and will be replacing the system with a new product called re:Search. re:Search will allow the public, attorneys, self-represented litigants, state or federal agencies, law enforcement agencies, and the public real-time web access to essential case, calendar, and party information from any personal computer, tablet, or mobile telephone.

The Administrative Office of State Courts has contracted with Tyler Technologies to implement re:Search. The re:Search project is scheduled to begin in March/April 2025 with an implementation date of June/July 2025. Because re:Search is a more robust system than the Public Portal, the Judiciary can offer remote access to more individuals and groups with differing levels of security as well as other functionality within the system.

The move to re:Search along with the fact that electronic filing was implemented in 2014, has prompted the Court to review all the electronic filing and access rules across the Judiciary. As the Administrative Office of State Courts launched a new website last year, this also necessitated some rule changes as well as some general clarification changes.

The Court is seeking public comment on the attached proposed amendments to Article I. Appellate Procedure, Article X. Rules Governing Electronic Filing, Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information, Superior Court Rules Governing Arbitration of Civil Actions, Superior Court Rules of Civil Procedure, Superior Court Rules of Criminal Procedure, Superior Court Rules of Practice, Family Court Rules of Criminal Procedure, Family Court Rules of Domestic Relations

Procedure, Family Court Rules of Practice, Rules of Juvenile Proceedings, District Court Civil Rules, District Court Rules of Small Claims Procedure, Workers' Compensation Court Rules of Practice, and Traffic Tribunal Rules of Procedure. Any person interested in offering comment may do so in writing by submitting a memorandum to the Clerk of the Supreme Court on or before *April 11th, 2025*.

Entered as an Order of this Court this *12th* day of *March 2025*.

By Order,

/s/ Meredith A. Benoit
Clerk

Article I. Appellate Procedure

Rule 3. Appeal - How taken.

* * *

(c) *Content of the Notice of Appeal.* The notice of appeal shall specify the party or parties taking the appeal and shall designate the judgment, order, or decree or part thereof appealed from. The most current versions of the notice of appeal forms ~~is~~are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms under the respective court.~~

Rule 16. Briefs.

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(f) *Form of Briefs.* All briefs filed pursuant to this rule shall be submitted in the form and manner set forth in Rule 18. Unless authorized by order of the Supreme Court pursuant to a party's written motion, briefs shall not exceed a total of 15,000 words, except that reply briefs shall not exceed 7,500 words.

* * *

All briefs shall be filed with a completed "Checklist for Filing Briefs" form prescribed by the Clerk of the Supreme Court. The most current version of the Checklist for Filing Briefs form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Supreme Court.~~ Checklists shall be signed by the filing attorney(s). Briefs that are filed without a completed checklist shall be rejected by the Clerk.

Rule 17. Appendix to the briefs.

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(d) *Form of Appendices.* The form of appendices shall be in accordance with the provisions of Rule 16(f) except as to maximum number of words and pages permitted and in accordance with the "Checklist for Filing Briefs" form.

Rule 35. Appellate Mediation Program.

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(d) *Procedures Relating to Submitting and Scheduling Cases for Mediation.*

* * *

(1) *Notice of Eligibility*. If, upon initial review following the filing of a ~~N~~notice of Appeal form, a civil case is deemed to be eligible for mediation, the Office of the Appellate Mediation Program will send a notice to the parties indicating the mediation case number and the due date of the Mediation Statement forms, which shall be twenty (20) days from the date of the Notice of Eligibility. If, upon initial review, a case is deemed to be ineligible for mediation, a notice regarding such ineligibility shall be sent to the parties and the case will proceed in accordance with these rules.

(2) *The Mediation Statement*. The Mediation Statement forms, comprised of Parts I and II, shall be filed with the Appellate Mediation Program within twenty (20) days of the date of the Notice of Eligibility. The most current versions of the Mediation Statement forms ~~is~~are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Supreme Court.~~

The ~~Case-Mediation~~ Information ~~F~~form (Part I of the Mediation Statement) shall include the procedural history of the case, including the type of judgment entered, the amount of any monetary judgment and/or injunctive relief, the facts giving rise to the initial dispute, the history of negotiation(s), including any demand(s) that have been transmitted by the plaintiff(s), as well as any counteroffer(s) that have been made by the defendant(s). The attorney for the plaintiff(s) or other claimant(s) will include a list of out-of-pocket expenses upon which the claim(s) for compensation is based in whole or in part, as well as a description of physical and other injuries upon which the claim(s) for compensation is based. The ~~Case-Mediation~~ Information ~~F~~form shall be filed electronically with the Appellate Mediation Program and shall be served upon all opposing attorneys.

The parties shall also complete a Confidential Mediation Statement and Authorization form (Part II of the Mediation Statement) to be filed with the Appellate Mediation Program. The Confidential Mediation Statement and Authorization form shall include significant factors that could affect the party's chances of prevailing on appeal, a description of why past efforts at negotiation have failed, the priorities of the parties, and possible acceptable outcomes to the mediation process. The statement should be sufficiently detailed to enable the mediator to determine the areas of agreement and disagreement and to consider any other relevant information that would assist the mediator in the resolution of the dispute. To maintain the confidentiality of the mediation process, the Confidential Mediation Statement and Authorization form shall be filed only with the Appellate Mediation Program and shall not be provided to the opposing attorney. The attorneys may be required to supplement a Mediation Statement with additional relevant information at any time prior to the mediation session.

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Rule 36. Forms.

The forms listed in the Appendix of Forms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Supreme Court~~ are sufficient under the rules.

Appendix of Forms

The following forms located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Supreme Court~~ and are expressly declared by Rule 36 to be sufficient

under the rules. They forms are limited in number. No attempt is made to furnish a manual of forms.

Access/Badge Request for Non-judicial Agencies

Admission Pro Hac Vice - Attorney Certification

Admission Pro Hac Vice - Client Certification

Admission Pro Hac Vice - Miscellaneous Petition

Affidavit for Bail

Americans With Disabilities Complaint

Annual Attorney Registration Single Payment

Appellate Mediation Program Evaluation

Appellate Mediation Program Mediation Statement

Audio/Video Equipment Request

Checklist for Filing Briefs

Court Appointment Certification Application

Court Appointment Recertification Application

Designation of Attorney(s) Presenting Oral Argument

Disciplinary Board Complaint

Entry of Appearance - Civil

Entry of Appearance - Criminal

In-house Counsel Registration Application

Judicial Tenure and Discipline - Instructions and Verified Complaint

Mediation Statement

Motion to Exceed Threshold Payment

Nonprofit Entity Notice of Operations - Article II, Rule 11

Notice of Intention to Practice Pending Admission to the Rhode Island Bar - Article II, Rule

2(f)

Petition for Waiver of the Mandatory Electronic Attorney Registration

Petition for Waiver of the Mandatory Electronic Filing Requirements

~~Pro Hac Vice - Attorney Certification for Admission Pro Hac Vice~~

~~Pro Hac Vice - Client Certification~~

~~Pro Hac Vice - Miscellaneous Petition for Admission Pro Hac Vice~~

Record, Report, and Document Request

Request for Sign Language Interpreters, Assistive Listening Equipment, or Other Americans

With Disabilities Act Accommodation

Stipulation

Trust Account Overdraft Notification Agreement for Financial Institutions

Vendor Assignment Information

Article X. Rules Governing Electronic Filing

Rule 1. General.

* * *

(c) *Definitions.*

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(9) *eNotification Message.* An electronic message generated by the CMS and sent to all attorneys and self-represented litigants in a given case to denote the entry of a docketable event or the scheduling of a hearing. An eNotification message is informational only and does not constitute official notice from the court, is not entered into the court record, and shall not be relied upon by the recipients for any official purpose.

(10) *Non-public Document.* A document which is required to be filed with a court and made available to opposing parties in the case but contains a significant amount of personal identifying information or contains information that is designated as non-public by state or federal law, court rule, court order, or case law resulting in the document being designated as non-public in its ~~the~~ document's entirety.

* * *

(e) *Forms.* Any forms that have been developed to aid in the implementation of the EFS shall be located on the Judiciary's website at www.courts.ri.gov ~~under Forms~~.

Rule 2. Official Court Record.

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(e) *Paper on demand system.* Paper copies of documents filed electronically will be available on demand ~~for a fee~~ in the respective clerks' offices. There may be fees associated with the printing of documents.

Rule 3. Registration for Use of the Electronic Filing System.

* * *

(c) *Attorney Waiver.* Upon petition and for good cause shown, the Supreme Court may grant an attorney a waiver of the mandatory registration and Electronic Filing requirements contained in these rules. Such waiver shall identify the scope of the exception. The most current version of the Petition for Waiver of the Mandatory Electronic Filing Requirements form is located on the Rhode Island Judiciary's website at www.courts.ri.gov ~~under the heading of Forms~~.

* * *

Rule 6. Service of Electronic Documents.

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(e) *Certificate of Service.* All documents filed using the EFS shall include a certificate of service stating that the document has been filed electronically and that ~~it~~ the document is available for viewing or downloading from the EFS. ~~The certificate of service must identify the manner in which the service on each party was accomplished. The certificate of service may be in the following form:~~ The following certification may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE **Certificate of Service**

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

_____.
The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

_____.
The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is _____ at the following address _____.

/s/ NAMEame

Rule 6.1. eNotification.

(a) *Applicability.* eNotification messages are automatically generated and transmitted by the CMS upon the entry of a docketable event or the scheduling of a hearing in a given case and are sent to the attorney's email address on file with the Supreme Court attorney registration. All attorneys who have filed an entry of appearance in a case will receive all eNotification messages generated for that case. Self-represented litigants who have filed an entry of appearance in a case and provided the respective court with an email address will receive all eNotification messages generated for that case.

(b) *Consent to eNotification.* Upon the initiation of a case and/or upon submission of an entry of appearance in a matter, attorneys and self-represented litigants are deemed to consent to receive all eNotification messages applicable to that matter through email.

(c) *Not Official Notice.* eNotification messages to attorneys and self-represented litigants are for informational purposes only and do not constitute official notice of the court. All attorneys and self-represented litigants remain obligated under the Usage Agreement, the Rhode Island Rules of Professional Conduct (attorneys only), and/or other applicable rules to remain abreast of developments in each case to which they attorneys and self-represented litigants are a party, and

to keep their attorneys' and self-represented litigants' contact information, including email addresses, up to date at all times. No party may rely upon the failure to receive an eNotification message to assert lack of notice of a given event, nor may the receipt or lack of receipt of an eNotification message be used by a party in the prosecution or defense of an argument in any proceeding before any court.

* * *

Rule 7. Electronic Signatures and Document Authenticity

(a) ~~*Judge, Magistrate-Judicial Officer, Clerk, or Court Reporter Signatures.*~~ Any order or other court-issued document filed electronically and entered by a ~~judge, magistrate-judicial officer~~ or court clerk per the order of a judge or magistrate may reflect the ~~judge, magistrate-judicial officer's~~ or clerk's signature as: /s/ NAMEame. A certified copy of an order or other court-issued document bearing the electronic signature of a ~~judge, magistrate-judicial officer~~ or duly authorized clerk shall have the same force and effect as if the document contained the handwritten signature of the ~~judge, magistrate-judicial officer~~ or clerk. A court reporter's signature may be reflected as: /s/ NAMEame on any document or transcript submitted by a court reporter.

(b) *Attorney Signature.* The username and password required to submit documents to the EFS shall serve as that user's signature. The electronically filed document shall bear a facsimile or typographical signature along with the typed name, address, email address, telephone number, and attorney registration number of the signing attorney. Typographical signatures of an attorney shall be treated as a personal signature and shall be in the form: /s/ NAMEame.

(c) *Self-represented Litigants and Other Registered Users.* The username and password required to submit documents to the EFS shall serve as that user's signature. The electronically filed document shall bear a facsimile or typographical signature along with the typed name, address, email address, and telephone number of the signing self-represented litigant. Typographical signatures of a self-represented litigant shall be treated as a personal signature and shall be in the form: /s/ NAMEame.

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Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information

Rule 3. Definitions.

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(b) **Database.** The Database is an electronic collection of court records which is accessible through the ~~Rhode Island Judiciary Public Portal~~ and is displayed as a register of actions or Docket re:Search.

* * *

(h) **Non-public Document.** A document which is required to be filed with a court and made available to opposing parties in the case but contains a significant amount of personal identifying information or contains information that is designated as non-public by state or federal law, court rule, court order, or case law resulting in the document being designated as non-public in its ~~the~~ document's entirety.

* * *

(j) **Public.** An individual, group, agency, business, or non-profit entity, organization, or association. The term also incorporates print or electronic media organizations. A government agency for which there is no existing policy defining the agency's access to court records is also included in this definition.

(k) **Public Document.** An Electronic Document filed in the EFS that is not designated as non-public in ~~its~~ the document's entirety but may contain non-public information that has been redacted.

(l) **Public Access.** The process whereby a member of the Public may inspect, ~~and/or copy,~~ print, and/or download Electronic Case Information maintained by a court.

* * *

(n) **Remote Access.** The ~~P~~process by which the inspection of case information maintained by a court is accomplished by electronic means from a physical location other than a courthouse.

(o) ~~**Rhode Island Judiciary Public Portal (Public Portal) re:Search.** An online service provided and maintained by the Judiciary which, for purposes of these rules, is the point of entry for access to Electronic Case Information from the Judiciary's Database whether at the courthouse or remotely. An online software system hosted by Tyler Technologies which allows real-time web access to essential case, calendar, and party information whether at the courthouse or remotely.~~

Rule 4. Non-Public Filings.

* * *

(d) **Protection of Non-Public Information in Cases Filed Prior to Electronic Filing.** Cases filed with any court before the implementation of electronic filing may contain Non-public Documents or information which would be deemed non-public under these Public Access Rules. Cases filed prior to the conversion to electronic filing will be scanned and converted to electronic form upon the filing of a new pleading or if the matter is scheduled for hearing before a court. If a case file is closed or dormant, the file will not be converted to electronic format and will remain in paper form unless and until some action is taken in the case.

(1) For active pending cases, any party or attorney may file a Motion to Protect Non-Public Information in a Case Filed Prior to Electronic Filing form in the specific case with the respective court seeking to designate portions of the Public file as non-public in accordance with these Public Access Rules. The court shall hear the motion after notice by the filing party to all parties in the case and any individual to whom the subject records pertain if not a named party. Such motion shall be freely granted and, in cases in which the motion is denied, there shall be a hearing. An order denying any motion to designate portions of a file as non-public shall include the reasons serving as the basis for the denial.

(2) When a closed or pending case that has been dormant for one (1) year or more is to be scanned and converted to electronic format in accordance with subsection (a) above, the clerk shall send a notice to the attorneys of record at their attorney's current address as verified by the Clerk of the Supreme Court and parties, to the extent a current address may be available, before the file is scanned. The notice shall advise the attorneys and parties that the subject case file is to be converted to electronic format and that the attorneys and parties may wish to review the file's contents and may submit a Motion to Protect Non-Public Information in a Case Filed Prior to Electronic Filing form in accordance with subparagraph (1) of this rule. The clerks shall allow fifteen (15) days from the mailing of the notice.

(3) The most current version of the Motion to Protect Non-Public Information in a Case Filed Prior to Electronic Filing form is located on the Rhode Island Judiciary's website at www.courts.ri.gov ~~under Public Resources, Forms.~~

Rule 5. Access to Case Information.

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(b) Courthouse Access to Case Information.

* * *

(2) Content.

a. ~~Public Access.~~ Members of the Public shall have Electronic Access at a courthouse to all Public Electronic Case Information. This access does not include access to sealed cases or documents, or non-public case types, documents, or information as defined in these Public Access Rules.

b. *Attorneys.* Attorneys who have entered an appearance in a case shall have Electronic Access at a courthouse to all documents and information about a case in which they attorneys are representing a party. This access does not include access to sealed cases or documents. Attorneys shall have no greater access than the Public to information about cases in which they attorneys are not directly involved.

c. ~~Parties and Self-represented Litigants.~~ ~~Parties to a case and s~~Self-represented litigants shall have Electronic Access at a courthouse to all documents and information about a case in which they self-represented litigants are named as a party. This access does not include access to sealed cases or documents. ~~Parties and s~~Self-represented litigants shall have no greater access than the Public to information about cases in which they self-represented litigants are not directly involved.

d. Named Parties. Parties to a case shall have Electronic Access at a courthouse to all documents and information about a case in which the parties are named. This access does not include access to sealed cases or documents. Named parties shall have no greater access than the Public to information about cases in which the named parties are not directly involved.

~~de. State or Federal Agencies.~~ State or federal agencies and employees thereof authorized by the Judiciary to access Electronic Case Information shall have Electronic aAccess at a courthouse to all Public Electronic Case Information ~~at a courthouse~~. This access does not include access to sealed cases or documents, or non-public case types, documents, or information as defined in these Public Access Rules except in specific circumstances as authorized by the Judiciary. ~~State or federal agencies shall be approved for access by the Supreme Court.~~

f. Law Enforcement Agencies. Law enforcement agencies shall have Electronic Access at a courthouse to all Public Electronic Case Information. This access does not include access to sealed cases or documents, or non-public case types, documents, or information as defined in these Public Access Rules except in specific circumstances as authorized by the Judiciary.

(3) Fees. No fees shall be charged for the viewing of Electronic Documents on a computer terminal provided by the Judiciary at one of ~~its~~ the Judiciary's courthouses. There may be fees associated with the printing and/or certifying of documents.

(c) Remote Access to Case Information.

(1) Policy. To allow limited Remote Access to the Database through ~~the Public Portal~~ re:Search. Some Nnon-public case types shall may not be remotely accessible except for certain case types to attorneys who have entered an appearance in a case.

(2) Content.

a. ~~The Public, Self-represented Litigants and Parties.~~ The Public, ~~self-represented litigants, and parties~~ shall have Remote Access to the register of actions or Docket but shall not have Remote Access to other Electronic Case Information Public Electronic Case Information except for cases in the Family and Workers' Compensation Courts. This access does not include access to sealed cases or documents, or non-public case types, documents, or information as defined in these Public Access Rules.

b. Attorneys. Attorneys who have entered an appearance in a case shall only have Remote Access to all documents and information about a case in which they attorneys are representing a party. This access does not include access to sealed cases or documents. ~~For all other cases in which they are not directly involved, attorneys shall have Remote Access to Public Electronic Case Information.~~ As to cases in which the attorneys are not directly involved, the attorneys shall have Remote Access pursuant to paragraph a of this subdivision.

c. Self-represented Litigants. Self-represented litigants shall only have Remote Access to all documents and information about a case in which the self-represented litigants are named as a party. This access does not include access to sealed cases or documents. As to cases in which the self-represented litigants are not directly involved, the self-represented litigants shall have Remote Access pursuant to paragraph a of this subdivision.

d. Named Parties. Named parties to a case shall only have Remote Access to all documents and information about a case in which the parties are named. This access does not include access

to sealed cases or documents. As to cases in which the named parties are not directly involved, the named parties shall have Remote Access pursuant to paragraph a of this subdivision.

ee. *State or Federal Agencies.* State or federal agencies and employees thereof authorized by the Judiciary to access Electronic Case Information shall have Remote Access to Public Electronic Case Information. This access does not include access to sealed cases or documents, or non-public case types, documents, or information as defined in these Public Access Rules except in specific circumstances as authorized by the Judiciary. State or federal agencies shall be approved for Remote Access by the Supreme Court.

f. *Law Enforcement Agencies.* Law enforcement agencies shall have Remote Access to Public Electronic Case Information. This access does not include access to sealed cases or documents, or non-public case types, documents, or information as defined in these Public Access Rules except in specific circumstances as authorized by the Judiciary.

(3) *Username and Passwords.* Attorneys and state or federal agencies must register with the Rhode Island Supreme Court, Judicial Technology Center, for a username and password in order to utilize Remote Access. The Public, attorneys, state or federal agencies, self-represented litigants, parties, and law enforcement agencies must register through re:Search.

(4) *Fees.* There shall be no fees charged for Remote Access to the foregoing information. There may be fees associated with downloading or printing documents remotely.

(d) Access to Exhibits.

* * *

(2) *Remote Access.* Exhibits are designated as non-public for the purpose of Remote Access due to the construct of the Public Portal. Attorneys, self-represented litigants, named parties, and state or federal agencies shall have Remote Access to exhibits in a case in accordance with Rule 5(c)(2)(b), and (c), (d), and (e).

Superior Court Rules of Civil Procedure

1. Scope of Rules and Mandatory Electronic Filing.

* * *

(b) **Mandatory Electronic Filing.** In accordance with ~~Art.~~ Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing is mandatory for cases in the Superior Court using the Rhode Island Judiciary's (Judiciary) Electronic Filing System. All parties are required to use the Judiciary's Electronic Filing System except for incarcerated individuals or where a waiver is granted in accordance with ~~Art.~~ Article X, Rule 3(c). Self-represented litigants may electronically file documents in accordance with ~~Art.~~ Article X, Rule 3(b) but are not required to do so. The Super.R.Civ.P. must be read in conjunction with ~~Art.~~ Article X, the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information, ~~and~~ the Rhode Island Judiciary User Guide for Electronic Filing, and the Superior Court's Electronic Filing System Guidelines for Civil Cases.

(1) *Definitions.* For further definitions, see ~~Art.~~ Article X, Rule 1(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing.

* * *

(B) *Certificate of Service.* Where the Super.R.Civ.P. requires service of a document to be certified by an attorney of record or a self-represented litigant, the following certification may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE **Certificate of Service**

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is _____ at the following address _____

/s/NAMEame_____

* * *

(G) *Public Access Portal re: Search.* ~~The point of entry for electronic access to case information from the Judiciary's database whether at the courthouse or remotely. The database is an electronic collection of court records displayed as a register of actions or docket sheet. The register of actions or docket sheet lists parties, case events, document filings, or other activities in a case set forth in chronological order. An online software system hosted by Tyler Technologies which allows real-time web access to essential case, calendar, and party information whether at the courthouse or remotely.~~

(H) *Service.* Where the Super.R.Civ.P. require a document or information to be served, sent, delivered, or forwarded, the following shall be applicable:

* * *

(iii) All discovery on a case shall be electronically served using the EFS except when the discovery is of a type which ~~does not lend itself to~~ is not appropriate for electronic service (either because ~~it~~ the discovery consists of non-conforming documents or is too voluminous), in which case conventional service shall be used.

(1) *Signature.* Where the Super.R.Civ.P. require an electronic signature on any document, the signature shall be reflected as /s/ NAME unless stated otherwise.

(2) *Language Assistance Notices.* In an effort to provide language assistance to limited English proficient persons, service of Case Initiating Document(s) shall include the ~~L~~language ~~A~~assistance ~~N~~otices which informs the recipient of the right to a foreign language interpreter at no cost and contains instructions about how to obtain language assistance services. The most current versions of the ~~L~~language ~~A~~assistance ~~N~~otices ~~is~~ are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

(3) *Electronic Filing of Documents.* When using the EFS:

* * *

(C) Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one (1) attachment.

For specific requirements, see the Superior Court's Electronic Filing System Guidelines for Civil Cases.

(4) *Clerk Review; Acceptance/Rejection Procedure:* Following submission, the Superior Court shall timely review the electronically filed document(s) and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document(s) shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in Article X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing. In accordance with Article X, Rule 5(c), grounds for the rejection of a document submitted to the EFS in the Superior Court are limited in scope as follows:

* * *

(B) Pleadings filed without the required documents as set forth in the Superior Court's Electronic Filing System Guidelines for Civil Cases;

* * *

3. Commencement of Action.

A civil action is commenced by the filing of a complaint and all other required documents together with the fees prescribed by law. Incarcerated individuals, attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing, and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b) may deposit the complaint and all other required documents with ~~said~~ the appropriate fee in the mail addressed to the clerk or file the documents at the clerk's office.

4. Process, Attachment, Trustee Process, Arrest.

* * *

(b) **Summons: Issuance.** The summons, as provided in subdivision (a) of this rule, shall be issued in the following manner:

(1) For attorneys and self-represented litigants who are Registered Users, a summons shall be generated by the court and attached to the case following the acceptance of the complaint and all other required documents by the court. Registered Users can retrieve the summons through ~~the Public Access Portal~~ re:Search;

* * *

(3) For attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b):

* * *

(C) If the complaint and all other required documents are mailed to the court, a summons shall be generated electronically by the court and the attorney or self-represented litigant may obtain the summons at the clerk's office.

The plaintiff's attorney or a self-represented litigant shall deliver to the person who is to make service the original summons upon which to make ~~his or her~~ the return of service and a copy of the summons, complaint, ~~L~~ language ~~A~~ assistance ~~N~~ notices, and all other required documents for service upon the defendant. Additional summonses may be issued against any defendant.

* * *

(d) **Waiver of Service; Duty to Save Costs of Service; Request to Waive.**

* * *

(C) Shall be accompanied by a copy of the complaint, ~~L~~ language ~~A~~ assistance ~~N~~ notices, and all other required documents and shall identify the court in which ~~it~~ the complaint has been filed;

* * *

(G) If needed, shall provide the defendant with an extra copy of the notice and request, as well as a prepaid means of compliance in writing.

The most current version of the ~~notice and request~~ Waiver of Service of Summons form is located on the Judiciary's website at *www.courts.ri*. ~~under the heading of Public Resources, Forms.~~ If a defendant located within the United States fails to comply with a request for waiver made by a plaintiff located within the United States, the court shall impose the costs subsequently incurred in effecting service on the defendant unless good cause for the failure is shown.

* * *

(4) When the plaintiff files a waiver of service with the court, the action shall proceed, except as provided in paragraph (3), as if a summons, complaint, ~~Language Assistance Notices~~, and all other required documents had been served at the time of filing the waiver, and no proof of service shall be required.

* * *

(e) Summons: Personal Service. The summons, complaint, ~~Language Assistance Notices~~, and all other required documents shall be served together. The plaintiff shall furnish the person making service with such copies as are necessary. Service shall be made as follows:

(1) Upon an individual from whom a waiver has not been obtained and filed, other than an incompetent person, by delivering a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to the individual personally or by leaving copies thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to an agent authorized by appointment or by law to receive service of process, provided that if the agent is one designated by statute to receive service, such further notice as the statute requires shall be given; ~~or~~

(2) Upon a person for whom a guardian or conservator has been appointed by serving copies of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents upon such guardian or conservator and upon the incompetent person in the manner provided in paragraph (1) of this subdivision.

(3) Upon a public corporation, body, or authority or a private corporation, domestic or foreign, from which a waiver of service has not been obtained and filed, by delivering a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to an officer, director, manager, a managing or general agent, or by leaving a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents at an office of the corporation with a person employed therein, or by delivering a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to an agent authorized by appointment or by law to receive service of process, provided that if the agent is one designated by statute to receive service, such further notice as the statute requires shall be given; ~~or~~

(4) Upon the state by delivering a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to the attorney general or an assistant attorney general.

(f) Service Outside State Within the United States; Personal Jurisdiction. When an individual or a foreign corporation is subject to the jurisdiction of the courts of the state, service of process may be made outside the state as follows:

(1) Upon an individual by delivery of a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to the individual personally by any disinterested person, or by mailing a copy of the summons, complaint, and ~~L~~language ~~A~~assistance ~~N~~otices to the individual by registered or certified mail, return receipt requested, or by express or overnight carrier with a signed receipt of delivery, or by any other method ordered by the court to give such individual notice of the action and sufficient time to prepare any defense thereto; or

(2) Upon a foreign corporation by delivery of a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents by any disinterested person to the president, secretary, or treasurer of such corporation or to any agent or attorney for service of process designated by the corporation in the state of incorporation, or by mailing a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to any such officer or agent or to the corporation at ~~its~~ the corporation's business address designated in the state of incorporation by registered or certified mail, return receipt requested, or by any other method ordered by the court to give such corporation notice of the action and sufficient time to prepare any defense thereto.

(g) **Service Upon Individuals in a Foreign Country.** Unless otherwise provided by state or federal law, service upon an individual from whom a waiver has not been obtained and filed, other than an infant or an incompetent person, may be effected in a place not within the United States:

* * *

(C) Unless prohibited by the law of the foreign country, by:

(i) Delivery to the individual personally of a copy of the summons, complaint, and ~~L~~language ~~A~~assistance ~~N~~otices; or

* * *

(h) **Service Outside the State in Certain Actions.** Where service cannot with due diligence be made personally within the state, service of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents may be made outside the state in the manner provided by subdivisions (f) and (g) of this rule in the following cases:

* * *

(l) **Summons: Time Limit for Service.** If service of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents is not made upon a defendant within one hundred and twenty (120) days after the commencement of the action the court upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period. This subdivision does not apply to service in a foreign country pursuant to subdivision (g).

(m) **Attachment and Trustee Process.**

* * *

(2) *Writ of Attachment: Form.* The writ of attachment shall:

* * *

(B) Be directed to a duly authorized officer in accordance with Title 9, Chapter 5 (Writs, Summons, and Process) of the Rhode Island General Laws and command them to attach the goods or estate of the defendant to the value of the amount of the plaintiff's demand for judgment, together with a reasonable allowance for interest and costs, and to make due return of the authorized officer's doings thereon.

The most current version of the ~~w~~Writ of ~~a~~Attachment form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

* * *

(3) *Writ of Attachment: Issuance.* The ~~w~~Writ of ~~a~~Attachment form shall be filled out by the plaintiff's attorney or a self-represented litigant as provided in paragraph (2) of this subdivision, and shall be submitted to the court with a motion for ~~its~~ issuance. The motion shall be granted only upon a showing that there is a probability of a judgment being rendered in favor of the plaintiff and that there is a need for furnishing the plaintiff security in the amount sought for satisfaction of such judgment, together with interest and costs. A motion hereunder shall not be granted ex parte. Security may be required in connection with issuance of any writ of attachment. A surety upon a bond or undertaking hereunder shall be subject to the provisions of Rule 65(c).

(4) *Writ of Attachment: Service.* The plaintiff's attorney or a self-represented litigant shall deliver to the officer making service a copy of the proposed ~~w~~Writ of ~~a~~Attachment form together with a copy of the motion for ~~its~~ issuance and the notice of hearing thereof. When the summons, complaint, and ~~L~~anguage ~~A~~ssistance ~~N~~otices are served upon the defendant as provided in subdivisions (d) through (i) of this rule, the defendant shall also be served with a copy of the proposed ~~w~~Writ of ~~a~~Attachment form and of the motion for ~~its~~ issuance with the notice of hearing thereof. An attachment made after service of the summons, complaint, and ~~L~~anguage ~~A~~ssistance ~~N~~otices shall be made as provided in paragraph (6) of this subdivision.

* * *

(6) *Subsequent Attachment.* After service of the summons, ~~and~~ complaint, and ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents upon the defendant, attachment shall be available to the extent and in the manner provided by law, shall follow the form prescribed in paragraph (2) of this subdivision, and shall be issued in accordance with paragraph (3) of this subdivision. All papers shall be served upon the defendant in the manner provided for service of process under subdivisions (d) through (i) of this rule unless the defendant has appeared in the action, in which case service shall be made as provided in Rule 5(b).

(7) *Proof of Service.* Upon service of a ~~w~~Writ of ~~a~~Attachment form and a copy thereof, the person making the service shall make the proof of service as provided in subdivision (j) of this rule.

* * *

(n) **Arrest.**

* * *

(2) *Form and Service.* The writ of arrest shall be obtained and filled out in the same manner as a writ of attachment, shall be accompanied by such affidavit as may be required by law, and shall be submitted to the court with a motion for its issuance. An order of issuance shall be indorsed on the writ by the court. Service of such writ shall be accompanied by service upon the defendant of a copy of the summons, complaint, ~~L~~language A~~ssistance N~~otices, and all other required documents, and proof of service shall be made in the same manner as proof of service on a writ of attachment. ~~The most current version of the writ of arrest is located on the Judiciary's website at www.courts.ri.gov under the heading of Public Resources, Forms.~~

(3) *Subsequent Writ of Arrest.* After service of the summons, complaint, ~~L~~language A~~ssistance N~~otices, and all other required documents upon the defendant a writ of arrest shall be available to the extent and in the manner provided by law and shall be issued and served as provided in paragraph (2) of this subdivision.

* * *

5. Service and Filing of Pleadings and Other Papers.

* * *

(b) Making Service.

* * *

(3) For incarcerated individuals, attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing, and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b), service under Rule 5(a) is made by:

- (A) Delivering a copy of the papers to the person served by:
 - (i) ~~Handing #a copy of the papers~~ to the person;
 - (ii) ~~Leaving #a copy of the papers~~ at the person's office with a clerk or other person in charge or if no one is in charge, leaving it in a conspicuous place in the office; or
 - (iii) ~~Leaving #a copy of the papers~~ at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.
- (B) Mailing a copy of the papers to the last known address of the person served. Service by mail is complete on mailing.

* * *

11. Signing of Pleadings, Motions, and Other Papers; Sanctions.

In accordance with ~~Art.~~ Article X, Rule 7 of the Rhode Island Supreme Court Rules Governing Electronic Filing, every pleading, written motion, and other paper of a party represented by an attorney shall be personally signed by at least one (1) attorney of record in the attorney's individual name and shall state the attorney's address, email address, bar number, and telephone number. An

attorney, however, need not sign answers to interrogatories or objections to requests for admission which have been signed by a party. A self-represented litigant shall personally sign the pleading, motion, or other paper and state the self-represented litigant's address, email address (if electing to utilize the EFS), and telephone number.

* * *

12. Defenses and Objections — When and How Presented by Pleading or Motion — Motion for Judgment on Pleadings.

(a) When Presented.

* * *

(A) Within twenty (20) days after the service of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~notices, and all other required documents upon the defendant, unless the court directs otherwise when service of process is made pursuant to an order of court. Where service upon a defendant is made by publication of an order of notice, a defendant shall serve an answer within twenty (20) days after the last publication of said order of notice, or

* * *

14. Third Party Practice.

(a) **When Defendant May Bring in Third Party.** At any time after commencement of the action a defending party, as a third party plaintiff, may cause a summons, complaint, ~~L~~language ~~A~~assistance ~~N~~notices, and all required documents to be served upon a person not a party to the action who is or may be liable to the third-party plaintiff for all or part of the plaintiff's claim against the third-party plaintiff. The third-party plaintiff need not obtain leave to make the service if the third-party plaintiff files the third-party complaint not later than ten (10) days after serving the original answer. Otherwise the third-party plaintiff must obtain leave on motion upon notice to all parties to the action. The person served with the summons, third-party complaint, ~~L~~language ~~A~~assistance ~~N~~notices, and all other required documents hereinafter called the third-party defendant, shall make any defenses to the third-party plaintiff's claim as provided in Rule 12 and any counterclaims against the third-party plaintiff and cross-claims against other third-party defendants as provided in Rule 13. The third-party defendant may assert against the plaintiff any defenses which the third-party plaintiff has to the plaintiff's claim. The third-party defendant may also assert any claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff. The plaintiff may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the third-party defendant shall assert any defenses as provided in Rule 12 and any counterclaims and cross-claims as provided in Rule 13. Any party may move to strike the third-party claim, or for its severance or separate trial. A third-party defendant may proceed under this rule against any person not a party to the action that is or may be liable to the third-party defendant for all or part of the claim made in the action against the third-party defendant.

* * *

15. Amended and Supplemental Pleadings.

* * *

(c) **Relation Back of Amendments.** Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing or adding a plaintiff or defendant or the naming of a party relates back if the foregoing provision is satisfied and within the period provided by Rule 4(1) for service of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents, the party against whom the amendment adds a plaintiff, or the added defendant:

* * *

34. Production of Documents, Electronically Stored Information, and Things; Entry Upon Land for Inspection for Other Purposes.

* * *

(b) Procedure.

(1) The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents upon that party. The request shall set forth the items to be inspected, copied, tested, or sampled either by individual item or by category, and describe each item and category with reasonable particularity. A party requesting production of electronically stored information may specify the format in which each type of electronically stored information is to be produced. The request shall specify a reasonable time, place, and manner of making the inspection, copy, test, or sample.

(2) The party upon whom the request is served shall serve a written response within forty (40) days after the service of the request, except that a defendant may serve a response within sixty (60) days after service of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents upon that defendant. The court may allow a shorter or longer time. The response shall state, with respect to each item or category, that inspection, copying, testing, or sampling will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified and inspection, copying, testing, or sampling permitted of the remaining parts. Any response to a request for production of any electronically stored information shall also state, with respect to each item or category in the request:

* * *

36. Requests for Admission.

(a) **Request for Admission.** A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rule 26(b) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons, complaint, ~~L~~language A~~assistance N~~otices, and all other required documents upon that party.

Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within thirty (30) days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by the party's attorney, but, unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of forty-five (45) days after service of the summons, complaint, ~~L~~language A~~assistance N~~otices, and all other required documents upon the defendant. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter.

* * *

40. Assignment of Cases for Trial - Continuances.

(a) **Assignment of Cases for Trial.** Cases may be assigned for trial or other disposition to the appropriate calendar:

* * *

Precedence shall be given to actions entitled thereto by statute. However, no motion to assign a case for trial shall be made within forty (40) days of service of summons, complaint, and ~~L~~language A~~assistance N~~otices, and all other required documents on all necessary parties.

* * *

64. Replevin.

(a) **Issuance.** A plaintiff claiming the possession of goods and chattels wrongfully taken or detained shall proceed by complaint and summons in an action under these rules and in connection therewith may make a motion for issuance of a writ of replevin as provided by law, which shall be served along with a summons, complaint, ~~L~~language A~~assistance N~~otices, and all other required documents. The motion shall be granted only upon a showing that there is a probability of a judgment being rendered in favor of the plaintiff and that there is a substantial need for transfer of possession of the goods and chattels to the plaintiff pending adjudication of the claim. In lieu of

ordering issuance of the writ of replevin the court may order the defendant to give security for satisfaction of any judgment which may be rendered in the action. A surety upon a bond or undertaking hereunder shall be subject to the provisions of Rule 65(c). A motion for issuance of a writ of replevin shall not be granted ex parte.

* * *

69. Execution, Supplementary Proceedings, Attachment and Trustee Process After Judgment.

* * *

(b) Citation in Supplementary Proceedings.

* * *

(3) *Service.* Said citation shall be served by delivering a copy to the judgment debtor or by leaving a copy at the individual's dwelling house or usual place of abode of the judgment debtor with a person of suitable age and discretion then residing therein, at least six (6) days before the date of appearance named in the citation.

The clerk may include an order of citation in supplementary proceedings on the same form as the writ of execution issued against the judgment debtor and said citation shall become effective whenever said judgment debtor fails to satisfy the demand of a duly authorized officer in accordance with Title 9, Chapter 5 (Writs, Summons, and Process) of the Rhode Island General Laws serving the writ of execution. If the execution is to be returned unsatisfied, the a duly authorized officer in accordance with Title 9, Chapter 5 (Writs, Summons, and Process) of the Rhode Island General Laws shall write or mark the legend “~~EXECUTION UNSATISFIED, JUDGMENT DEBTOR MUST APPEAR IN COURT~~ **Execution unsatisfied, judgment debtor must appear in court**” on the copy of the execution left with the judgment debtor.

* * *

(f) **Attachment of Wages After Judgment.** A writ of attachment to be served as a writ of garnishment of wages after the plaintiff's claim has been reduced to judgment in any civil action shall be issued, in the same action, only upon motion and notice to the defendant and an opportunity to be heard thereon and shall contain the date of the hearing, which shall be not less than ten (10) nor more than twenty-five (25) days after the date of the mailing of the notice. No wage attachment shall be served upon an employer until after the date of the hearing. However, a debtor's failure to object to said motion shall not be deemed as a waiver of any statutory exemptions available to said debtor, and a debtor may move at any time to amend or vacate an order of attachment. The granting of said motion shall relate only to current and identified wages, and recovery in post-judgment process shall be limited to the amount of the judgment plus actual costs expended and post-judgment statutory interest. If, after the time set for hearing, the motion is granted, then a writ of attachment may be served upon the employer, along with a completed copy of a ~~Notice to the e~~ Notice to the Employer (Trustee/Garnishee) form setting forth the obligations of the employer. The most current version of the Notice to Employer (Trustee/Garnishee) form is located

on the Judiciary's website at www.courts.ri.gov. A writ of attachment so issued shall expire without prejudice unless served upon the employer within forty-five (45) days of ~~its writ of attachment's~~ issuance, and no subsequent writ of attachment shall be issued in the same action without notice to the defendant and an opportunity for a hearing as provided herein.

78. Stenographic Reports — Transcripts of Testimony.

Every party requesting a court reporter to transcribe testimony taken in court by the court reporter shall be required to pay for the transcript at a rate not to exceed three dollars (\$3.00) per page for originals and one dollar and fifty cents (\$1.50) per page for copies. The rate to be charged for transcripts ordered by any branch, department, agency, board, or commission of the government of the State of Rhode Island shall not exceed three dollars (\$3.00) per page for originals and one dollar and fifty cents (\$1.50) per page for copies. The minimum charge of a transcript shall be five dollars (\$5.00). Policies and procedures regarding the ordering, payment, and delivery of transcripts shall be promulgated by the Supreme Court Finance and Budget Office of the Administrative Office of State Courts. The most current version of the procedure for requesting an appeal transcript policy and procedure and form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Quick Links on the home page.~~

84. Forms.

The forms listed in the ~~a~~Appendix of fForms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms,~~ are sufficient under the rules, and are intended to indicate the simplicity and brevity of statement which the rules contemplate.

85. Out-of-State ~~Counsel~~ Attorneys.

No person, who is not an attorney ~~and counselor~~ of the Supreme Court of the State of Rhode Island, shall be permitted to act as attorney ~~or counselor~~ for any party in any proceeding, hearing, or trial in the Superior Court unless granted leave to do so by the Superior Court or by the Supreme Court. Unless the Superior Court or the Supreme Court permits otherwise, any attorney who is granted such leave to practice before the Superior Court shall not engage in any proceeding, hearing, or trial therein unless there is present in the courtroom for the duration of the proceeding, hearing, or trial a member of the bar of Rhode Island who shall be prepared to continue with the proceeding, hearing, or trial in the absence of ~~counsel~~ an attorney who has been so granted leave.

Subject to the limitations and exceptions set forth in ~~Art.~~ Article II, Rule 9 of the Supreme Court Rules for the Admission of Attorneys and Others to Practice Law, leave shall be granted by the Superior Court, in ~~its~~ the court's discretion, upon a miscellaneous petition signed by the petitioner in a form approved by the Supreme Court, supported by certifications of the attorney seeking admission pro hac vice and of Rhode Island associate ~~counsel~~ attorney, and assented to by the party being represented in a client certification. The most current ~~forms for versions of the admission pro hac vice forms~~ are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

86. Effective Date.

These amended rules shall take effect on ~~November 5, 2014~~ **XX, 2025**. ~~They~~se rules govern all proceedings in actions brought after ~~they~~se rules take effect and also all further proceedings in actions then pending except to the extent that in the opinion of the court ~~their~~rule's application in a particular action pending, when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.

Appendix of Forms

1. The following forms located on the Judiciary's website at *www.courts.ri.gov* ~~under the heading of Public Resources, Forms~~ and are sufficient under the rules. They forms are limited in number. No attempt is made to furnish a manual of forms.

Admission Pro Hac Vice - Attorney Certification
Admission Pro Hac Vice - Client Certification
Admission Pro Hac Vice - Miscellaneous Petition
~~Affidavit and Request for Entry of Default~~
~~Application for Citation in Supplementary Proceedings~~
Arbitration - Arbitrator's Award
Arbitration - Court Annexed Arbitration Certificate
Arbitration - Rejection of Arbitrator's Award for Cases Certified to Arbitration After January 1, 2014
~~Arbitration - Rejection of Arbitrator's Award for Cases Certified to Arbitration Before January 1, 2014~~
Arbitration - Report of Arbitrator
Arbitration - Selection of Arbitrator
Audio/Video Equipment Request
Business Calendar Case Opening Sheet
Coversheet for Application for Court Approval of Transfer of Structured Settlement Proceeds
Entry of Appearance - Civil
Extreme Risk Protection – Affidavit
Extreme Risk Protection – Motion to Renew
Extreme Risk Protection – Motion to Terminate
Extreme Risk Protection – Petition
Land Use Calendar Case Opening Sheet
~~Judgment by Default Upon Application to Clerk~~
Language Assistance Notice - Cambodian
Language Assistance Notice - English
Language Assistance Notice - Portuguese
Language Assistance Notice - Spanish
~~Mechanics' Lien for Advertising~~
Mechanics' Lien Citation
Mechanics' Lien for Advertising
Mediation Submission Form Settlement Week
Motion for Permission to Travel

~~Motion, Affidavit, and Order to Proceed in Forma Pauperis~~
~~Motion to Protect Non-public Information in a Case Filed Prior to Electronic Filing~~
~~Motion to Vacate No Contact Order~~
~~Notice and Motion to Attach Wages and Defendant/Debtor's Objection to Wage Attachment~~
~~Notice of Appeal~~
~~Notice of Attachment (Not for Wages) and Defendant/Debtor's Objection to Notice of Attachment (Not for Wages)~~
~~Notice to Employer (Trustee/Garnishee)~~
 Omnibus Calendar Assignment Form
 Petition for Waiver of the Mandatory Electronic Filing Requirements
Petition to Enforce Civil Judgment of Liability - Restitution
Release of Property Lien
~~Pro Hac Vice Attorney Certification for Admission Pro Hac Vice~~
~~Pro Hac Vice Client Certification~~
~~Pro Hac Vice Miscellaneous Petition for Admission Pro Hac Vice~~
 Request for Transcript
 Stipulation
~~Subpoena - Civil~~
Superior Court Abusive Litigation - Motion
Superior Court Abusive Litigation - Petition
Superior Court Affidavit and Request for Entry of Default
Superior Court Application for Citation in Supplementary Proceedings
Superior Court Judgment by Default Upon Application to Clerk
Superior Court Motion, Affidavit, and Order to Proceed In Forma Pauperis
Superior Court No Contact Order
Superior Court Notice and Motion to Attach Wages and Defendant/Debtor's Objection to Wage Attachment
Superior Court Notice of Appeal
Superior Court Notice of Appeal From Decision of Magistrate
Superior Court Notice of Attachment (Not for Wages) and Defendant/Debtor's Objection to Notice of Attachment (Not for Wages)
Superior Court Notice to Employer (Trustee/Garnishee)
Superior Court Subpoena - Civil
Superior Court Subpoena – Foreign – Civil
Superior Court Waiver of Service of Summons
Superior Court Writ of Attachment
Superior Court Writ of Replevin
~~Writ of Attachment~~
~~Writ of Replevin~~

2. Except where otherwise indicated, each pleading, motion, and other paper should have a caption similar to that of the forms listed above. In the caption of the complaint all parties must be named but in other pleadings and papers, it is sufficient to state the name of the first party on either side, with an appropriate indication of the other parties is sufficient. See Rules 4(b), 7(b)(2), and 10(a).

3. Each pleading, motion, and other paper is to be signed in the individual name by at least one (1) attorney of record (Rule 11). The attorney's name is to be followed by ~~his or her~~ the attorney's address, email address, bar number, and telephone number.

* * *

Superior Court Rules of Criminal Procedure

1. Scope of Rules and Mandatory Electronic Charging and Filing.

* * *

(b) *Mandatory Electronic Filing.* In accordance with Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing is mandatory for subsequent pleadings filed in a Superior Court criminal case by using the Rhode Island Judiciary's (Judiciary) Electronic Filing System. All parties are required to use the Judiciary's Electronic Filing System ~~Except for incarcerated individuals who are self-represented or where a waiver is granted in accordance with Article X, Rule 3(c), all parties are required to use the Judiciary's Electronic Filing System.~~ Self-represented litigants may electronically file documents in accordance with Article X, Rule 3(b) but are not required to do so. The Super.R.Crim.P. must be read in conjunction with Article X, the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information, ~~and the Rhode Island Judiciary User Guide for Electronic Filing, and the Superior Court's Electronic Filing System Guidelines for Criminal Cases.~~

* * *

(B) *Certificate of Service.* Where the Super.R.Crim.P. requires service of a document to be certified by an attorney of record or a self-represented litigant, the following certification may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE

Certificate of Service

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

_____.

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

_____.

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is _____ at the following address _____.

/s/NAMEame_____

* * *

(G) ~~*Rhode Island Judiciary Public Portal-re:Search.*~~ An online service provided and maintained by the Judiciary which is the point of entry for electronic access to case information from the Judiciary's database whether at the courthouse or remotely. The database is an electronic collection of court records displayed as a register of actions or docket sheet. The register of actions or docket sheet lists parties, case events, document filings, or other activities in a case set forth in chronological order. An online software system hosted by Tyler Technologies which allows real-time web access to essential case, calendar, and party information whether at the courthouse or remotely.

(H) *Service.* Where the Super.R.Crim.P. require a document or information to be served, sent, delivered, or forwarded, the following shall be applicable:

* * *

(iii) All discovery on a case shall be electronically served using the EFS except when the discovery is of a type which ~~does not lend itself to~~ is not appropriate for electronic service (either because ~~it~~ the discovery consists of non-conforming documents or is too voluminous), in which case conventional service shall be used.

(I) *Signature.* Where the Super.R.Crim.P. require an electronic signature on any document, the signature shall be reflected as /s/ NAME unless stated otherwise.

(2) *Electronic Filing of Documents.* When using the EFS:

* * *

(B) Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one (1) attachment.

For specific requirements, see the Superior Court's ~~Criminal~~ Electronic Filing System Guidelines for Criminal Cases.

(3) *Clerk Review; Acceptance/Rejection Procedure.* Following submission, the Superior Court shall timely review the electronically filed document(s) and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document(s) shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in Article X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing. In accordance with Article X, Rule 5(c), grounds for the rejection of a document submitted to the EFS in the Superior Court are limited in scope as follows:

* * *

(B) Pleadings filed without the required documents as set forth in the Superior Court's ~~Criminal~~ Electronic Filing System Guidelines for Criminal Cases;

* * *

(d) *Obligations of the Office of the Attorney General.*

* * *

(3) *Criminal Information Package or Indictment.* Two (2) sets of the criminal information package or indictment shall be filed separately through the EFS as attachments. One criminal information package or indictment shall be submitted as a non-public document. The second criminal information package or indictment shall be submitted as public document with documents and/or information redacted in accordance with Article X, Rules Governing Electronic Filing and the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information. The information package or indictment may be filed in one PDF with a Table of Contents as the first page. For specific requirements regarding the content and order of the information package or indictment, see the Superior Court's ~~Criminal~~ Electronic Filing System Guidelines for Criminal Cases.

4. Arrest Warrant or Summons Upon Complaint.

* * *

(b) *Summons.*

* * *

(2) *Form.* The summons shall be in a form approved by the District Court, describe the offense(s) charged in the complaint, and shall summon the defendant to appear at a stated time and place before a judicial officer of the District Court for the division in which the offense is alleged to have been committed.

The Office of the Attorney General or the authorized law enforcement agency shall have the defendant sign the summons or acknowledge that the defendant refused to sign. If a defendant fails to appear in response to the summons, a bench warrant may issue. ~~The most current Summons is located on the Judiciary's website at www.courts.ri.gov under the heading of Forms, District Court.~~

5A. Diversion.

Following a defendant's appearance in the district court on a felony charge, eligible defendants may be referred to the Superior Court Diversion Program, which is an opportunity for eligible defendants to defer prosecution of the charged offenses in exchange for the defendant's successful completion of the Superior Court Diversion Program.

(a) *Eligibility and Referral.* Eligible defendants are those who meet the criteria prescribed in G.L. 1956 § 8-2-39.3. Counsel-Attorney for the defendant, the Department of Attorney General, or a court may refer a defendant to the Superior Court Diversion Program by completing and submitting a Superior Court Diversion Program Referral Form in accordance with the instructions thereon set forth in the form. The most current version of the Diversion Program Referral form is located on the Judiciary's website at www.courts.ri.gov.

(b) *Acceptance and Participation.* If a defendant is deemed by the Superior Court to be eligible and appropriate for participation in the Superior Court Diversion Program, the defendant shall sign an agreement acknowledging his/her the defendant's obligations, waiving his/her the defendant's right to a speedy trial, and agreeing to toll any applicable civil and/or criminal statutes of limitations while a participant in the Superior Court Diversion Program.

(c) *Termination.* A defendant may terminate ~~his/her the defendant's~~ participation in the Superior Court Diversion Program at any time by notifying ~~his/her the defendant's~~ case worker and appearing before the ~~C~~court. If a defendant fails to abide by the terms and conditions of the Superior Court Diversion Program, ~~his/her the defendant's~~ participation may be terminated by the court upon notice and following a hearing. Upon the termination of a defendant from the Superior Court Diversion Program, the case will be returned to the ~~s~~Superior ~~e~~Court criminal calendar for prosecution.

(d) *Right to ~~Counsel~~-an Attorney.* Defendants participating in the Superior Court Diversion Program shall have the right to retain and consult with ~~counsel-an attorney~~, or to have ~~counsel-an attorney~~ appointed for ~~him-or her the defendant~~ if indigent, prior to signing the participation agreement. ~~A~~ Defendant shall also have the right to have ~~counsel-an attorney~~ present at any termination hearings.

(e) *Successful Completion and Dismissal.* A defendant's participation in the Superior Court Diversion Program shall be for a set period of time prescribed by the court, but the diversion period shall not exceed one (1) year from the date of acceptance into the Superior Court Diversion Program without permission of the court. Following a defendant's successful completion of the Superior Court Diversion Program, the charges against the defendant shall be dismissed in accordance with Rule 48(a) or by the court in accordance with Rule 48(b).

* * *

49. Service and Filing of Papers.

* * *

(b) *Service: How Made.*

* * *

(A) Delivering a copy of the papers to the person served by:

(i) Handing ~~it-a copy of the papers~~ to the person;

(ii) Leaving ~~it-a copy of the papers~~ at the person's office with a clerk or other person in charge or if no one is in charge, leaving it in a conspicuous place in the office; or

(iii) Leaving ~~it-a copy of the papers~~ at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

(B) Mailing a copy of the papers to the last known address of the person served. Service by mail is complete on mailing; or

* * *

50. Appearance and Withdrawal of Attorneys.

* * *

(c) *Out-of-State ~~Counsel~~-Attorneys.* No person, who is not an attorney of the Supreme Court of the State of Rhode Island, shall be permitted to act as attorney for any party in any proceeding,

hearing, or trial in the Superior Court, unless granted leave to do so by the Superior Court or by the Supreme Court. Unless the Superior Court or the Supreme Court permits otherwise, any attorney who is granted leave to practice before the Superior Court shall not engage in any proceeding, hearing, or trial therein unless there is present in the courtroom for the duration of the proceeding, hearing, or trial, a member of the bar of Rhode Island who shall be prepared to continue with the proceeding, hearing, or trial in the absence of an attorney who has been so granted leave.

Subject to the limitations and exceptions set forth in Article II, Rule 9 of the Supreme Court Rules for the Admission of Attorneys and Others to Practice Law, leave shall be granted by the Superior Court in ~~its~~ the court's discretion upon a miscellaneous petition signed by the petitioner in a form approved by the Supreme Court, supported by certifications of the attorney seeking admission pro hac vice and of Rhode Island associate ~~counsel-attorney~~, and assented to by the party being represented in a client certification. The most current ~~forms for versions of the admission pro hac vice admission forms~~ are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Forms, Superior Court.~~

Leave to represent more than one (1) defendant may be granted provided, however, that for each defendant there shall also be a separate Rhode Island associate trial ~~counsel-attorney~~ who shall be present in the courtroom for the duration of the proceeding, hearing, or trial, unless excused by the court.

Leave to represent more than one (1) defendant shall be granted by the Superior Court, in ~~its~~ the court's discretion, upon motion in the form approved by the court, signed by the movant, and assented to by the defendant being represented and by the Rhode Island associate ~~counsel-attorney~~.

58. Forms.

The forms listed in the Appendix of Forms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Superior Court~~ are sufficient under the rules and are not mandatory.

59. Effective Date.

These amended rules take effect on ~~September 5, 2017~~ **XX, 2025**. They rules govern all criminal proceedings thereafter commenced and so far as just and practicable all proceedings then pending.

Appendix of Forms

The following forms located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Superior Court~~ and are expressly declared by Rule 58 to be sufficient under the rules. They forms are limited in number. No attempt is made to furnish a manual of forms.

Admission Pro Hac Vice - Attorney Certification
Admission Pro Hac Vice - Client Certification
Admission Pro Hac Vice - Miscellaneous Petition
Adult Drug Court Program - Contract

Adult Drug Court Program - Important Notice
Adult Drug Court Program - Memorandum of Understanding
Adult Drug Court Program - Referral Form
Adult Drug Court Program - Release of Confidential Information
Adult Drug Court Option - Waiver of Constitutional Rights
Affidavit for Bail
Bail and Recognizance Conditions
Defendant's Petition to Waive Indictment or Information
Deferred Sentence Agreement
Dismissal Under Criminal Rule 48(a)
Diversion Program Participant Agreement
Diversion Program Referral Form
Diversion Program Release of Confidential Information
Entry of Appearance - Criminal
~~Financial Statement~~
~~Motion, Affidavit, and Order to Proceed in Forma Pauperis~~
~~Motion and Affidavit to Expunge or Seal Record - Felony~~
~~Motion and Affidavit to Expunge or Seal Record - Misdemeanor~~
Motion for Permission to Travel
Motion to Vacate No Contact Order
~~No Contact Order~~
~~Notice of Appeal~~
~~Pro Hac Vice - Attorney Certification for Admission Pro Hac Vice~~
~~Pro Hac Vice - Client Certification~~
~~Pro Hac Vice - Miscellaneous Petition for Admission Pro Hac Vice~~
~~Request to Enter Plea of Nolo Contendere or Guilty~~
~~Restraining - No Contact - Counseling Order~~
Superior Court Financial Statement - Criminal Cases
Superior Court Motion and Affidavit to Expunge or Seal Record - Felony
Superior Court Motion and Affidavit to Expunge or Seal Record - Misdemeanor
Superior Court Motion to Terminate Probation
Superior Court Motion, Affidavit, and Order to Proceed In Forma Pauperis
Superior Court No Contact Order
Superior Court Notice of Appeal
Superior Court Request to Enter Plea of Nolo Contendere or Guilty
Superior Court Restraining - No Contact - Counseling Order
Superior Court Waiver of Right of Jury Trial
Waiver of Extradition Proceedings
~~Waiver of Right of Jury Trial~~

Superior Court Rules Governing Arbitration of Civil Actions

Rule 1. Actions Subject to Arbitration and Mandatory Electronic Filing.

* * *

(e) **Arbitration Certification.** Upon the filing of the last responsive pleading counsel for a party, within three (3) days thereof shall, with the exception of actions under section (a)(1) through (6) hereof, file a Court Annexed Arbitration Certificate specifying the amount of the claim. The most current version of the Court Annexed Arbitration Certificate form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

(f) **Mandatory Electronic Filing.** In accordance with Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing is mandatory for arbitration cases in the Superior Court using the Rhode Island Judiciary's (Judiciary) Electronic Filing System. All parties are required to use the Judiciary's Electronic Filing System except for incarcerated individuals or where a waiver is granted in accordance with Article X, Rule 3(c). Self-represented litigants may electronically file documents in accordance with Article X, Rule 3(b) but are not required to do so. The Arbitration Rules must be read in conjunction with Article X, the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information, ~~and~~ the Rhode Island Judiciary User Guide for Electronic Filing, and the Superior Court's Electronic Filing System Guidelines for Civil Cases.

(1) *Definitions.* For further definitions, see Article X, Rule 1(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing.

* * *

(B) *Certificate of Service.* Where the Arbitration Rules require service of a document to be certified by an attorney of record or a self-represented litigant, the following certification may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE

Certificate of Service

I hereby certify that, on the ____ day of _____, ____:

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

_____.

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

_____.

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is

_____ at the following address

/s/ NAMEame

* * *

(H) *Signature.* Where the Arbitration Rules require an electronic signature on any document, the signature shall be reflected as /s/ NAMEame unless stated otherwise.

* * *

(2) *Electronic Filing of Documents.* When using the EFS:

* * *

(C) Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one (1) attachment.

For specific requirements, see the Superior Court's Electronic Filing System Guidelines for Civil Cases.

(3) *Clerk Review; Acceptance/Rejection Procedure:* Following submission, the Arbitration Office shall timely review the electronically filed document(s) and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document(s) shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in Article X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing. In accordance with Article X, Rule 5(c), grounds for the rejection of a document submitted to the EFS for arbitration cases in the Superior Court are limited in scope as follows:

(A) Documents filed without a conventional signature where required;

(B) Pleadings filed without the required documents as set forth in the Superior Court's Electronic Filing System Guidelines for Civil Cases;

* * *

Rule 2. Arbitrators.

* * *

(f) **Duties of Arbitrators.** In addition to the provisions and duties specifically assigned by these Arbitration Rules, arbitrators shall abide by all administrative directives promulgated by the presiding justice to ensure the timely adjudication and conclusion of hearings. This obligation shall include, but not be limited to, reporting the status of pending cases to the ~~a~~Arbitration ~~e~~Office on the Report of Arbitrator form every sixty (60) days from their designation or appointment and/or to provide to the Arbitration Office any original dismissal stipulation or settlement agreement which may arise as a result of the Arbitration process.

The Report of Arbitrator form shall be submitted in a timely manner to receive payment for services. The most current version of the Report of Arbitrator form is located on the Judiciary's website at ~~www.courts.ri.gov under the heading of Public Resources, Forms.~~

Rule 5. Trial.

(a) **Trial as of Right.** Any party not in default for a reason which may result in judgment by default who is dissatisfied with an arbitrator's award may have a trial as of right upon filing a written rejection of the award on an approved form within thirty (30) days after the arbitrator's award has been filed or within thirty (30) days after an adverse determination of a Rule 3(j) motion to rehear. The most current version of the Rejection of Arbitrator's Award form is located on the Judiciary's website at *www.courts.ri.gov* ~~under the heading of Public Resources, Forms.~~

* * *

Rule 7. Administration.

* * *

(d) **Forms.** Forms for use in these arbitration proceedings must be approved by the Superior Court. The most current versions of the forms are located on the Judiciary's website at *www.courts.ri.gov* ~~under the heading of Public Resources, Forms.~~

Rule 8. Application of Arbitration Rules.

These Arbitration Rules are effective on XX, 2025 and shall apply to cases filed before or after their effective date or cases referred to arbitration by order of the court; ~~provided that the amendments to Arbitration Rules 1, 2(a), 2(c), 3(a), 3(n)(1), 5(a), 5(b), 7(a), 7(b) and 7.1 shall apply to cases certified to Arbitration after the effective date of the amendments.~~

Superior Court Rules of Practice

Rule 1.3. Court Hours.

Except on holidays the Superior Court shall ordinarily sit from 9:30 a.m. to 12:30 p.m. and from 2:00 p.m. to 4:~~30~~00 p.m., Mondays through Fridays, unless the presiding justice shall order otherwise.

Rule 1.6. Case Filings.

Every memorandum of law filed with the court shall be printed or typewritten, shall be distinctly legible, shall be signed by the attorney presenting ~~it~~the memorandum in accordance with ~~Art.~~Article X, Rule 7 of the Rhode Island Supreme Court Rules Governing Electronic Filing, and shall contain:

- (1) A brief and concise statement of the case;
- (2) The specific questions raised duly numbered; and
- (3) The point made, together with the authorities relied on in support thereof.

In cases where ~~it may be necessary for the court to go into an~~finds the examination of record evidence is necessary, each party shall briefly specify in ~~his or her~~the party's brief the leading facts which the party deems established by the evidence, with a reference to the pages where the evidence of such facts may be found. The format of the case filings shall be in accordance with the Superior Court's Electronic Filing System Guidelines for Civil Cases or the Superior Court's Electronic Filing System Guidelines for Criminal Cases.

Rule 3.5. Transcripts.

Policies and procedures regarding the ordering, payment, and delivery of transcripts shall be promulgated by the Supreme Court Finance and Budget Office of the Administrative Office of State Courts. The most current version of the procedure for requesting an appeal transcript policy and procedure and form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Quick Links on the home page.~~

* * *

Family Court Rules of Criminal Procedure

1. Scope of Rules and Mandatory Electronic Charging and Filing.

* * *

(c) **Mandatory Electronic Filing.** In accordance with ~~Art.~~ Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing is mandatory for subsequent pleadings filed after the initial charging of a Family Court criminal case by using the Rhode Island Judiciary's (Judiciary) Electronic Filing System. All parties are required to use the Judiciary's Electronic Filing System ~~Except for incarcerated individuals who are self-represented or where a waiver is granted in accordance with Article X, Rule 3(c), all parties are required to use the Judiciary's Electronic Filing System.~~ Self-represented litigants may electronically file documents in accordance with ~~Art.~~ Article X, Rule 3(b) but are not required to do so. The Fam.R.Crim.P. must be read in conjunction with ~~Art.~~ Article X, the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information, ~~and~~ the Rhode Island Judiciary User Guide for Electronic Filing, and the Family Court's Electronic Filing System Guidelines for Criminal Cases.

(1) *Definitions.* For further definitions, see ~~Art.~~ Article X, Rule 1(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing.

* * *

(B) *Certificate of Service.* Where the Fam.R.Crim.P. requires service of a document to be certified by an attorney of record or a self-represented litigant, the following certification may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE

Certificate of Service

I hereby certify that, on the ____ day of _____, ____:

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

_____.

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

_____.

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is _____ at the following address _____.

/s/~~NAME~~ame_____

* * *

(G) ~~*Rhode Island Judiciary Public Portal-re:Search*~~. ~~An online service provided and maintained by the Judiciary which is the point of entry for electronic access to case information from the Judiciary's database whether at the courthouse or remotely. The database is an electronic collection of court records displayed as a register of actions or docket sheet. The register of actions or docket sheet lists parties, case events, document filings, or other activities in a case set forth in chronological order.~~ An online software system hosted by Tyler Technologies which allows real-time web access to essential case, calendar, and party information whether at the courthouse or remotely.

* * *

(H) *Service*. Where the Fam.R.Crim.P. require a document or information to be served, sent, delivered, or forwarded, the following shall be applicable:

* * *

(iii) All discovery on a case shall be electronically served using the EFS except when the discovery is of a type which ~~does not lend itself to~~ is not appropriate for electronic service (either because ~~it~~ the discovery consists of non-conforming documents or is too voluminous), in which case conventional service shall be used.

(I) *Signature*. Where the Fam.R.Crim.P. require an electronic signature on any document, the signature shall be reflected as /s/ NAME unless stated otherwise.

* * *

(2) *Electronic Filing of Documents*. When using the EFS:

* * *

(B) Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one (1) attachment.

For specific requirements, see the Family Court's ~~Criminal~~ Electronic Filing System Guidelines for Criminal Cases.

(3) *Clerk Review; Acceptance/Rejection Procedure*. Following submission, the Family Court shall timely review the electronically filed document(s) and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document(s) shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in ~~Art.~~ Article X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing. In accordance with ~~Art.~~ Article X, Rule 5(c), grounds for the rejection of a document submitted to the EFS in the Family Court are limited in scope as follows:

* * *

(B) Pleadings filed without the required documents as set forth in the Family Court's ~~Criminal~~ Electronic Filing System Guidelines for Criminal Cases;

* * *

(d) **Obligations of Authorized Law Enforcement Agencies and Authorized Truant Officers.** In an effort to provide language assistance to limited English proficient persons, the service of a summons shall include the ~~L~~language ~~A~~assistance ~~N~~otices which informs the recipient of the right to a foreign language interpreter at no cost and contains instructions about how to obtain language assistance services. The most current versions of the ~~L~~language ~~A~~assistance ~~N~~otices are located on the Judiciary's website at ~~www.courts.ri.gov~~ under the heading of ~~Public Resources, Forms, Family Court~~.

4. Arrest Warrant or Summons Upon Complaint.

* * *

(b) Summons.

* * *

(2) *Form.* The summons shall be in a form approved by the court, describe the offense(s) charged in the complaint, and shall summon the defendant to appear at a stated time and place before a judicial officer of the court in the county in which the offense was alleged to have been committed.

The prosecuting authority shall have the defendant sign the summons or acknowledge that the defendant refused to sign. If a defendant fails to appear in response to the summons, a bench warrant may issue. ~~The most current Summons is located on the Judiciary's website at www.courts.ri.gov under the heading of Public Resources, Forms, Family Court.~~

17. Subpoena.

* * *

(e) Place of Service.

* * *

(2) *Out-of-State.* A subpoena directed to a witness outside the State of Rhode Island shall issue under the circumstances and in the manner and be served as provided in the Uniform Act to Secure the Attendance of Witnesses from Without the State in Criminal Cases, G.L._1956 (1969 Reenactment) §§ 12-16-1 through 12-16-13.

35. Correction, Decrease, or Increase of Sentence.

* * *

(c) **Motion for Termination of Probation.** At any time after a defendant has served at least three (3) years of a term of probation in the community, the probation unit of the Department of Corrections, either at a defendant's request or administratively, may review the defendant's case history and recommend amending the defendant's sentence to terminate the defendant's probation. The probation unit's recommendation shall be based on the criteria contained in subdivision (1). In the event the probation unit recommends termination of the defendant's probation, the defendant may file in ~~Superior~~Family Court a motion to amend the defendant's sentence to terminate the defendant's probation. This rule shall apply to all persons on probation and otherwise eligible, including persons sentenced to probation prior to the adoption of this rule.

(1) A motion seeking probation termination shall contain a signed certificate from the probation unit of the department of corrections stating that:

* * *

(viii) The probation unit has made reasonable efforts to contact victims through ~~its~~the probation unit's Office of Victims Services and/or the victim's last known address; and

(ix) After review of the defendant's case history and the criteria in subdivisions (1)(i) to (~~ix~~viii), the probation unit recommends that the defendant's probation be terminated.

* * *

49. Service and Filing of Papers.

* * *

(b) Service: How Made.

* * *

(3) For incarcerated individuals, attorneys who are granted a waiver pursuant to ~~Art.~~Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing, and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~Article X, Rule 3(b), service is made by:

(A) Delivering a copy of the papers to the person served by:

(i) Handing ~~it~~a copy of the papers to the person;

(ii) Leaving ~~it~~a copy of the papers at the person's office with a clerk or other person in charge;

or

(iii) Leaving ~~it~~a copy of the papers at the person's dwelling house or usual place of abode;

(B) Mailing a copy of the papers to the last known address of the person served. Service by mail is complete on mailing; or

* * *

50. Appearance and Withdrawal of Attorneys.

* * *

(c) **Out-of-State ~~Counsel-Attorneys~~.** No person, who is not an attorney of the Supreme Court of the State of Rhode Island, shall be permitted to act as attorney for any party in any proceeding, hearing, or trial in the Family Court, unless granted leave to do so by the court or by the Supreme Court. Unless the Family Court or the Supreme Court permits otherwise, any attorney who is granted leave to practice before the court shall not engage in any proceeding, hearing, or trial therein unless there is present in the courtroom for the duration of the proceeding, hearing, or trial, a member of the bar of Rhode Island who shall be prepared to continue with the proceeding, hearing, or trial in the absence of an attorney who has been so granted leave.

Subject to the limitations and exceptions set forth in Article II, Rule 9 of the Supreme Court Rules for the Admission of Attorneys and Others to Practice Law, leave shall be granted by the court in ~~its~~ the court's discretion upon a miscellaneous petition signed by the petitioner in a form approved by the Supreme Court, supported by certifications of the attorney seeking admission pro hac vice and of Rhode Island associate ~~counsel-attorney~~, and assented to by the party being represented in a client certification. The most current ~~forms for~~ versions of the admission pro hac vice admission forms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Family Court.~~

Leave to represent more than one (1) defendant may be granted provided, however, that for each defendant there shall also be a separate Rhode Island associate trial ~~counsel-attorney~~ who shall be present in the courtroom for the duration of the proceeding, hearing, or trial, unless excused by the court.

Leave to represent more than one (1) defendant shall be granted by the court, in ~~its~~ the court's discretion, upon motion in the form approved by the court, signed by the movant, and assented to by the defendant being represented, and by the Rhode Island associate ~~counsel-attorney~~.

53. Regulation of Conduct in the Courtroom.

The taking of photographs and the broadcasting, televising, and recording of court proceedings shall be controlled by the ~~trial-presiding~~ judicial officer in accordance with Supreme Court Rules, Article VII, Canons 1-13 or orders, which address media coverage of judicial proceedings. Taking written notes and sketching in the courtroom may be permitted in the discretion of and under the supervision and control of the ~~trial-presiding~~ judicial officer.

58. Forms.

The forms listed in the Appendix of Forms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Family Court~~ are sufficient under the rules and are not mandatory.

59. Effective Date.

These rules take effect on ~~July 1, 2019~~ **XX, 2025**. They rules govern all criminal proceedings thereafter commenced and so far as just and practicable all proceedings then pending.

Appendix of Forms

The following forms located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Family Court~~ and are expressly declared by Rule 58 to be sufficient under the rules. They forms are limited in number. No attempt is made to furnish a manual of forms.

Admission Pro Hac Vice - Attorney Certification

Admission Pro Hac Vice - Client Certification

Admission Pro Hac Vice - Miscellaneous Petition

Affidavit for Bail

Bail and Recognizance Conditions

~~Complaint Transmittal~~

~~Defendant's Petition to Waive Indictment or Information~~

~~Deferred Sentence Agreement~~

Dismissal Under Criminal Rule 48(a)

Entry of Appearance - Criminal

~~Financial Statement~~

Family Court Motion, Affidavit, and Order to Proceed in Forma Pauperis

~~Motion and Affidavit to Expunge or Seal Record - Felony~~

Family Court Motion and Affidavit to Expunge or Seal Record - Misdemeanor

Family Court Notice of Appeal

Motion for Permission to Travel

Motion to Vacate No Contact Order

~~No Contact Order - Domestic~~

~~Notice of Appeal~~

~~Pro Hac Vice - Attorney Certification for Admission Pro Hac Vice~~

~~Pro Hac Vice - Client Certification~~

~~Pro Hac Vice - Miscellaneous Petition for Admission Pro Hac Vice~~

~~Request to Enter Plea of Nolo Contendere or Guilty~~

~~Rights Waiver~~

~~Summons - Criminal~~

Waiver of Extradition Proceedings

~~Waiver of Right of Jury Trial~~

Family Court Rules of Domestic Relations Procedure

1. Scope of Rules and Mandatory Electronic Filing.

* * *

(b) **Mandatory Electronic Filing.** In accordance with ~~Art.~~ Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing is mandatory for cases in the Family Court using the Rhode Island Judiciary's (Judiciary) Electronic Filing System. All parties are required to use the Judiciary's Electronic Filing System except for incarcerated individuals or where a waiver is granted in accordance with ~~Art.~~ Article X, Rule 3(c). Self-represented litigants may electronically file documents in accordance with ~~Art.~~ Article X, Rule 3(b) but are not required to do so. The R.Dom.Rel.P. must be read in conjunction with ~~Art.~~ Article X, the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information, ~~and~~ the Rhode Island Judiciary User Guide for Electronic Filing, and the Family Court's Electronic Filing System Guidelines for Domestic Relations Cases.

(1) *Definitions.* For further definitions, see ~~Art.~~ Article X, Rule 1(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing.

* * *

(B) *Certificate of Service.* Where the R.Dom.Rel.P. requires service of a document to be certified by an attorney of record or a self-represented litigant, the following certification may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE

Certificate of Service

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

_____.

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

_____.

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is _____ at the following address _____.

/s/NAME

* * *

(G) *Public Access Portal re: Search.* ~~The point of entry for electronic access to case information from the Judiciary's database whether at the courthouse or remotely. The database is an electronic collection of court records displayed as a register of actions or docket sheet. The register of actions or docket sheet lists parties, case events, document filings, or other activities in a case set forth in chronological order. An online software system hosted by Tyler Technologies which allows real-time web access to essential case, calendar, and party information whether at the courthouse or remotely.~~

* * *

(H) *Service.* Where the R.Dom.Rel.P. require a document or information to be served, sent, delivered, or forwarded, the following shall be applicable:

* * *

(iii) All discovery on a case shall be electronically served using the EFS except when the discovery is of a type which ~~does not lend itself to~~ is not appropriate for electronic service (either because ~~it the discovery~~ consists of non-conforming documents or is too voluminous), in which case conventional service shall be used.

(1) *Signature.* Where the R.Dom.Rel.P. require an electronic signature on any document, the signature shall be reflected as /s/ ~~NAME~~ Eame unless stated otherwise.

(2) *Language Assistance Notices.* In an effort to provide language assistance to limited English proficient persons, service of Case Initiating Document(s) shall include the ~~L~~language ~~A~~assistance ~~N~~otices which informs the recipient of the right to a foreign language interpreter at no cost and contains instructions about how to obtain language assistance services. The most current versions of the ~~L~~language ~~A~~assistance ~~N~~otices ~~is~~ are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

(3) *Electronic Filing of Documents.* When using the EFS:

* * *

(C) Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one (1) attachment.

For specific requirements, see the Family Court's Electronic Filing System Guidelines for Domestic Relations Cases.

(4) *Clerk Review; Acceptance/Rejection Procedure:* Following submission, the Family Court shall timely review the electronically filed document(s) and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document(s) shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in Article X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing. In accordance with Article X, Rule 5(c), grounds for the rejection of a document submitted to the EFS in the Family Court are limited in scope as follows:

* * *

(B) Pleadings filed without the required documents as set forth in the Family Court's Electronic Filing System Guidelines for Domestic Relations Cases;

* * *

3. Commencement of Action.

A civil action is commenced by the filing of a complaint and all other required documents together with the fees prescribed by law. Incarcerated individuals, attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing, and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b) may deposit the complaint and all other required documents with ~~said~~ the appropriate fee in the mail addressed to the clerk or file the documents at the clerk's office.

4. Process, Attachment, Trustee Process, Arrest

* * *

(b) **Summons: Issuance.** The summons, as provided in subdivision (a) of this rule, shall be issued in the following manner:

(1) For attorneys and self-represented litigants who are Registered Users, a summons shall be generated by the court and attached to the case following the acceptance of the complaint and all other required documents by the court. Registered Users can retrieve the summons through ~~the Public Access Portal~~ re:Search;

* * *

(3) For attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b):

* * *

(C) If the complaint and all other required documents are mailed to the court, a summons shall be generated electronically by the court and the attorney or self-represented litigant may obtain the summons at the clerk's office.

The plaintiff's attorney or a self-represented litigant shall deliver to the person who is to make service the original summons upon which to make ~~his or her~~ the return of service and a copy of the summons, complaint, ~~L~~ language ~~A~~ assistance ~~N~~ otices, and all other required documents for service upon the defendant. Additional summonses may be issued against any defendant.

* * *

(d) **Summons: Personal Service.** The summons, complaint, ~~L~~ language ~~A~~ assistance ~~N~~ otices, and all other required documents shall be served together. The plaintiff shall furnish the person making service with such copies as are necessary. Service shall be made as follows:

(1) Upon an individual other than an incompetent person:

(A) In an action for divorce or a complaint for divorce from bed and board by delivering a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to the individual personally or, if the person serving the process makes return that after diligent effort ~~he or she~~ the person has been unable to serve the individual personally, by any other method ordered by the court to give notice of the action to the defendant; and

(B) In all other actions by delivering a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to the individual personally or by leaving copies thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to an agent authorized by appointment or by law to receive service of process, provided that if the agent is one designated by statute to receive service, such further notice as the statute requires shall be given;

(2) Upon a person for whom a guardian or conservator has been appointed by serving copies of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents upon such guardian or conservator and, unless otherwise provided by law, upon the incompetent person in the manner provided in paragraph (1) of this subdivision;

(3) Upon a public corporation, body, or authority or a private corporation, domestic or foreign, by delivering a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to an officer, director, manager, a managing or general agent, or by leaving a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents at an office of the corporation with a person employed therein, or by delivering a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to an agent authorized by appointment or by law to receive service of process, provided that if the agent is one designated by statute to receive service, such further notice as the statute requires shall be given;

(4) Upon the state by delivering a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to the attorney general or an assistant attorney general;
or

(5) Upon any party when the state child support agency is attempting to notice a party of a complaint, petition, or motion, other than a complaint for paternity or parentage, or to adjudge a party in contempt that the state child support agency has filed in accordance with its responsibilities under Title IV-D of the Social Security Act, the state child support agency may provide notice by sending a copy of the complaint, petition, or motion, along with a ~~L~~language ~~A~~assistance ~~N~~otices, by first class mail to the address of record with the state child support agency, along with a letter requesting the appearance of said party before the court in order to respond or otherwise address the merits pertaining to the complaint, petition, or motion. The letter or notice shall inform the party that if the party appears and agrees to waive personal service under this rule and thereby confers jurisdiction on the court over the person, the matter shall proceed to the merits. The letter or notice shall also inform the party that if the party fails to appear or if a party appears but does not agree to waive personal service under this rule, the matter shall pass and the party shall be served with personal service as provided within these rules. The court, in ~~its~~ the court's discretion, may require future notice regarding any party to be served in accordance with subdivision (d)(1) to (5). After being noticed in accordance with this paragraph:

* * *

(e) **Service Outside State; Personal Jurisdiction.** When an individual or a foreign corporation is subject to the jurisdiction of the courts of the state, service of process may be made outside the state as follows:

(1) Upon an individual by delivery of a copy of the summons, complaint, and ~~L~~language ~~A~~assistance ~~N~~otices to the individual personally by any disinterested person, or by mailing a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to the individual by registered or certified mail, return receipt requested, or by any other method ordered by the court to give such individual notice of the action and sufficient time to prepare any defense thereto; or

(2) Upon a foreign corporation by delivery of a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents by any disinterested person to the president, secretary, or treasurer of such corporation or to any agent or attorney for service of process designated by the corporation in the state of incorporation, or by mailing a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to any such officer or agent or to the corporation at ~~its~~ the corporation's business address designated in the state of incorporation by registered or certified mail, return receipt requested, or by any other method ordered by the court to give such corporation notice of the action and sufficient time to prepare any defense thereto.

(f) **Service Outside the State in Certain Actions.** Where service cannot with due diligence be made personally within the state, service of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents may be made outside the state in the manner provided by subdivision (e) of this rule in the following cases:

* * *

(j) Attachment and Trustee Process.

* * *

(2) *Writ of Attachment: Form.* The writ of attachment shall:

* * *

(B) Be directed to a duly authorized officer in accordance with Title 9, Chapter 5 (Writs, Summons, and Process) of the Rhode Island General Laws to serve the same and command them to attach the goods or estate of the defendant to the value of the amount of the plaintiff's demand for judgment, together with a reasonable allowance for interest and costs, and to make due return of ~~their~~ authorized officer's doings thereon.

The most current version of the ~~w~~Writ of ~~a~~Attachment form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

* * *

(3) *Writ of Attachment: Issuance.* The ~~w~~Writ of ~~a~~Attachment form shall be filled out by the plaintiff's attorney or a self-represented litigant as provided in paragraph (2) of this subdivision and shall be submitted to the court with a motion for ~~its~~ issuance. The motion shall be granted only upon a showing that there is a probability of a judgment being rendered in favor of the plaintiff

and that there is a need for furnishing the plaintiff security in the amount sought for satisfaction of such judgment, together with interest and costs. A motion hereunder shall not be granted ex parte. Security may be required in connection with issuance of any writ of attachment. A surety upon a bond or undertaking hereunder shall be subject to the provisions of Rule 65(c).

(4) *Writ of Attachment: Service.* The plaintiff's attorney or a self-represented litigant shall deliver to the officer making service a copy of the proposed ~~w~~Writ of ~~a~~Attachment form together with a copy of the motion for ~~its~~ issuance and the notice of hearing thereof. When the summons, complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents are served upon the defendant as provided in subdivisions (d) through (g) of this rule, the defendant shall also be served with a copy of the proposed ~~w~~Writ of ~~a~~Attachment form and of the motion for ~~its~~ issuance with the notice of the hearing thereof. An attachment made after service of the summons, complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents shall be made as provided in paragraph (6) of this subdivision.

* * *

(6) *Subsequent Attachment.* After service of the summons, complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents upon the defendant, attachment shall be available to the extent and in the manner provided by law, shall follow the form prescribed in paragraph (2) of this subdivision, and shall be issued in accordance with paragraph (3) of this subdivision. All papers shall be served upon the defendant in the manner provided for service of process under subdivisions (d) through (g) of this rule unless the defendant has appeared in the action, in which case service shall be made as provided in Rule 5(b).

(7) *Proof of Service.* Upon service of a ~~w~~Writ of ~~a~~Attachment form and a copy thereof, the person making the service shall make the proof of service as provided in subdivision (h) of this rule.

* * *

(k) Arrest.

* * *

(2) *Form and Service.* The writ of arrest shall be obtained and filled out in the same manner as a writ of attachment, shall be accompanied by such affidavit as may be required by law, and shall be submitted to the court with a motion for ~~its~~ issuance. An order of issuance shall be indorsed on the writ by the court. Service of such writ shall be accompanied by service upon the defendant of a copy of the summons, complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents, and proof of service shall be made in the same manner as proof of service on a writ of attachment. ~~The most current version of the writ of arrest is located on the Judiciary's website at www.courts.ri.gov under the heading of Public Resources, Forms.~~

(3) *Subsequent Writ of Arrest.* After service of the summons, complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents upon the defendant a writ of arrest shall be available to the extent and in the manner provided by law and shall be issued and served as provided in paragraph (2) of this subdivision.

5. Service and Filing of Pleadings and Other Papers.

* * *

(b) Making Service.

* * *

(3) For incarcerated individuals, attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing, and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b), service under Rule 5(a) is made by:

(A) Delivering a copy of the papers to the person served by:

(i) Handing ~~it~~ a copy of the papers to the person;

(ii) Leaving ~~it~~ a copy of the papers at the person's office with a clerk or other person in charge;
or

(iii) Leaving ~~it~~ a copy of the papers at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

(B) Mailing a copy of the papers to the last known address of the person served. Service by mail is complete upon mailing.

* * *

6. Time.

(a) **Computation.** In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period is to be included, unless ~~it~~ the last day is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

* * *

11. Signing of Pleadings, Motions, and other papers; Sanctions.

In accordance with ~~Art.~~ Article X, Rule 7 of the Rhode Island Supreme Court Rules Governing Electronic Filing, every pleading, written motion, and other paper of a party represented by an attorney shall be personally signed by at least one (1) attorney of record in the attorney's individual name and shall state the attorney's address, email address, bar number, and telephone number. An attorney, however, need not sign answers to interrogatories or objections to requests for admission which have been signed by a party. A self-represented litigant shall personally sign the pleading, motion, or other paper and state the self-represented litigant's address, email address (if electing to utilize the EFS), and telephone number.

* * *

12. Defenses and Objections — When and How Presented — By Pleading or Motion — Motion for Judgment on Pleadings.

(a) When Presented.

(1) A defendant shall serve an answer within twenty (20) days after the service of the summons, complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents upon the defendant, unless the court directs otherwise when service of process is made pursuant to an order of court.

(2) A party served with a pleading stating a cross-claim against that party shall serve an answer thereto within twenty (20) days after being served. The plaintiff shall serve a reply to a counterclaim in the answer within twenty (20) days after service of the answer or, if a reply is ordered by the court, within twenty (20) days after service of the order, unless the order otherwise directs.

(3) The service of a motion permitted under this rule alters these periods of time as follows, unless a different time is fixed by order of the court:

(1A) If the court denies the motion or postpones ~~its~~ the motion's disposition until the trial on the merits, the responsive pleading shall be served within ten (10) days after notice of the court's action; ~~and~~

(2B) If the court grants a motion for a more definite statement, the responsive pleading shall be served within ten (10) days after the service of the more definite statement.

* * *

(i) **Summons in Support Matters.** In those cases filed with the Family Court under the provisions of Title 15, Chapter 8 (Uniform Law on Paternity), Chapter 9 (Support of Children), Chapter 10 (Support of Parents), Chapter 11.1 (Full Enforcement of Support Obligations), and Chapter 13 (Divorce or Separation Proceedings - Support for Children Receiving Public Assistance) the summons served upon a defendant may be made returnable for a time and day certain as long as the defendant shall have at least twenty days (20) after service of the summons, complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents upon the defendant to file ~~his or her~~ the defendant's answer upon the plaintiff and with the court.

34. Production of Documents and Things and Entry Upon Land for Inspection for Other Purposes.

* * *

(b) **Procedure.** The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons, complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents upon that party. The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

The party upon whom the request is served shall serve a written response within forty (40) days after the service of the request, except that a defendant may serve a response within sixty (60) days after service of the summons, complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents upon that defendant. The court may allow a shorter or longer time. The

response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified and inspection permitted of the remaining parts. The party submitting the request may move for an order under Rule 37(a) with respect to any objection to the request or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested.

* * *

36. Requests for Admission.

* * *

(a) Request for Admission. A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rule 26(b) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished or made available for inspection and copying. The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons, complaint, ~~L~~language A~~ssistance N~~otices, and all other required documents upon that party.

Each of the matters of which an admission is requested shall be separately set forth. The matter is admitted unless, within thirty (30) days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party under oath, but, unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of forty-five (45) days after service of the summons, complaint, ~~L~~language A~~ssistance N~~otices, and all other required documents upon the defendant. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter.

* * *

64. Temporary Support, Custody, Legal Fees — Expedited Hearings.

* * *

(b) Statement of Needs. Motions for temporary support or attorney's fees and costs, or miscellaneous petitions without the commencement of divorce proceedings shall be accompanied by a supporting affidavit containing a statement of the applicant's current assets, liabilities, income, and expenses. A party who opposes the motion shall file an affidavit containing a statement of ~~his or her~~ the party's current assets, liabilities, income, and expenses. ~~The most current version of the supporting affidavit is located on the Judiciary's website at www.courts.ri.gov under the heading~~

~~of Public Resources, Forms.~~ The failure to file a supporting affidavit as set forth herein shall not be grounds for a dismissal in the first instance.

* * *

64A. Post Final Judgment Relief.

(a) **Service.** A party seeking post final judgment relief shall serve a summons, complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents in the manner prescribed in subdivision (d) or (e) of Rule 4 upon the party against whom relief is sought.

(b) **Statement of Needs.** Complaints for modification of alimony or support obligations made pursuant to this rule shall be accompanied by a supporting affidavit containing a statement of the applicant's current assets, liabilities, income, and expenses. A party who opposes the complaint shall file an affidavit containing a statement of ~~his or her~~ the party's current assets, liabilities, income, and expenses. ~~The most current version of the supporting affidavit is located on the Judiciary's website at www.courts.ri.gov under the heading of Public Resources, Forms.~~ The failure to file a supporting affidavit as set forth herein shall not be grounds for a dismissal in the first instance.

* * *

(d) **Time of Hearing; Expedited Hearing.** The complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents shall be served at least ten (10) days before the time fixed for the hearing unless, on request of the applicant with or without notice, the court for good cause shown orders the complaint heard sooner. If service is made less than ten (10) days before the time fixed for the hearing, the court for good cause shown may nevertheless order the hearing to proceed on the day fixed or at some other appropriate time.

73. Appeal from a Judgment, Order, or Decree of a General Magistrate or a Magistrate.

* * *

(b) **Notice of Appeal.** A Notice of Appeal form shall be filed in the Domestic Relations Clerk's Office within twenty (20) days of the entry of the judgment, order, or decree being appealed. The chief judge may extend the time for filing the Notice of Appeal form for good cause. The Notice of Appeal form shall specify the parties taking the appeal and shall designate the judgment, order, or decree being appealed. The most current version of the Notice of Appeal form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

* * *

78. Stenographic Reports — Transcripts of Testimony.

Every party requesting a court reporter to transcribe testimony taken in court by the court reporter shall be required to pay for the transcript at a rate not to exceed three dollars (\$3.00) per page for originals and one dollar and fifty cents (\$1.50) per page for copies. The rate to be charged for transcripts ordered by any branch, department, agency, board, or commission of the

government of the State of Rhode Island shall not exceed three dollars (\$3.00) per page for originals and one dollar and fifty cents (\$1.50) per page for copies. The minimum charge of a transcript shall be five dollars (\$5.00). Policies and procedures regarding the ordering, payment, and delivery of transcripts shall be promulgated by the Supreme Court Finance and Budget Office of the Administrative Office of State Courts. The most current version of the procedure for requesting an appeal transcript policy and procedure and form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Quick Links on the home page.~~

84. Forms.

The forms listed in the ~~a~~Appendix of fForms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms,~~ are sufficient under the rules, and are intended to indicate the simplicity and brevity of statement which the rules contemplate.

85. Out-of-State ~~Counsel~~ Attorneys.

No person, who is not an attorney ~~and counselor~~ of the Supreme Court of the State of Rhode Island, shall be permitted to act as attorney ~~or counselor~~ for any party in any proceeding, hearing, or trial in the Family Court unless granted leave to do so by the Family Court or by the Supreme Court. Unless the Family Court or the Supreme Court permits otherwise, any attorney who is granted such leave to practice before the Family Court shall not engage in any proceeding, hearing, or trial therein unless there is present in the courtroom for the duration of the proceeding, hearing, or trial a member of the bar of Rhode Island who shall be prepared to continue with the proceeding, hearing, or trial in the absence of ~~counsel~~ an attorney who has been so granted leave.

Subject to the limitations and exceptions set forth in ~~Art.~~ Article II, Rule 9 of the Supreme Court Rules for the Admission of Attorneys and Others to Practice Law, leave shall be granted by the Family Court, in ~~its~~ the court's discretion, upon a miscellaneous petition signed by the petitioner in a form approved by the Supreme Court, supported by certifications of the attorney seeking admission pro hac vice and of Rhode Island associate ~~counsel~~ attorney, and assented to by the party being represented in a client certification. The most current ~~forms for versions of the admission pro hac vice forms~~ forms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

86. Proposed Effective Date.

These amended rules shall take effect ~~November 5, 2014~~ XX, 2025. They ~~se~~ rules govern all proceedings in actions brought after they ~~se~~ rules take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court ~~their~~ rule's application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.

Appendix of Forms

1. The following forms located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms~~ and are sufficient under the rules. They forms are limited in number. No attempt is made to furnish a manual of forms.

Admission Pro Hac Vice - Attorney Certification
Admission Pro Hac Vice - Client Certification
Admission Pro Hac Vice - Miscellaneous Petition
Adoption Petition
Affidavit
Affidavit in Support of Complaint for an Order of Protection From Domestic Violence
~~Affidavit in Support of Complaint for an Order of Protection From Domestic Violence—When~~
~~Either Party is a Juvenile~~
~~Affidavit in Support of Complaint for an Order of Protection From Sexual Abuse—When Either~~
~~Party is a Juvenile~~
Affidavit in Support of Complaint for Civil Protective Order When Either Party is a Juvenile
Affidavit of Non-military Service
Adoption Petition
Application for Appointment as Family Court Justice of the Peace
Audio/Video Equipment Request
Authorization for Release of Protected Education Information
Child Support Case Registration and Payment Form (CSS-1)
Child Support Guidelines Worksheet
~~Complaint for an Order of Protection from Domestic Violence~~
~~Complaint for an Protective Order of Protection from Domestic Violence—~~ When Either Party
is a Juvenile
~~Complaint for an Order of Protection from Sexual Abuse~~
~~Complaint for a Protective Order—When Either Party is a Juvenile~~
Complaint for Divorce or Divorce from Bed and Board
Complaint for Separate Maintenance Without Commencement of Divorce Proceedings
~~Complaint—Miscellaneous~~
Confirmatory Adoption Petition
~~Decision Pending Entry of Final Judgment~~
Entry of Appearance - Civil
Family Court Affidavit
Affidavit in Support of Verified Complaint for an Order of Protection
Family Court Affidavit of Non-military Service
Family Court Affidavit of Surrender of Firearms
Family Court Complaint for an Order of Protection
Family Court Complaint - Miscellaneous
Family Court Consent Order
Family Court Cover Sheet
Family Court Motion, Affidavit, and Order to Proceed In Forma Pauperis
Family Court Motion for Abusive Litigation
Family Court Motion to Withdraw Exhibits
Family Court Notice of Appeal
Family Court Notice of Appeal From Decision of Magistrate
Family Court Notice of Hearing to Non-registered User
Family Court Notice of Pre-Trial Conference
Family Court Notice to Withdraw Exhibits
Family Court Order

Family Court Record of Withdrawn Exhibits
Family Court Statement Listing Children
Family Court Statement of Assets, Liabilities, Income, and Expenses
Family Court Subpoena - Civil
~~Final Judgment~~
~~Final Judgment—Living Separate and Apart~~
Language Assistance Notice - Cambodian
Language Assistance Notice - English
Language Assistance Notice - Portuguese
Language Assistance Notice - Spanish
~~Indigency Form—Inmate Accounts~~
~~Motion for Excusal from Court Attendance~~
~~Motion Form~~
~~Motion, Affidavit, and Order to Proceed in Forma Pauperis~~
Motion to Vacate No Contact Order
~~Motion to Withdraw Exhibits~~
~~Notice of Appeal~~
~~Notice of Appeal from Decision of a Magistrate~~
~~Notice of Hearing to Non-registered Users~~
~~Notice to Withdraw Exhibits~~
~~Objection Form~~
~~Order Form~~
~~Order—Consent (Mediation)~~
~~Order—Consent (Miscellaneous)~~
Petition for Waiver of the Mandatory Electronic Filing Requirements
~~Pro Hac Vice—Attorney Certification for Admission Pro Hac Vice~~
~~Pro Hac Vice—Client Certification~~
~~Pro Hac Vice—Miscellaneous Petition for Admission Pro Hac Vice~~
Request for an Appeal Transcript
~~Sheriff's Information~~
~~Statement Listing Children~~
~~Statement of Assets, Liabilities, Income, and Expenses (DR-6 Financial Statement)~~
~~Stipulation~~
~~Stipulation - Withdrawal of Exhibits in Contested Domestic Relations Case~~
~~Subpoena—Civil~~
~~Uniform Child Custody Act Registration Form~~
~~Withdrawal of Appearance~~

2. Except where otherwise indicated, each pleading, motion, and other paper should have a caption similar to that of the forms listed above. In the caption of the complaint all parties must be named but in other pleadings and papers, it is sufficient to state the name of the first party on either side, with an appropriate indication of the other parties is sufficient. See Rules 4(b), 7(b)(2), and 10(a).

3. Each pleading, motion, and other paper is to be signed in the individual name by at least one (1) attorney of record (Rule 11). The attorney's name is to be followed by his or her the attorney's, email address, bar number, and telephone number.

* * *

Family Court Rules of Practice

1.1. Adoption of Rules.

The provisions contained in these Rules of Practice shall take effect on September 10, 1982. They rules may be cited as Family Court R.P. These rules were last amended on ~~November 5, 2014~~ XX, 2025.

1.3. Court Hours.

Except ~~in-on~~ vacation and on holidays, the court shall ordinarily sit from 9:00 a.m. to 12:30 p.m. and from 2:00 p.m. to 4:~~300~~ p.m., Mondays through Fridays, unless the chief judge shall order otherwise.

1.5. Appearances, Withdrawal, and Excuse of Attorneys.

(a) **Appearances.** The attorney for a defendant or a self-represented litigant in any case shall forthwith file an entry of appearance (which shall not be deemed to be an answer) with the clerk of the Family Court for the county wherein the action is pending and shall send a copy of the entry of appearance to the opposing attorney or self-represented litigant.

An entry of appearance shall contain the name, address, email address, bar number, and telephone number of the attorney or, if a self-represented litigant, contain the name, address, email address (if electing to utilize the electronic filing system), and telephone number of the self-represented litigant except where prohibited by federal or state law. The most current version of an ~~e~~Entry of a~~Appearance form~~ is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

* * *

(d) **Excuse From Court Attendance.**

(1) Except in an emergency, all motions by an attorney seeking to be excused from court attendance shall be filed with the chief judge within three (3) weeks of the first date for which the moving party is seeking to be excused. The motion shall include the following:

* * *

(C) A certification by the moving attorney that a copy of the Motion to be Excused from Court Attendance was served in accordance with R.Dom.Rel.P. 5 on the opposing ~~counsel~~attorney or a self-represented litigant in each active matter for which the moving attorney is attorney of record in the Family Court.

(2) No matter for which the moving attorney is the attorney of record may be assigned for hearing or trial during the requested excusal period.

~~(3) The most current version of a Motion to be Excused from Court Attendance is located on the Judiciary's website at www.courts.ri.gov under the heading of Public Resources, Forms.~~

(43) If no objection is filed with the chief judge by any opposing ~~counsel~~attorney or a self-represented litigant within five (5) days of the certification, then the moving party is not required to forward copies of a signed order to any party.

* * *

1.6. Briefs and Memoranda.

Every brief and memorandum filed with the court shall be printed or typewritten, shall be distinctly legible, shall be signed by the attorney or a self-represented litigant presenting ~~it~~the brief or memorandum, in accordance with ~~Art.~~Article X, Rule 7 of the Rhode Island Supreme Court Rules Governing Electronic Filing, and shall contain:

* * *

(3) The point made, together with the authorities relied on in support thereof.

In cases where ~~it may be necessary for the court to go into~~the court finds that an examination of record evidence may be necessary, each party shall briefly specify in ~~his or her~~the party's brief the leading facts which the party deems established by the evidence, with a reference to the pages of the transcript where the evidence of such facts may be found.

For specific requirements, see the Family Court's Electronic Filing System Guidelines for Criminal, the Family Court's Electronic Filing System Guidelines for Domestic Relations Cases, and the Family Court's Electronic Filing System Guidelines for Juvenile Proceedings.

1.7. Filing of Documents Ancillary to a Complaint in Divorce Actions.

For specific requirements, see the Family Court's Electronic Filing System Guidelines for Domestic Relations Cases.

1.10. Printing or Typing Names as Well as Signatures on Pleadings.

Signatures on pleadings shall be in accordance with ~~Art.~~Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing.

3.4. Transcripts.

Policies and procedures regarding the ordering, payment, and delivery of transcripts are promulgated by the Supreme Court Finance and Budget Office of the Administrative Office of State Courts. The most current version of the procedure for requesting an appeal transcript policy and procedure and form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Quick Links on the home page.~~

Rules of Juvenile Proceedings

1. Scope of Rules and Mandatory Electronic Filing.

* * *

(c) **Mandatory Electronic Filing.** In accordance with Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing is mandatory for subsequent pleadings filed after the initial charging of a Family Court juvenile case by using the Rhode Island Judiciary's (Judiciary) Electronic Filing System. All parties are required to use the Judiciary's Electronic Filing System Except for incarcerated individuals who are self-represented or where a waiver is granted in accordance with Article X, Rule 3(c), ~~all parties are required to use the Judiciary's Electronic Filing System~~. Self-represented litigants may electronically file documents in accordance with Article X, Rule 3(b) but are not required to do so. The R.Juv.P. must be read in conjunction with Article X, the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information, ~~and~~ the Rhode Island Judiciary User Guide for Electronic Filing, and the Family Court's Electronic Filing System Guidelines for Juvenile Proceedings.

(1) *Definitions.* For further definitions, see Article X, Rule 1(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing.

* * *

(B) *Certificate of Service.* Where the R.Juv.P. requires service of a document to be certified by an attorney of record or a self-represented litigant, the following certification may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE **Certificate of Service**

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is _____ at the following address _____.

/s/NAMEame_____

* * *

(G) ~~*Rhode Island Judiciary Public Portal-re:Search.*~~ ~~An online service provided and maintained by the Judiciary which is the point of entry for electronic access to case information from the Judiciary's database whether at the courthouse or remotely. The database is an electronic collection of court records displayed as a register of actions or docket sheet. The register of actions or docket sheet lists parties, case events, document filings, or other activities in a case set forth in chronological order.~~ An online software system hosted by Tyler Technologies which allows real-time web access to essential case, calendar, and party information whether at the courthouse or remotely.

(H) *Service.* Where the R.Juv.P. require a document or information to be served, sent, delivered, or forwarded, the following shall be applicable:

* * *

(iii) All discovery on a case shall be electronically served using the EFS except when the discovery is of a type which ~~does not lend itself to~~ is not appropriate for electronic service (either because ~~it~~ the discovery consists of non-conforming documents or is too voluminous), in which case conventional service shall be used.

(I) *Signature.* Where the R.Juv.P. require an electronic signature on any document, the signature shall be reflected as NAMEame unless stated otherwise.

* * *

(2) *Electronic Filing of Documents. When using the EFS:*

* * *

(B) Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one (1) attachment.

For specific requirements, see the Family Court's ~~Juvenile~~ Electronic Filing System Guidelines for Juvenile Proceedings.

(3) *Clerk Review; Acceptance/Rejection Procedure:* Following submission, the Family Court shall timely review the electronically filed document(s) and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document(s) shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in Article X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing. In accordance with Article X, Rule 5(c), grounds for the rejection of a document submitted to the EFS in the Family Court are limited in scope as follows:

* * *

(B) Pleadings filed without the required documents as set forth in the Family Court's ~~Juvenile~~ Electronic Filing System Guidelines for Juvenile Proceedings;

* * *

(d) **Language Assistance Notices.** In an effort to provide language assistance to limited English proficient persons, the service of a summons shall include the Language Assistance Notices which informs the recipient of the right to a foreign language interpreter at no cost and contains instructions about how to obtain language assistance services. The most current versions of the Language Assistance Notices are located on the Judiciary's website at *www.courts.ri.gov* under the heading of Public Resources, Forms, Family Court.

16. Summons Upon Petition.

* * *

(b) **Summons: Issuance.** The summons, as provided in subdivision (a) of this rule, shall be issued in the following manner:

(1) For attorneys who are Registered Users, a summons shall be generated by the court and attached to the case following the acceptance of the petition and all other required documents by the court. Registered Users can retrieve the summons through the Public Portal re:Search; and

(2) For attorneys who are granted a waiver pursuant to Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing who do not elect to electronically file pursuant to Article X, Rule 3(b):

* * *

(C) If the petition and all other required documents are mailed to the court, a summons shall be generated electronically by the court and the attorney may obtain the summons at the clerk's office.

The petitioner's attorney shall deliver to the person who is to make service the original summons upon which to make return of service and a copy of the summons, petition, Language Assistance Notices, and all other required documents for service upon the respondent. Additional summonses may be issued against any respondent.

* * *

(d) **Summons: Personal Service.** The summons, petition, Language Assistance Notices, and all other required documents shall be served together. The petitioner shall furnish the person making service with such copies as are necessary. Service shall be made as follows:

(1) Upon a parent or person acting as a parent, other than an incompetent person by:

(i) Delivering a copy of the summons, petition, Language Assistance Notices, and all other required documents to the respondent personally;

(ii) Delivering a copy of the summons, petition, Language Assistance Notices, and all other required documents by leaving copies thereof at the respondent's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or

* * *

(2) Upon a parent or person acting as a parent for whom a guardian or conservator has been appointed by serving copies of the summons, petition, Language Assistance Notices, and all

other required documents upon such guardian or conservator and upon the incompetent person in the manner provided in paragraph (1) of this subdivision.

(3) Upon the state by delivering a copy of the summons, petition, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to the Office of the Attorney General.

* * *

18. Preliminary Proceedings.

(a) **Filing of a Dependent, Neglect, and/or Abuse Petition.** Upon the filing of a petition, the court shall forthwith issue a summons, in accordance with Rule 16, requiring the parent, guardian, or other person having custody of the child to appear before the court for a preliminary hearing on the petition on a date set forth by the court. The petitioner shall forthwith serve the parent, guardian, or other person having custody of the child the summons, petition, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents.

* * *

46. Out-of-State ~~Counsel~~ Attorneys.

No person, who is not an attorney ~~and counselor~~ of the Supreme Court of the State of Rhode Island, shall be permitted to act as attorney ~~or counselor~~ for any party in any proceeding, hearing, or trial in the Family Court unless granted leave to do so by the Family Court or by the Supreme Court. Unless the Family Court or the Supreme Court permits otherwise, any attorney who is granted such leave to practice before the Family Court shall not engage in any proceeding, hearing, or trial therein unless there is present in the courtroom for the duration of the proceeding, hearing, or trial a member of the bar of Rhode Island who shall be prepared to continue with the proceeding, hearing, or trial in the absence of ~~counsel~~ an attorney who has been so granted leave.

Subject to the limitations and exceptions set forth in Article II, Rule 9 of the Supreme Court Rules for the Admission of Attorneys and Others to Practice Law, leave shall be granted by the Family Court, in the court's discretion, upon a miscellaneous petition signed by the petitioner in a form approved by the Supreme Court, supported by certifications of the attorney seeking admission pro hac vice and of Rhode Island ~~counsel~~ attorney, and assented to by the party being represented in a client certification. The most current ~~forms for~~ versions of the admission pro hac vice admission forms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Forms, Superior Court.~~

47. Time.

(a) **Computation.** In computing any period of time prescribed or allowed by these rules, by order of court or by an applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period is to be included, unless ~~if the last day~~ is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

* * *

50. Service and Filing of Papers.

* * *

(b) Making Service.

* * *

(3) For incarcerated individuals, attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing, and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b), service under Rule 5(a) is made by:

(A) Delivering a copy of the papers to the person served by:

(i) Handing ~~it~~ a copy of the papers to the person;

(ii) Leaving ~~it~~ a copy of the papers at the person's office with a clerk or other person in charge;
or

(iii) Leaving ~~it~~ a copy of the papers at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

(B) Mailing a copy of the papers to the last known address of the person served. Service by mail is complete upon mailing.

* * *

52. Appeals.

* * *

(b) Appeal From a Judgment or Decree of a General Magistrate or Magistrate.

* * *

(2) *Notice of Appeal.* A Notice of Appeal form shall be filed with the court within twenty (20) days of the entry of the judgment, order, or decree being appealed. The chief judge may extend the time for filing the Notice of Appeal form for good cause. The Notice of Appeal form shall specify the parties taking the appeal and shall designate the judgment, order, or decree being appealed. The most current version of the Notice of Appeal form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

* * *

60. Effective Date.

These rules shall take effect on ~~July 1, 2019~~ **XX, 2025**. They rules govern all proceedings in actions brought after the rules take effect and also all further proceedings in actions then pending, except to the extent that in the opinion of the court the application of the rules in a particular

pending action when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.

District Court Civil Rules

1. Scope of Rules and Mandatory Electronic Filing.

* * *

(b) **Mandatory Electronic Filing.** In accordance with ~~Art.~~ Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing is mandatory for cases in the District Court using the Rhode Island Judiciary's (Judiciary) Electronic Filing System. All parties are required to use the Judiciary's Electronic Filing System except for incarcerated individuals or where a waiver is granted in accordance with ~~Art.~~ Article X, Rule 3(c). Self-represented litigants may electronically file documents in accordance with ~~Art.~~ Article X, Rule 3(b) but are not required to do so. The D.C.R. must be read in conjunction with ~~Art.~~ Article X, the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information, ~~and~~ the Rhode Island Judiciary User Guide for Electronic Filing, and the District Court's Electronic Filing System Guidelines for Civil Cases.

(1) *Definitions.* For further definitions, see ~~Art.~~ Article X, Rule 1(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing.

* * *

(B) *Certificate of Service.* Where the D.C.R. requires service of a document to be certified by an attorney of record or a self-represented litigant, the following certification ~~shall~~ may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE **Certificate of Service**

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

_____.

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

_____.

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is _____ at the following address _____.

/s/NAMEame_____

* * *

(G) *Public Access Portal re: Search.* ~~The point of entry for electronic access to case information from the Judiciary's database whether at the courthouse or remotely. The database is an electronic collection of court records displayed as a register of actions or docket sheet. The register of actions or docket sheet lists parties, case events, document filings, or other activities in a case set forth in chronological order. An online software system hosted by Tyler Technologies which allows real-time web access to essential case, calendar, and party information whether at the courthouse or remotely.~~

(H) *Service.* Where the D.C.R. require a document or information to be served, sent, delivered, or forwarded, the following shall be applicable:

* * *

(iii) All discovery on a case shall be electronically served using the EFS except when the discovery is of a type which ~~does not lend itself to~~ is not appropriate for electronic service (either because ~~it the discovery~~ consists of non-conforming documents or is too voluminous), in which case conventional service shall be used.

(I) *Signature.* Where the D.C.R. require an electronic signature on any document, the signature shall be reflected as /s/ NAME unless stated otherwise.

(2) *Language Assistance Notices.* In an effort to provide language assistance to limited English proficient persons, service of Case Initiating Document(s) shall include the ~~L~~language ~~A~~assistance ~~N~~otices which informs the recipient of the right to a foreign language interpreter at no cost and contains instructions about how to obtain language assistance services. The most current versions of the ~~L~~language ~~A~~assistance ~~N~~otices ~~is~~ are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

* * *

(3) *Electronic Filing of Documents.* When using the EFS:

* * *

(C) Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one attachment.

For specific requirements, see the District Court's Electronic Filing System Guidelines for Civil Cases.

(4) *Clerk Review; Acceptance/Rejection Procedure:* Following submission, the District Court shall timely review the electronically filed document(s) and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document(s) shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in Article X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing. In accordance with Article X, Rule 5(c), grounds for the rejection of a document submitted to the EFS in the District Court are limited in scope as follows:

(A) Pleadings filed without a conventional signature where required;

(B) Pleadings filed without the required documents as set forth in the District Court's Electronic Filing System Guidelines for Civil Cases;

* * *

3. Commencement of Action.

~~Commencement of Civil Action.~~ A civil action is commenced by the filing of a complaint and all other required documents together with the fees prescribed by law. Incarcerated individuals, attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing, and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b) may deposit the complaint and all other required documents with ~~said~~ the appropriate fee in the mail addressed to the clerk or file the documents at the clerk's office.

4. Process, Attachment, Trustee Process, Arrest.

* * *

(b) **Summons: Issuance.** The summons, as provided in subdivision (a) of this rule, shall be issued in the following manner:

(1) For attorneys and self-represented litigants who are Registered Users, a summons shall be generated by the court and attached to the case following the acceptance of the complaint and all other required documents by the court. Registered Users can retrieve the summons through ~~the Public Access Portal~~ re:Search;

* * *

(3) For attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b):

* * *

(C) If the complaint and all other required documents are mailed to the court, a summons shall be generated electronically by the court and the attorney or self-represented litigant may obtain the summons at the clerk's office.

The plaintiff's attorney or a self-represented litigant shall deliver to the person who is to make service the original summons upon which to make ~~his or her~~ the return of service and a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents for service upon the defendant. Additional summonses may be issued against any defendant.

* * *

(d) **Summons: Personal Service.** The summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents shall be served together. The plaintiff shall furnish the person making service with such copies as are necessary. Service shall be made as follows:

(1) Upon an individual other than an incompetent person by delivering a copy of the summons, complaint, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents to the individual personally or by leaving copies thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of

the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to an agent authorized by appointment or by law to receive service of process, provided that if the agent is one designated by statute to receive service, such further notice as the statute requires shall be given;

(2) Upon a person for whom a guardian or conservator has been appointed by serving copies of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents upon such guardian or conservator and upon the incompetent person in the manner provided in paragraph (1) of this subdivision;

(3) Upon a public corporation, body, or authority or a private corporation, domestic or foreign, from which a waiver of service has not been obtained and filed, by delivering a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to an officer, director, manager, a managing or general agent, or by leaving a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents at an office of the corporation with a person employed therein, or by delivering a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to an agent authorized by appointment or by law to receive service of process, provided that if the agent is one designated by statute to receive service, such further notice as the statute requires shall be given; or

(4) Upon the state by delivering a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to the attorney general or an assistant attorney general.

(e) **Service Outside State: Personal Jurisdiction.** When an individual or a foreign corporation is subject to the jurisdiction of the courts of the state, service of process may be made outside the state as follows:

(1) Upon an individual by delivery of a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to the individual personally by any disinterested person, or by mailing a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to the individual by registered or certified mail, return receipt requested, or by any other method ordered by the court to give such individual notice of the action and sufficient time to prepare any defense thereto; or

(2) Upon a foreign corporation by delivery of a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents by any disinterested person to the president, secretary, or treasurer of such corporation or to any agent or attorney for service of process designated by the corporation in the state of incorporation, or by mailing a copy of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents to any such officer or agent or to the corporation at ~~its~~ the corporation's business address designated in the state of incorporation by registered or certified mail, return receipt requested, or by any other method ordered by the court to give such corporation notice of the action and sufficient time to prepare any defense thereto.

(f) **Service Outside the State in Certain Actions.** Where service cannot with due diligence be made personally within the state, service of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents may be made outside the state in the manner provided by subdivision (e) of this rule in the following cases:

* * *

(j) **Summons: Time Limit for Service.** If service of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents is not made upon a defendant within three

hundred and sixty-five (365) days after the commencement of the action, the court upon motion or on the court's own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

* * *

(k) Attachment and Trustee Process.

* * *

(2) *Writ of Attachment: Form.* The writ of attachment shall:

* * *

(B) Be directed to a duly authorized officer in accordance with Title 9, Chapter 5 (Writs, Summons, and Process) of the Rhode Island General Laws and command them to attach the goods or estate of the defendant to the value of the amount of the plaintiff's demand for judgment, together with a reasonable allowance for interest and costs, and to make due return of their authorized officer's doings thereon.

The most current version of the ~~w~~Writ of a~~A~~ttachment form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

* * *

(3) *Writ of Attachment: Issuance.* The ~~w~~Writ of a~~A~~ttachment form, shall be filled out by the plaintiff's attorney or a self-represented litigant as provided in paragraph (2) of this subdivision, and shall be submitted to the court with a motion for ~~its~~ issuance. The motion shall be granted only upon a showing that there is a probability of a judgment being rendered in favor of the plaintiff and that there is a need for furnishing the plaintiff security in the amount sought for satisfaction of such judgment, together with interest and costs. A motion hereunder shall not be granted ex parte. Security may be required in connection with issuance of any writ of attachment.

(4) *Writ of Attachment: Service.* The plaintiff's attorney or a self-represented litigant shall deliver to the officer making service a copy of the proposed ~~w~~Writ of a~~A~~ttachment form together with a copy of the motion for ~~its~~ issuance and the notice of hearing thereof. When the summons, complaint, ~~E~~language A~~ssistance N~~otices, and all other required documents are served upon the defendant as provided in subdivisions (d) through (g) of this rule, the defendant shall also be served with a copy of the proposed ~~w~~Writ of a~~A~~ttachment form and of the motion for ~~its~~ issuance with the notice of the hearing thereof. An attachment made after service of the summons, complaint, ~~E~~language A~~ssistance N~~otices, and all other required documents shall be made as provided in paragraph (6) of this subdivision.

* * *

(6) *Subsequent Attachment.* After service of the summons, ~~and complaint,~~ language assistance notices, and all other required documents upon the defendant, attachment shall be available to the extent and in the manner provided by law, shall follow the form prescribed in paragraph (2) of this subdivision, and shall be issued in accordance with paragraph (3) of this subdivision. All papers shall be served upon the defendant in the manner provided for service of process under subdivisions (d) through (g) of this rule unless the defendant has appeared in the action, in which case service shall be made as provided in Rule 5(b).

(7) *Proof of Service.* Upon service of a ~~w~~Writ of a~~Attachment form~~ and a copy thereof, the person making the service shall make the proof of service as provided in subdivision (h) of this rule.

* * *

(1) Arrest.

* * *

(2) *Form and Service.* The writ of arrest shall be obtained and filled out in the same manner as a writ of attachment, except that the writ of arrest shall be directed a duly authorized officer in accordance with Title 9, Chapter 5 (Writs, Summons, and Process) of the Rhode Island General Laws. ~~¶The writ of arrest shall be accompanied by such affidavit as may be required by law, and shall be submitted to the court with a motion for its issuance. An order of issuance shall be indorsed on the writ by the court. Service of such writ shall be accompanied by service upon the defendant of a copy of the summons, complaint, Llanguage Aassistance Nnotices, and all other required documents, and proof of service shall be made in the same manner as proof of service on a writ of attachment. The most current writ of arrest is located on the Judiciary's website at www.courts.ri.gov under the heading of Public Resources, Forms.~~

(3) *Subsequent Writ of Arrest.* After service of the summons, complaint, ~~Llanguage Aassistance Nnotices,~~ and all other required documents upon the defendant a writ of arrest shall be available to the extent and in the manner provided by law and shall be issued and served as provided in paragraph (2) of this subdivision.

5. Service and Filing of Pleadings and Other Papers.

* * *

(b) Service: How Made.

* * *

(3) For incarcerated individuals, attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing, and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b), service under Rule 5(a) is made by:

(A) Delivering a copy of the papers to the person served by:

(i) Handing ~~it~~ a copy of the papers to the person;

(ii) Leaving ~~it~~ a copy of the papers at the person's office with a clerk or other person in charge;
or

(iii) Leaving ~~it~~ a copy of the papers at the person's dwelling house or usual place of abode.

(B) Mailing a copy of the papers to the last known address of the person served. Service by mail is complete on mailing.

* * *

6. Time.

(a) **Computation.** In computing any period of time prescribed or allowed by these rules, by order of court, or by any applicable statute the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period is to be included, unless ~~it~~ the last day is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday.

* * *

11. Signing of Pleadings, Motions, and other papers; Sanctions.

In accordance with ~~Art.~~ Article X, Rule 7 of the Rhode Island Supreme Court Rules Governing Electronic Filing, every pleading, written motion, and other paper of a party represented by an attorney shall be personally signed by at least one (1) attorney of record in the attorney's individual name and shall state the attorney's address, email address, bar number, and telephone number. An attorney, however, need not sign answers to interrogatories or objections to requests for admission which have been signed by a party. A self-represented litigant shall personally sign the pleading, motion, or other paper and state the self-represented litigant's address, email address (if electing to utilize the EFS), and telephone number.

* * *

12. Defenses and Objections — When and How Presented — By Pleading or Motion — Motion for Judgment on Pleadings.

(a) When Presented.

(1) A defendant shall serve an answer within twenty (20) days after the service of the summons, complaint, ~~E~~ language A ~~assistance N~~ notices, and all other required documents upon the defendant, unless the court directs otherwise when service of process is made pursuant to an order of court.

* * *

14. Third-party Practice.

(a) **When Defendant May Bring in Third Party.** At any time after commencement of the action a defendant, as a third-party plaintiff, may cause a summons, complaint, ~~E~~ language A ~~assistance N~~ notices, and all other required documents to be served upon a person not a party to

the action who is or may be liable to the defendant for all or part of the plaintiff's claim against the defendant. The third-party plaintiff need not obtain leave to make the service if the third-party plaintiff files the third-party complaint not later than ten (10) days after the third-party plaintiff serves his or her original answer. Otherwise the third-party plaintiff must obtain leave on motion upon notice to all parties to the action. The person served with the summons, third-party complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents, hereinafter called the third-party defendant, shall make ~~his or her the third-party defendant's~~ defenses to the third-party plaintiff's claim as provided in Rule 12 and ~~his or her the third-party defendant's~~ counterclaims against the third-party plaintiff and cross-claims against other third-party defendants as provided in Rule 13. The third-party defendant may assert against the plaintiff any defenses which the third-party plaintiff has to the plaintiff's claim. The third-party defendant may also assert any claim against the plaintiff arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff. The plaintiff may assert any claim against the third-party defendant arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff, and the third-party defendant shall assert ~~his or her any~~ defenses as provided in Rule 12 and ~~his or her any~~ counterclaims and cross-claims as provided in Rule 13. Any party may move to strike the third-party claim, or for ~~its the third-party claim's~~ severance or separate trial. A third-party defendant may proceed under this rule against any person not a party to the action that is or may be liable to ~~him or her the third-party defendant~~ for all or part of the claim made in the action against the third-party defendant.

* * *

15. Amended and Supplemental Pleadings.

* * *

(c) **Relation Back of Amendments.** Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment relates back to the date of the original pleading. An amendment changing or adding a plaintiff or defendant or the naming of a party relates back if the foregoing provision is satisfied and within the period provided by Rule 4(j) for service of the summons, third-party complaint, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents, the party against whom the amendment adds a plaintiff, or the added defendant:

* * *

26. General Provisions Governing Discovery; Duty of Disclosure.

* * *

(b) **Discovery: Scope and Limits.** Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

* * *

(3) *Trial Preparation: Materials.* Subject to the provisions of subdivision (b)(4) of this rule, a party may obtain discovery of documents and tangible things otherwise discoverable under subdivisions (b)(1) of this rule and prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including the other party's attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that the party seeking discovery has substantial need of the materials in the preparation of the party's case and that the party is unable without undue hardship to obtain the substantial equivalent of the materials by other means. In ordering discovery of such materials when the required showing has been made, the court shall protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of an attorney or other representative of a party concerning the litigation.

~~(A) A written statement signed or otherwise adopted or approved by the person making it; or
(B) A stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.~~

A party may obtain without the required showing a statement concerning the action or its subject matter previously made by that party. Upon request, a person not a party may obtain without the required showing a statement concerning the action or ~~its~~ the action's subject matter previously made by that person. If the request is refused, the person may move for a court order. The provisions of Rule 37(a)(4) apply to the award of expenses incurred in relation to the motion. For purposes of this paragraph, a statement previously made is:

(A) A written statement signed or otherwise adopted or approved by the person making the statement; or

(B) A stenographic, mechanical, electrical, or other recording, or a transcription thereof, which is a substantially verbatim recital of an oral statement by the person making the statement and contemporaneously recorded.

* * *

34. Production of Documents and Things and Entry Upon Land for Inspection for Other Purposes.

* * *

(b) **Procedure.** The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons, complaint, ~~L~~ language assistance notices, and all other required documents upon that party. The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

* * *

36. Requests for Admission.

(a) **Request for Admission.** A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of

Rule 26(b) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished or made available for inspection and copying. The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents upon that party.

Each of the matters of which an admission is requested shall be separately set forth. The matter is admitted unless, within thirty (30) days after service of the request, or within such shorter or longer time as the court may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party under oath, but, unless the court shortens the time, a defendant shall not be required to serve answers or objections before the expiration of forty-five (45) days after service of the summons, complaint, ~~Language Assistance Notices~~, and all other required documents upon the defendant. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter.

* * *

64. Replevin.

(a) **Issuance.** A plaintiff claiming the possession of goods and chattels wrongfully taken or detained shall proceed by complaint and summons in an action under these rules and in connection therewith may make a motion for issuance of a writ of replevin as provided by law, which shall be served along with a summons, complaint, ~~Language Assistance Notices~~, and all other required documents. The motion shall be granted only upon a showing that there is a probability of a judgment being rendered in favor of the plaintiff and that there is a substantial need for transfer of possession of the goods and chattels to the plaintiff pending adjudication of the claim. In lieu of ordering issuance of the writ of replevin the court may order the defendant to give security for satisfaction of any judgment which may be rendered in the action. A surety upon a bond or undertaking hereunder shall be subject to the provisions of Rule 4(j)(3). A motion or issuance of a writ of replevin shall not be granted ex parte.

* * *

69. Execution; Supplementary Proceedings; Attachment and Trustee Process After Judgment, Wage Attachment.

(b) Citation in Supplementary Proceedings.

(3) *Service.* Said citation shall be served by delivering a copy to the judgment debtor or by leaving a copy at the individual's dwelling house or usual place of abode of the judgment debtor with a person of suitable age and discretion then residing therein, at least six (6) days before the date of appearance named in the citation.

The clerk may include an order of citation in supplementary proceedings on the same form as the writ of execution issued against the judgment debtor and said citation shall become effective whenever said judgment debtor fails to satisfy the demand of a duly authorized officer in accordance with Title 9, Chapter 5 (Writs, Summons, and Process) of the Rhode Island General Laws serving the writ of execution. If the execution is to be returned unsatisfied, a duly authorized officer in accordance with Title 9, Chapter 5 (Writs, Summons, and Process) of the Rhode Island General Laws shall write or mark the legend “~~EXECUTION UNSATISFIED, JUDGMENT DEBTOR MUST APPEAR IN COURT~~ **Execution unsatisfied, judgment debtor must appear in court**” on the copy of the execution left with the judgment debtor.

* * *

(f) **Motion for Attachment of Wages After Judgment.** A writ of attachment to be served as a writ of garnishment of wages after the plaintiff's claim has been reduced to judgment in any civil or small claims action shall be issued, in the same action, only upon motion and notice to the defendant and an opportunity to be heard thereon. The notice shall contain the date of the hearing, which shall be not less than ten (10) nor more than twenty-five (25) days after the date of the mailing of the notice. The most current versions of the ~~a~~Notice to Employer (Trustee/Garnishee) and ~~w~~Writ of aAttachment forms ~~is are~~ are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms~~. No wage attachment shall be served upon an employer until after the date of the hearing. ~~Said~~The motion shall be deemed to be granted without prejudice as a matter of course and shall not be placed upon the motion calendar unless objection thereto is served and filed at least two (2) days before the time specified for ~~its~~the motion's hearing. However, a debtor's failure to object to said motion shall not be deemed as a waiver of any statutory exemptions available to said debtor, and a debtor may move at any time to amend or vacate an order of attachment.

(g) **Order of Attachment of Wages.** If, after the time set for hearing, the motion is granted, then a writ of attachment may be served upon the employer, along with a completed copy of a ~~a~~Notice to the eEmployer (Trustee/Garnishee) form. The most current version of the ~~a~~Notice to the eEmployer (Trustee/Garnishee) form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms~~. A writ of attachment so issued shall expire without prejudice unless served upon the employer within forty-five (45) days of ~~its~~writ of attachment's issuance, and no subsequent writ of attachment shall be issued in the same action without notice to the defendant and an opportunity for a hearing as provided herein. The granting of said motion shall relate only to current and identified wages, and recovery in post-judgment process shall be limited to the amount of the judgment plus actual costs expended and post-judgment statutory interest. The writ attaching wages may take one (1) of two (2) forms:

* * *

72. Appeal to the Supreme Court — Civil Certification Orders.

* * *

(b) **Time for Filing Notice of Appeal.** A person subject to a final Order of Civil Certification may, within five (5) days after entry of the final Order, file a ~~a~~Notice of aAppeal with the District

Court on a form prescribed by the chief judge. The most current version of the ~~n~~Notice of ~~a~~Appeal form is located on the Judiciary's website at *www.courts.ri.gov* ~~under the heading of Public Resources, Forms~~. A copy of the ~~n~~Notice of ~~a~~Appeal form with proof of service shall be forwarded by the appealing party to all attorneys or self-represented litigants of record.

73. Appeal to the Superior Court.

A party may appeal to the Superior Court by filing a notice of appeal within two (2) days after the judgment is entered or, if the judgment relates to a residential landlord/tenant matter, within five (5) days after the judgment is entered with the clerk of the division of the District Court and by simultaneously paying the appropriate appeal fee plus any applicable technology surcharges, in accordance with the applicable statutory law, together with the costs and bond, if any, required by statutory law. The most current version of the Notice of a Appeal form is located on the Judiciary's website at *www.courts.ri.gov* ~~under the heading of Public Resources, Forms~~. The party claiming the appeal shall send a copy of the ~~n~~Notice of ~~a~~Appeal form to the opposing party or parties, or if represented by an attorney, to their attorney of record for the party or parties, within five (5) days after the filing of the notice of appeal. If an appeal ~~be is~~ so claimed the case and papers shall be certified and transmitted to the Superior Court in accordance with statutory law.

84. Forms.

The forms listed in the appendix of forms are located on the Judiciary's website at *www.courts.ri.gov* ~~under the heading of Public Resources, Forms~~, are sufficient under the rules, and are intended to indicate the simplicity and brevity of statement which the rules contemplate.

85. Out-of-State ~~Counsel~~ Attorneys.

No person, who is not an attorney ~~and counselor~~ of the Supreme Court of the State of Rhode Island, shall be permitted to act as attorney ~~or counselor~~ for any party in any proceeding, hearing, or trial in the District Court unless granted leave to do so by the District Court or by the Supreme Court. Unless the District Court or the Supreme Court permits otherwise, any attorney who is granted such leave to practice before the District Court shall not engage in any proceeding, hearing, or trial therein unless there is present in the courtroom for the duration of the proceeding, hearing, or trial a member of the bar of Rhode Island who shall be prepared to continue with the proceeding, hearing, or trial in the absence of ~~counsel~~ an attorney who has been so granted leave.

Subject to the limitations and exceptions set forth in ~~Art.~~ Article II, Rule 9 of the Supreme Court Rules for the Admission of Attorneys and Others to Practice Law, leave shall be granted by the District Court, in ~~its~~ the court's discretion, upon a miscellaneous petition signed by the petitioner in a form approved by the Supreme Court, supported by certifications of the attorney seeking admission pro hac vice and of Rhode Island associate ~~counsel~~ attorney, and assented to by the party being represented in a client certification. The most current ~~forms for~~ versions of the admission pro hac vice admission forms are located on the Judiciary's website at *www.courts.ri.gov* ~~under the heading of Forms, Superior Court~~.

86. Effective Date.

These amended rules shall take effect on ~~November 5, 2014~~ **XX, 2025**. ~~They~~ these rules govern all proceedings in actions brought after ~~they~~ these rules take effect and also all further proceeding in actions then pending, except to the extent that in the opinion of the court ~~their~~ rule's application in a particular action pending when the rules take effect would not be feasible or would work injustice, in which event the former procedure applies.

Appendix of Forms

1. The following forms located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms~~ and are sufficient under the rules. They forms are limited in number. No attempt is made to furnish a manual of forms.

Admission Pro Hac Vice - Attorney Certification

Admission Pro Hac Vice - Client Certification

Admission Pro Hac Vice - Miscellaneous Petition

Address Verification

Affidavit of Defendant/Tenant's Acknowledgment of Rights

Answer Defendant/Tenant

Appeal Form - Department of Labor and Training Board of Review

Appeal Form - Department of Motor Vehicles Operator Control

Appeal of Municipal Decision on Vicious Dog Hearing

Audio/Video Equipment Request

Application for Citation and Supplementary Proceedings

Application to Clerk for Entry of Default

Complaint and Motion for Temporary Restraining Order - Tenant Against Landlord

Complaint and Motion for Temporary Restraining Order - Landlord Against Tenant

Complaint for Eviction for Nonpayment of Rent

Complaint for Reason Other Than Nonpayment Rent

District Court Address Verification

District Court Affidavit of Surrender of Firearms - Civil

District Court Application for Citation and Supplementary Proceedings

District Court Application to Clerk for Entry of Default

District Court Complaint Transmittal

District Court Domestic Abuse Affidavit

District Court Domestic Abuse Complaint

District Court Domestic Abuse Complaint and Affidavit Advocate Certification

District Court Motion for Abusive Litigation

District Court No Contact Order - Domestic

District Court Notice and Motion to Attach Wages and Defendant/Debtor's Objection to Wage

Attachment

District Court Notice of Appeal

District Court Notice of Appeal - Civil Certification Order

District Court Notice of Appeal - Department of Labor and Training Board of Review

District Court Notice of Appeal - Division of Motor Vehicles Operator Control

District Court Notice of Attachment (Not for Wages) and Defendant/Debtor's Objection to Notice of Attachment (Not for Wages)

District Court Notice of Continuance

District Court Notice of Reassignment

District Court Notice to Employer (Trustee/Garnishee)

District Court Order

District Court Order for Hospitalization in a Mental Health Facility

District Court Plaintiff/Petitioner's Motion, Affidavit, and Order to Proceed In Forma Pauperis

District Court Subpoena - Civil

District Court Writ of Attachment

District Court Writ of Replevin

~~Domestic Abuse Affidavit~~

~~Domestic Abuse Complaint~~

Entry of Appearance - Civil

Landlord and Tenant - Complaint and Motion for Temporary Restraining Order - Landlord Against Tenant

Landlord and Tenant - Complaint and Motion for Temporary Restraining Order - Tenant Against Landlord

Landlord and Tenant - Eviction - Affidavit in Support of Motion to Seal

Landlord and Tenant - Eviction - Answer Defendant/Tenant

Landlord and Tenant - Eviction - Complaint for Eviction for Non-payment of Rent

Landlord and Tenant - Eviction - Complaint for Eviction for Reason Other Than Non-payment of Rent

Landlord and Tenant - Eviction - Five (5) Day Demand Notice for Non-payment of Rent

Landlord and Tenant - Eviction - Motion to Seal

Landlord and Tenant - Eviction - Notice of Non-compliance (G.L. 1956 § 34-18-36)

Landlord and Tenant - Eviction - Notice of Termination of Tenancy

Landlord and Tenant - Eviction - Stipulation of Judgment

~~Five (5) Day Demand Notice for Nonpayment of Rent~~

Language Assistance Notice - Cambodian

Language Assistance Notice - English

Language Assistance Notice - Portuguese

Language Assistance Notice - Spanish

~~Motion, Affidavit, and Order to Proceed in Forma Pauperis~~

Motion for Permission to Travel

Motion to Protect Non-Public Information in a Case Filed Prior to Electronic Filing

Motion to Vacate No Contact Order

~~Notice and Motion to Attach Wages and Defendant/Debtor's Objection to Wage Attachment~~

~~Notice of Attachment (Not for Wages) and Defendant/Debtor's Objection to Notice of Attachment (Not for Wages)~~

~~Notice of Continuance~~

~~Notice of Non-compliance~~

~~Notice of Reassignment~~

~~Notice of Termination of Tenancy~~

~~Notice to Employer (Trustee/Garnishee)~~

~~Order~~

~~Order for Hospitalization in a Mental Health Facility~~
Petition for Expenses for the Care of Neglected Animal(s)
Petition for Waiver of the Mandatory Electronic Filing Requirements
Petition to Return Custody of Animal(s)
Petition to Transfer Ownership of Animal(s)
~~Pro Hac Vice – Attorney Certification for Admission Pro Hac Vice~~
~~Pro Hac Vice – Client Certification~~
~~Pro Hac Vice – Miscellaneous Petition for Admission Pro Hac Vice~~
Proof of Financial Responsibility
Request for a Court Transcript
Small Claims Notice of Suit - Answer
Small Claims Notice of Suit - Complaint
Stipulation
~~Subpoena – Civil~~
~~Writ of Attachment~~

2. Except where otherwise indicated, each pleading, motion, and other paper should have a caption similar to that of the forms listed above. In the caption of the complaint all parties must be named but in other pleadings and papers, ~~it is sufficient to state~~ing the name of the first party on either side, with an appropriate indication of the other parties is sufficient. See Rules 4(b), 7(b)(2), and 10(a).

3. Each pleading, motion, and other paper is to be signed in the individual name by at least one (1) attorney of record (Rule 11). The attorney's name is to be followed by ~~his or her~~ the attorney's address, email address, bar number, and telephone number.

* * *

District Court Rules of Small Claims Procedure

1.02. Mandatory Electronic Filing.

In accordance with ~~Art.~~ Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing is mandatory for small claims actions in the District Court using the Rhode Island Judiciary's (Judiciary) Electronic Filing System. All parties are required to use the Judiciary's Electronic Filing System except for incarcerated individuals or where a waiver is granted in accordance with ~~Art.~~ Article X, Rule 3(c). Self-represented litigants may electronically file documents in accordance with ~~Art.~~ Article X, Rule 3(b) but are not required to do so. The D.C.R.S.C.P. must be read in conjunction with ~~Art.~~ Article X, the Rhode Island Rules of Practice Governing Public Access to Electronic Case Information, ~~and~~ the Rhode Island Judiciary User Guide for Electronic Filing, and the District Court's Electronic Filing System Guidelines for Civil Cases.

1.03. Definitions.

For further definitions, see ~~Art.~~ Article X, Rule 1(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing.

* * *

(B) *Certificate of Service.* Where the D.C.R.S.C.P. requires service of a document to be certified by an attorney of record or a self-represented litigant, the following certification may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE **Certificate of Service**

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is _____ at the following address _____.

/s/NAMEame

* * *

(G) *Public Access Portal re: Search.* ~~The point of entry for electronic access to case information from the Judiciary's database whether at the courthouse or remotely. The database is an electronic collection of court records displayed as a register of actions or docket sheet. The register of actions or docket sheet lists parties, case events, document filings, or other activities in a case set forth in chronological order. An online software system hosted by Tyler Technologies which allows real-time web access to essential case, calendar, and party information whether at the courthouse or remotely.~~

(H) *Service.* Where the D.C.R.S.C.P. require a document or information to be served, sent, delivered, or forwarded, the following shall be applicable:

* * *

(iii) All discovery on a case shall be electronically served using the EFS except when the discovery is of a type which ~~does not lend itself to~~ is not appropriate for electronic service (either because ~~it~~ the discovery consists of non-conforming documents or is too voluminous), in which case conventional service shall be used.

(I) *Signature.* Where the D.C.R.S.C.P. require an electronic signature on any document, the signature shall be reflected as /s/ NAME ~~name~~ unless stated otherwise.

1.04. Language Assistance Notices.

In an effort to provide language assistance to limited English proficient persons, service of Case Initiating Document(s) shall include the ~~L~~language ~~A~~assistance ~~N~~otices which informs the recipient of the right to a foreign language interpreter at no cost and contains instructions about how to obtain language assistance services. The most current versions of the ~~L~~language ~~A~~assistance ~~N~~otices ~~is~~ are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

1.05. Electronic Filing of Documents.

When using the EFS:

* * *

(C) Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one (1) attachment.

For specific requirements, see the District Court's Electronic Filing System Guidelines for Civil Cases.

1.06. Clerk Review; Acceptance/Rejection Procedure.

Following submission, the District Court shall timely review the electronically filed document(s) and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document(s) shall be entered into the docket of the case and the docket

shall reflect the date and time of filing as set forth in Article X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing. In accordance with Article X, Rule 5(c), grounds for the rejection of a document submitted to the EFS in a small claims action are limited in scope as follows:

(A) Failure to include a notarized signature on the Proof of Claim and Military Service Affidavit and Waiver of Right of Appeal portion of the Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form;

(B) For plaintiff corporations, a Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form filed without an affidavit of designation for corporations with assets under \$1,000,000 (see Rule 3.03);

(C) A small claims action filed without the required documents as set forth in the District Court's Electronic Filing System Guidelines for Civil Cases;

* * *

2.02. Commencement of Action.

A small claims action shall be commenced by the filing in the District Court of a Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form and any other required document in a form prescribed by the District Court. The most current versions of the forms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms~~.

2.03. Process, Attachment, Trustee Process, Arrest.

The summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, ~~L~~ Language Assistance Notices, and all other required documents shall be served together. The most current versions of the forms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms~~. The cost assessed to a defendant shall not exceed the cost established by G.L. 1956 § 9-29-9. For purposes of service of process upon corporations and on persons outside of the State of Rhode Island, subsections (D)(3) and (E), respectively, shall apply.

* * *

(B) *Summons: Issuance.* The summons, as provided in subdivision (A) of this rule, shall be issued in the following manner:

(1) For attorneys and self-represented litigants who are Registered Users, a summons shall be generated by the court and attached to the case following the acceptance of the ~~complaint~~ Small Claims Lawsuit - Complaint form and all other required documents by the court. Registered Users can retrieve the summons through the ~~Public Access Portal~~ re:Search;

* * *

(3) For attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b):

* * *

(iii) If the complaint and all other required documents are mailed to the court, a summons may be generated electronically by the court and the attorney or self-represented litigant may obtain the summons at the clerk's office.

The plaintiff's attorney or a self-represented litigant shall deliver ~~to the person who is to make service~~ the original summons ~~upon which to make his or her return of service~~ and a copy of the ~~summons~~, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, Language Assistance Notices, and all other required documents ~~for~~ to the person who is to make service upon the defendant. An ~~A~~additional summons may be issued against any defendant.

* * *

(D) *Summons: Personal Service.* The summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, Language Assistance Notices, and all other required documents shall be served together. The plaintiff shall furnish the person making service with such copies as are necessary. Service shall be made as follows:

(1) Upon an individual other than an incompetent person by delivering a copy of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, Language Assistance Notices, and all other required documents to the individual personally or by leaving copies thereof at the individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein or by delivering a copy of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, Language Assistance Notices, and all other required documents to an agent authorized by appointment or by law to receive service of process, provided that if the agent is one designated by statute to receive service, such further notice as the statute requires shall be given;

(2) Upon a person for whom a guardian or conservator has been appointed by serving copies of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, Language Assistance Notices, and all other required documents upon such guardian or conservator and upon the incompetent person in the manner provided in paragraph (1) of this subdivision;

(3) Upon a private corporation, domestic or foreign, by delivering a copy of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, Language Assistance Notices, and all other required documents to an officer, a managing or general agent, or by leaving a copy of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, Language Assistance Notices, and all other required documents at the office of the corporation with a person employed therein, or by delivering a copy of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, Language Assistance Notices, and all other required documents to an agent authorized by appointment or by law to receive service of process provided that if the agent is one designated by statute to receive service, such further notice as the statute requires shall be given;

(4) Upon the state by delivering a copy of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, Language Assistance Notices, and all other required documents to the attorney general or an assistant attorney general; or

(5) Upon a public corporation, body, or authority by delivering a copy of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, Language Assistance Notices, and all other required documents to any officer, director or manager thereof.

(E) *Service Outside State: Personal Jurisdiction.* When an individual or a foreign corporation is subject to the jurisdiction of the courts of the state, service of process may be made outside the state as follows:

(1) Upon an individual by delivery of a copy of the summons, ~~Small Claims Notice of Suit~~ Lawsuit - Complaint form, ~~Language Assistance Notices~~, and all other required documents to the individual personally by any disinterested person, or by mailing a copy of the summons, ~~Small Claims Notice of Suit~~ Lawsuit - Complaint form, ~~Language Assistance Notices~~, and all other required documents to the individual by registered or certified mail, return receipt requested, or by any other method ordered by the court to give such individual notice of the action and sufficient time to prepare any defense thereto; or

(2) Upon a foreign corporation by delivery of a copy of the summons, ~~Small Claims Notice of Suit~~ Lawsuit - Complaint form, ~~Language Assistance Notices~~, and all other required documents by any disinterested person to the president, secretary, or treasurer of such corporation or to any agent or attorney for service of process designated by the corporation in the state of incorporation, or by mailing a copy of the summons, ~~Small Claims Notice of Suit~~ Lawsuit - Complaint form, ~~Language Assistance Notices~~, and all other required documents to any such officer or agent or to the corporation at ~~its~~ the corporation's business address designated in the state of incorporation by registered or certified mail, return receipt requested, or by any other method ordered by the court to give such corporation notice of the action and sufficient time to prepare any defense thereto.

(F) *Service Outside the State in Certain Actions.* Where service cannot with due diligence be made personally within the state, service of the summons, ~~Small Claims Notice of Suit~~ Lawsuit - Complaint form, ~~Language Assistance Notices~~, and all other required documents may be made outside the state in the manner provided by subdivision (E) of this rule in the following cases:

* * *

(I) *Amendment.* At any time in ~~its~~ the court's discretion and upon such terms as ~~it~~ the court deems just, the court may allow any process or proof of service thereof to be amended, unless ~~it~~ there clearly appears that material prejudice would result to the substantial rights of the party against whom the process issued if an amendment is allowed.

(J) *Summons: Time Limit for Service.* If service of the summons, ~~complaint~~ Small Claims Notice of Lawsuit - Complaint form, ~~Language Assistance Notices~~, and all other required documents is not made upon a defendant within one hundred and twenty (120) days after the commencement of the action the court upon motion or on ~~its~~ the court's own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

* * *

(K) *Attachment and Trustee Process.*

* * *

(2) *Writ of Attachment: Form.* The writ of attachment shall:

* * *

(ii) Be directed to a duly authorized officer in accordance with Title 9, Chapter 5 (Writs, Summons, and Process) and command them to attach the goods or estate of the defendant to the value of the amount of the plaintiff's demand for judgment, together with a reasonable allowance for interest and costs, and to make due return of their authorized officer's doings thereon.

The most current version of the ~~w~~Writ of aAttachment form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

* * *

(3) *Writ of Attachment: Issuance.* The ~~w~~Writ of aAttachment form, shall be filled out by the plaintiff's attorney or a self-represented litigant as provided in paragraph (2) of this subdivision; and shall be submitted to the court with a motion for its issuance. The motion shall be granted only upon a showing that there is a probability of a judgment being rendered in favor of the plaintiff and that there is a need for furnishing the plaintiff security in the amount sought for satisfaction of such judgment, together with interest and costs. A motion hereunder shall not be granted ex parte. Security may be required in connection with issuance of any writ of attachment.

A surety upon a bond or undertaking under this rule submits to the jurisdiction of the court and irrevocably appoints the clerk of the court as the surety's agent upon whom any papers affecting the surety's liability on the bond or undertaking may be served. The surety's liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court who shall forthwith send copies to the persons giving the security if their persons' addresses are known.

(4) *Writ of Attachment: Service.* The plaintiff's attorney or a self-represented litigant shall deliver to the officer making service a copy of the proposed ~~w~~Writ of aAttachment form together with a copy of the motion for its issuance and the notice of hearing thereof. When the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents are served upon the defendant as provided in subdivisions (D) through (G) of this rule, the defendant shall also be served with a copy of the proposed writ of attachment and of the motion for its issuance with the notice of the hearing thereof. An attachment made after service of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, ~~L~~anguage ~~A~~ssistance ~~N~~otices, and all other required documents shall be made as provided in paragraph (6) of this subdivision.

* * *

(7) *Proof of Service.* Upon service of a ~~w~~Writ of aAttachment form and a copy thereof, the person making the service shall make the proof of service as provided in subdivision (H) of this rule.

* * *

(L) *Arrest.*

* * *

(2) *Form and Service.* The writ of arrest shall be obtained and filled out in the same manner as a writ of attachment, except that the writ of arrest shall be directed only to the sheriff and the sheriff's deputies. ~~It~~ The writ of arrest shall be accompanied by such affidavit as may be required by law, and shall be submitted to the court with a motion for its issuance. An order of issuance shall be indorsed on the writ by the court. Service of such writ shall be accompanied by service upon the defendant of a copy of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents, and proof of service shall be made in the same manner as proof of service on a writ of attachment.

(3) *Subsequent Writ of Arrest.* After service of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, ~~L~~language ~~A~~assistance ~~N~~otices, and all other required documents upon the defendant a writ of arrest shall be available to the extent and in the manner provided by law and shall be issued and served as provided in paragraph (2) of this subdivision.

* * *

2.04. Service and Filing of Pleadings and Other Papers.

* * *

(B) *Service: How Made.*

* * *

(3) For incarcerated individuals, attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing, and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b), service under subsection (A) is made by:

(i) Delivering a copy of the papers to the person served by:

(a) Handing ~~it~~ a copy of the papers to the person;

(b) Leaving ~~it~~ a copy of the papers at the person's office with a clerk or other person in charge;

or

(c) Leaving ~~it~~ a copy of the papers at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

(ii) Mailing a copy of the papers to the last known address of the person served. Service by mail is complete on mailing.

* * *

2.05. Scheduling of Cases.

(A) *Assignment of Trial Date.* A defendant shall serve the ~~Defendant's Answer to Small Claims Notice of Suit~~ Lawsuit - Answer form within twenty (20) days after the service of the summons, Small Claims ~~Notice of Suit~~ Lawsuit - Complaint form, and ~~L~~language ~~A~~assistance ~~N~~otices upon the defendant, unless the court directs otherwise when service of process is made pursuant to an order of court. The most current version of the ~~Defendant's Answer to Small Claims Notice of Suit~~

Lawsuit - Answer form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~ After the ~~Defendant's Answer to Small Claims Notice of Suit~~ Lawsuit - Answer form is filed, the clerk of the District Court will assign a trial date.

(B) Mediation for Self-represented Litigants. Cases filed by self-represented litigants shall be referred to mediation upon the filing of an answer by the defendant. If the parties cannot reach an agreement during mediation, the case shall be assigned for trial.

* * *

3.01. Individuals.

There is no requirement that an individual person as either the plaintiff or the defendant be represented by an attorney. However, such a person may ~~engage at his or her own expense such attorneys as he or she should desire~~ choose to hire and pay for an attorney.

* * *

3.03. Corporations.

If a plaintiff corporation, at the time of filing the small claims action, has assets under \$1,000,000 and if ~~it~~ the corporation is a close corporation as set forth in G.L. 1956 § 7-1.2-1701, then an officer of the corporation may designate by affidavit a representative to prosecute claims in a small claims action provided that the affidavit of designation has been filed with the division of the District Court in which the claim has been filed. The affidavit of designation shall be attached to the ~~Small Claims Notice of Suit~~ Lawsuit - Complaint form before the filing is accepted by the clerk. All other plaintiff corporations must be represented by an attorney. See G.L. 1956 § 10-16-3.1. A defendant corporation must be represented by an attorney, no exceptions. For purposes of small claims actions, a corporation is defined as any entity that is (1) a corporation; (2) a LLC; (3) a LLP; or (4) any other entity that is required to register with the secretary of state in order to transact business in this state.

* * *

6.02. Entry and Enforcement of Judgment.

* * *

In the event of the post-judgment attachment of a bank account, the same notices and right to a hearing that a defendant is accorded in a regular case of the District Court shall apply. The most current versions of the forms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms~~ except for the Writ of Execution and Citation in Supplementary Proceedings, the Writ of Execution - Goods, Chattels, and Real Estate, the Writ of Execution - Goods, Chattels, and Real Estate to Garnishee/Trustee, the Citation to Show Cause for Noncompliance with Court Order, and the Writ of Body Attachment.

7.01. Appeal Rights.

Pursuant to G.L. 1956 § 10-16-1, the plaintiff waives the right to appeal from any adverse decision rendered in a small claims action. The defendant may, within two (2) days, exclusive of Saturdays, Sundays, and legal holidays, claim an appeal from any adverse decision other than those described in G.L. 1956 § 10-16-14. See G.L. 1956 § 9-12-10. The appeal must be filed in writing with the clerk of the division of the District Court where the small claims action was entered and by simultaneously paying the appropriate appeal fee plus any applicable technology surcharges. The most current version of the Notice of Appeal form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~ By filing a counterclaim, the defendant waives the right to appeal on a counterclaim, and the plaintiff has the right to appeal on a counterclaim only.

Workers' Compensation Court Rules of Practice

Rule 1.3. Mandatory Electronic Filing.

In accordance with ~~Art.~~ Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing is mandatory for cases in the Workers' Compensation Court using the Rhode Island Judiciary's (Judiciary) Electronic Filing System. All parties are required to use the Judiciary's Electronic Filing System except for incarcerated individuals or where a waiver is granted in accordance with ~~Art.~~ Article X, Rule 3(c). Self-represented litigants may electronically file documents in accordance with ~~Art.~~ Article X, Rule 3(b) but are not required to do so. The Workers' Compensation Court Rules of Practice must be read in conjunction with ~~Art.~~ Article X, the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information, ~~and~~ the Rhode Island Judiciary User Guide for Electronic Filing, and the Workers' Compensation Court's Electronic Filing System Guidelines.

Rule 1.4. Definitions.

For further definitions, see ~~Art.~~ Article X, Rule 1(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing.

* * *

(B) *Certificate of Service.* Where the W.C.C.-R.P. requires service of a document to be certified by an attorney of record or a self-represented litigant, the following certification may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE

Certificate of Service

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is _____ at the following address _____.

/s/NAMEame_____

(G) *re:Search*. An online software system hosted by Tyler Technologies which allows real-time web access to essential case, calendar, and party information whether at the courthouse or remotely.

(GH) *Service*. Where the W.C.C.-R.P. require a document or information to be served, sent, delivered, or forwarded, the following shall be applicable:

(1) Subpoenas, petitions, or other documents that must be hand-delivered or delivered in person ~~cannot~~ shall not be served electronically ~~served~~;

* * *

(3) All discovery on a case shall be electronically served using the EFS except when the discovery is of a type which ~~does not lend itself to~~ is not appropriate for electronic service (either because ~~it~~ the discovery consists of non-conforming documents or is too voluminous), in which case conventional service shall be used.

(HI) *Signature*. Where the W.C.C.-R.P. require an electronic signature on any document, the signature shall be reflected as /s/ NAME ~~Eame~~ unless stated otherwise.

Rule 1.5. Service of Petition.

Upon the filing of a petition, the court shall issue a notice of pretrial conference to the petitioner or ~~her/his~~ the petitioner's attorney of record stating the name of the ~~judge~~ judicial officer assigned to hear the matter and the date and time of the pretrial conference. ~~Effective October 1, 2013, in~~ In accordance with G.L. 1956 §§ 28-35-14 and 28-35-15, the petitioner shall mail a copy of the petition and a copy of the notice of pretrial conference to the respondent, the insurance carrier and/or third party administrator, and the agent for service (if applicable), within ten (10) days of filing the petition.

* * *

Rule 1.6. Language Assistance Notices.

In an effort to provide language assistance to limited English proficient persons, service of Case Initiating Document(s) shall include the ~~L~~ language ~~A~~ assistance ~~N~~ notices which informs the recipient of the right to a foreign language interpreter at no cost and contains instructions about how to obtain language assistance services. The most current versions of the ~~L~~ language ~~A~~ assistance ~~N~~ notices ~~is~~ are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Workers' Compensation Court.~~

Rule 2.4. Initial Hearing.

* * *

No oral testimony shall be taken at the initial hearing; however, the hearing may be on the record at the discretion of the trial judge and all agreements made shall be binding. Documentary evidence, including depositions, medical affidavits, and Non-conforming Documents pursuant to ~~Art.~~ Article X, Rule 4(b) of the Rhode Island Supreme Court Rules Governing Electronic Filing,

which the parties intend to introduce at trial shall be identified or submitted to the court. All motions to compel production filed by either party in accordance with W.C.C.-R.P. 2.17 shall be heard on the record or resolved by stipulation, at the discretion of the trial judge, at the time of the initial hearing. The trial judge shall rule on any objections to the production of documents at the initial hearing. If there are any subsequent requests for production or objections raised during the course of the trial, such requests shall be heard at a time scheduled by the trial judge. The parties shall identify any witnesses whom they parties intend to testify before the court and provide three (3) dates upon which each witness is available to testify. The parties shall, at the request of the trial judge, designate trial counsel.

* * *

Rule 3.1. Hours.

The court shall be open from 8:30 a.m. to 4:30 p.m., Monday through Friday, or such other time as the court may set. Trials shall be conducted from 10:00 a.m. to 12:30 p.m., and from 2:00 p.m. to 4:30 p.m. Monday through Friday, or such other times as the court may set.

Rule 4.2. Transcript on Appeal.

At the time of the filing of the claim of appeal and request for the transcript of the proceedings, the transcription will be computed at the rate of three dollars and 00/100 (\$3.00) per page for originals and one dollar and 50/100 (\$1.50) per page for copies thereof. Policies and procedures regarding the ordering, payment, and delivery of transcripts shall be promulgated by the Supreme Court Finance and Budget Office of the Administrative Office of State Courts. The most current version of the procedure for requesting an appeal transcript policy and procedure and form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Quick Links on the home page.~~

Rule 5.1. Out-of-State ~~Counsel~~ Attorney.

No person, who is not an attorney ~~and counselor~~ of the Supreme Court of the State of Rhode Island, shall be permitted to act as attorney ~~or counselor~~ for any party in any proceeding, hearing or trial in the ~~Workers' Compensation Court~~ unless granted leave to do so by the ~~Workers' Compensation Court~~ or by the Supreme Court. Unless the ~~Workers' Compensation Court~~ or the Supreme Court permits otherwise, any attorney who is granted such leave to practice before the ~~Workers' Compensation Court~~ shall not engage in any proceeding, hearing, or trial therein unless there is present in the courtroom for the duration of the proceeding, hearing, or trial a member of the bar of Rhode Island who shall be prepared to continue with the proceeding, hearing or trial in the absence of ~~counsel~~ an attorney who has been so granted leave.

Subject to the limitations and exceptions set forth in ~~Art.~~ Article II, Rule 9 of the Supreme Court Rules for the Admission of Attorneys and Others to Practice Law, leave shall be granted by the ~~Workers' Compensation Court~~, in ~~its~~ the court's discretion, upon a miscellaneous petition signed by the petitioner in a form approved by the Supreme Court, supported by certifications of the attorney seeking admission pro hac vice and of Rhode Island associate ~~counsel~~ attorney, and assented to by the party being represented in a client certification. The most current ~~forms for~~

versions of the admission pro hac vice forms are located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

Rule 6.1. Electronic Filing.

The Rules of Procedure for the Medical Advisory Board are not subject to the mandatory electronic filing requirement set forth in ~~Art.~~ Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing.

Rule 6.7. Impartial Medical Examiners and Independent Health Care Review Teams.

* * *

(B) Application.

(1) The applicant/physician/health care provider must complete an Impartial Medical Examiner/Health Care Review Team Participant Application/Renewal form; ~~†~~ The most current version of the Impartial Medical Examiner/Health Care Review Team Participant Application/Renewal form is located on the Rhode Island Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Workers' Compensation Court, which~~ detailings a record of prior achievements, hospital staff appointments (where applicable), and an explanation of any past disciplinary action (where applicable). A current curriculum vitae (CV) must be attached.

* * *

(C) Requirements.

(1) Upon approval, each impartial medical examiner will be sworn in by the chief judge of the ~~Workers' Compensation C~~ourt or the chief judge's designee.

* * *

(3) Reports shall be issued in the format set forth on the Report of Independent Health Care Reviewer/Review Team Form (MAB05) form; ~~†~~ The most current version of the Report of Independent Health Care Reviewer/Review Team (MAB05) form is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Workers' Compensation Court.~~

Rule 6.9. Preferred Provider Networks (PPN).

* * *

(C) Application Contents. The applicant requesting approval of a PPN must provide the following:

* * *

(9) a signed authorization from each health care provider on the proposed PPN must be filed by the insurer or self-insured employer at the time of the filing of the application. The most current version of the Health Care Provider Acknowledgement form is located on the Rhode Island Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms, Workers' Compensation Court.~~

The ~~C~~contents of ~~said~~ the applications are proprietary in nature and not available for public viewing.

* * *

Traffic Tribunal Rules of Procedure

Rule 1. Scope of Rules and Mandatory Electronic Filing.

(a) **Scope of Rules.** These rules govern the procedure in the ~~the~~ Traffic ~~T~~ribunal and in the municipal courts in all civil violations of the motor vehicle code and other violations assigned to those courts for adjudication pursuant to state law. When used in these rules, the term “court” shall mean the Rhode Island Traffic Tribunal or a municipal court, as may be appropriate. These rules shall be known as the Traffic Tribunal Rules of Procedure and may be cited as Traffic Trib. R. P.

(b) **Mandatory Electronic Filing.** In accordance with ~~Art.~~ Article X of the Rhode Island Supreme Court Rules Governing Electronic Filing, electronic filing is mandatory for subsequent pleadings filed in a Traffic Tribunal case and in an appeal filed pursuant to Rule 21 by using the Rhode Island Judiciary's (Judiciary) Electronic Filing System. All parties are required to use the Judiciary's Electronic Filing System except for incarcerated individuals or where a waiver is granted in accordance with ~~Art.~~ Article X, Rule 3(c). Self-represented litigants or authorized law enforcement agencies may electronically file documents in accordance with ~~Art.~~ Article X, Rule 3(b) but are not required to do so. The Traffic Trib. R. P. must be read in conjunction with ~~Art.~~ Article X, the Rhode Island Judiciary Rules of Practice Governing Public Access to Electronic Case Information, ~~and~~ the Rhode Island Judiciary User Guide for Electronic Filing, and the Rhode Island Traffic Tribunal's Electronic Filing System Guidelines.

(1) *Definitions.* For further definitions, see ~~Art.~~ Article X, Rule 1(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing.

* * *

(B) *Certificate of Service.* Where the Traffic Trib. R. P. requires service of a document to be certified by an attorney of record or a self-represented litigant, the following certification ~~shall~~ may be used but every certification shall specifically identify each person or entity served and the manner in which the service was accomplished:

CERTIFICATE OF SERVICE **Certificate of Service**

I hereby certify that, on the ____ day of _____, ____:

☐ I filed and served this document through the electronic filing system on the following:

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I served this document through the electronic filing system on the following:

The document electronically served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

☐ I mailed or ☐ hand-delivered this document to the attorney for the opposing party and/or the opposing party if self-represented, whose name is

_____ at the following address
_____.
/s/NAMEame_____

* * *

(F) Pay Your Fine and Document Submission Portal. An electronic system which allows a defendant to pay a fine online, request a dismissal based on a good driving record, or to submit proof of evidence of a corrective action for a traffic violation.

(FG) Registered User. An individual or entity with an assigned username and password authorized by the Judiciary to access and utilize the EFS.

(GH) Public Access Portal-re:Search. ~~The point of entry for electronic access to case information from the Judiciary's database whether at the courthouse or remotely. The database is an electronic collection of court records displayed as a register of actions or docket sheet. The register of actions or docket sheet lists parties, case events, document filings, or other activities in a case set forth in chronological order. An online software system hosted by Tyler Technologies which allows real-time web access to essential case, calendar, and party information whether at the courthouse or remotely.~~

(HI) Service. Where the Traffic Trib. R. P. require a document or information to be served, sent, delivered, or forwarded, the following shall be applicable:

* * *

(iii) All discovery on a case shall be electronically served using the EFS except when the discovery is of a type which ~~does not lend itself to~~ is not appropriate for electronic service (either because ~~it~~ the discovery consists of non-conforming documents or is too voluminous), in which case conventional service shall be used.

(I) Signature. Where the Traffic Trib. R. P. require an electronic signature on any document, including the eCitation, the signature shall be reflected as /s/ NAMEame unless stated otherwise.

* * *

(2) Electronic Filing of Documents. When using the EFS:

* * *

(C) Categories of items such as bills, receipts, invoices, photographs, etc. may be submitted in one (1) attachment.

For specific requirements, see the Rhode Island Traffic Tribunal's Electronic Filing System Guidelines.

(3) Clerk Review; Acceptance/Rejection Procedure: Following submission, the Traffic Tribunal shall timely review the electronically filed document(s) and shall notify the filing party as to whether the filing is accepted or rejected. Upon acceptance, the submitted document(s) shall be entered into the docket of the case and the docket shall reflect the date and time of filing as set forth in Article X, Rule 5(b) of the Rhode Island Supreme Court Rules Governing Electronic

Filing. In accordance with Article X, Rule 5(c), grounds for the rejection of a document submitted to the EFS in the Traffic Tribunal are limited in scope as follows:

* * *

(B) Appeals filed without the required documents as set forth in the Rhode Island Traffic Tribunal's Electronic Filing System Guidelines;

* * *

Rule 2. Purpose and Construction.

These rules are intended to provide for the just determination of every civil traffic violation proceeding and other violations assigned to the court for adjudication pursuant to state law. They rules shall be construed to secure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expense and delay; ~~they~~ These rules shall also be construed consistent with ~~the fact that they constitute the rules for the adjudication of civil, not criminal, violations of the motor vehicle code,~~ and other statutes within the court's jurisdiction, hereinafter referred to as the "law."

Rule 3. The Summons.

(a) **Content.** The summons shall consist of a listing of the civil violations alleged by the issuing officer and a requirement that the defendant appear in court on the date and time and at the place indicated thereon. For the purposes of these rules, the terms "ticket," "citation," "eCitation," and "summons" are synonymous and may be used interchangeably. The content and form of the summons and eCitation shall be prescribed by the chief magistrate of the Rhode Island ~~†~~Traffic ~~†~~Tribunal, subject to the approval of the Rhode Island Supreme Court.

* * *

(c) **Mandatory Hearing and Administrative Payments.** The issuing officer shall note on the summons whether the violation requires a hearing or is one which may be eligible to be paid administratively pursuant to law. If eligible for administrative payment, the officer shall also note on the summons the full amount of the fine~~[(s)]~~ required to be paid.

* * *

Rule 5. Payment of Summonses.

(a) **Administrative Payments.** Administrative payments are payments pursuant to summonses which are eligible to be made by mail, online for ~~†~~Traffic ~~†~~Tribunal summonses only, or in person without the defendant having to appear in court. Any fines which may be paid administratively pursuant to law shall be paid to the ~~†~~Traffic ~~†~~Tribunal or the municipal court no later than seven (7) days before the court hearing date as set forth on the summons.

* * *

(2) *Payment by Mail.* If payment is made by mail, ~~it~~the payment shall be received by the court not later than seven (7) days before the court hearing date as set forth ~~on~~in the summons to avoid appearing at the court hearing.

(3) *Online Payments and Document Submission for Traffic Tribunal Summonses.* For ~~the~~Traffic Tribunal summonses only, online payments and the Pay Your Fine and Document Submission Portal are available twenty-four (24) hours a day, seven (7) days a week on the Rhode Island Judiciary's website at www.courts.ri.gov ~~by selecting "Online Payments" on the home page~~, except when the system is unavailable due to scheduled or other maintenance. Payments made online shall be received by the ~~the~~Traffic Tribunal no later than seven (7) days before the court hearing date as set forth ~~on~~in the summons to avoid appearing at the court hearing.

* * *

Rule 6. First Appearance.

(a) **Procedure.** Except in cases wherein payment has been made administratively pursuant to Rule 5 or where the defendant has received confirmation from the court that a violation has been dismissed due to the defendant's submission for a dismissal based on a good driving record or proof of evidence of a corrective action through the Pay Your Fine and Document Submission Portal, all defendants shall appear before a judicial officer (defined as ~~a judge or~~ a magistrate of the court) for the first appearance on the date and time and at the place indicated on the summons. The police department or law enforcement agency which charged the summons shall be represented by a prosecutor or law enforcement officer. Because a defendant is before the court for a civil violation(s), the defendant is not entitled to an appointed counsel attorney but has the option to retain a private counsel attorney.

The first appearance shall be conducted in open court, recorded, and shall consist of reading the summons to the defendant or stating to the defendant the substance of the charge(s) and calling on the defendant to plead thereto. The judicial officer conducting the first appearance shall notify the defendant of the defendant's eligibility or ineligibility to proceed pursuant to G.L. 1956 § 31-41.1-7 (the "good driving record" statute).

* * *

Rule 7. Pleas.

(a) **A Defendant May Plead "Guilty" or "Not Guilty" or Seek a Dismissal based on a Good Driving Record.** The court may refuse to accept a plea of guilty and shall not accept such plea without first addressing the defendant personally and determining that the plea has been made voluntarily and with understanding of the nature of the charge and the judgment to be imposed. If a defendant refuses to plead or if the court refuses to accept a plea of guilty, the court shall enter a plea of not guilty and the case will be placed on the trial calendar. The court shall not enter a judgment upon a plea of guilty unless ~~it~~the court is satisfied that there is a factual basis for the plea. Pleas shall be in the form prescribed by this Rule.

(b) **Good Driving Record.** The defendant may seek a dismissal based on a “good driving record” pursuant to the provisions of G.L. 1956 § 31-41.1-7. If the defendant is eligible, the court shall, except for good cause shown dismiss the matter upon payment of any mandatory costs or fees. To qualify for a dismissal based on a good driving record, an out-of-state defendant shall submit a copy of ~~his or her the defendant’s~~ driving record obtained from ~~his or her the defendant’s~~ registry of motor vehicles or other licensing authority, or other evidence satisfactory to the court. A defendant may request that a violation be dismissed based on a good driving record through the Pay Your Fine and Document Submission Portal as long as payment has been made no later than seven (7) days before the court hearing date as set forth on the summons to avoid appearing at the court hearing. Otherwise, the defendant must appear at the date and time set forth in the summons or by the court.

Rule 21. Appeals.

(a) **Appeals Panel.** Any party aggrieved by a judgment of a municipal court or the ~~€Traffic~~ ~~€Tribunal~~ following the adjudication of a civil violation of the motor vehicle code or other applicable statute may appeal the judgment to the appeals panel of the ~~€Traffic~~ ~~€Tribunal~~. An appeal may be claimed by following the procedures established by the chief magistrate, including filing a written Notice of Appeal on a form prescribed by the chief magistrate and by submitting the appeal filing fee established by statute together with any applicable technology surcharges. The most current version of the Notice of Appeal - Appeals Panel is located on the Judiciary's website at ~~www.courts.ri.gov-under the heading of Public Resources, Forms.~~ The filing fee is waived when an appeal is taken by the state, the municipality, or other prosecuting authority. The Notice of Appeal shall contain a concise statement of the grounds therefor. A Notice of Appeal shall be filed within ten (10) days of the imposition of the judgment appealed from.

(b) **Appeal to the Sixth Division of the District Court.** Any party aggrieved by a final written judgment or order of the appeals panel may appeal therefrom to the sixth division of the district court. In accordance with G.L. 1956 § 31-41.1-9, an appeal may be claimed by filing a written Notice of Appeal on a form prescribed by the chief magistrate and by submitting to the ~~€Traffic~~ ~~€Tribunal~~ the appeal filing fee established by statute together with any applicable technology surcharges. The most current version of the Notice of Appeal - District Court form is located on the Judiciary's website at ~~www.courts.ri.gov-under the heading of Public Resources, Forms.~~ The filing fee is waived when an appeal is taken by the state, the municipality, or other prosecuting authority. The Notice of Appeal shall contain a concise statement of the grounds therefor. A Notice of Appeal shall be filed within ten (10) days of the entry of sentence or the final written judgment or order appealed from.

(c) **In Forma Pauperis.** The court may, upon motion, allow the defendant to proceed in forma pauperis. For specific requirements, see the Rhode Island Traffic Tribunal's Electronic Filing System Guidelines.

(d) **Record on Appeal.** Except as otherwise provided in subsection (e), the original papers and exhibits filed in the court during trial and the transcript of proceedings, if any, shall constitute the record on appeal of all sentences or judgments imposed in the adjudication of civil violations of the motor vehicle code and other applicable statutes.

The appellant shall be responsible for obtaining a written transcript of the hearing(s) that formed the basis for the judgment being appealed. Policies and procedures regarding the ordering, payment, and delivery of transcripts shall be promulgated by the Administrative Office of State

Courts. The most current version of ~~a~~ the Request for Recording form ~~a Court Transcript form~~ is located on the Judiciary's website at www.courts.ri.gov ~~under the heading of Public Resources, Forms.~~

* * *

Rule 27. Service and Filing of Papers.

(b) Making Service.

* * *

(3) For incarcerated individuals, attorneys who are granted a waiver pursuant to ~~Art.~~ Article X, Rule 3(c) of the Rhode Island Supreme Court Rules Governing Electronic Filing, and self-represented litigants who do not elect to electronically file pursuant to ~~Art.~~ Article X, Rule 3(b), service under subdivision (a) is made by:

(A) Delivering a copy of the papers to the person served by:

(i) Handing ~~it~~ a copy of the papers to the person;

(ii) Leaving ~~it~~ a copy of the papers at the person's office with a clerk or other person in charge or if no one is in charge, leaving ~~it~~ a copy of the papers in a conspicuous place in the office; or

(iii) Leaving ~~it~~ a copy of the papers at the person's dwelling house or usual place of residence with someone of suitable age and discretion residing there.

(B) Mailing a copy of the papers to the person served as set forth in Rule 33. Service by mail is complete on mailing.

* * *

Rule 33. Notice.

Whenever, pursuant to these rules, notice of a future court date or other notice issued by the court is provided to a defendant, ~~it~~ notice shall be provided in hand whenever possible. Whenever service in hand is not possible, ~~it~~ notice shall be provided by regular mail to any address given to the court by the defendant during the case. In the absence of such a previously provided address, notice shall be sent to the address submitted by the defendant to the division of motor vehicles pursuant to the duty imposed by G.L. 1956 § 31-10-32 or as provided by the defendant through the Pay Your Fine and Document Submission Portal.

Rule 35. Obligations of Authorized Law Enforcement Agencies.

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(b) **Submission of eCitation Summons to the Traffic Tribunal.** Every eCitation summons issued shall be submitted to the ~~€~~Traffic ~~€~~Tribunal on a daily basis. The authorized law enforcement agency shall also submit the eCitation to the respective municipal court.

(c) **Mandatory Electronic Submission of the Summons.** All other summonses issued from authorized law enforcement agencies shall be submitted electronically to the ~~€Traffic €Tribunal~~ on a daily basis. The authorized law enforcement agency shall also submit all other summonses to the respective municipal court.

(d) **Language Assistance Notices.** In an effort to provide language assistance to limited English proficient persons, service of the summons shall include the ~~Llanguage Aassistance Nnotices~~ which informs the recipient of the right to a foreign language interpreter at no cost and contains instructions about how to obtain language assistance services. The most current versions of the ~~Llanguage Aassistance Nnotices~~ are located on the Judiciary's website at *www.courts.ri.gov* under the heading of ~~Public Resources, Forms~~.

* * *

(f) **Scheduling of the First Appearance.** All authorized law enforcement agencies shall schedule the first appearance within the time frame prescribed by the chief magistrate of the ~~€Traffic €Tribunal~~.

* * *

Rule 36. Effective Date.

These rules shall take effect on ~~June 8, 2015~~ **XX, 2025**.