



Family Court of the State of Rhode Island
One Dorrance Plaza
Providence, RI 02903

MICHAEL B. FORTE
CHIEF JUDGE

February 1, 2024

The Honorable Robert Craven
Chair, House Judiciary Committee
State House
Providence, RI 02903

Re: 2024 H-7271

Dear Chairman Craven
and Members of the House Judiciary Committee:

I write in support of 2024 H-7271, which clarifies the ability of Family Court Magistrates to hear cases on the contested divorce trial calendar. Early in a divorce case, litigants tell the Court whether their case should be heard on the "nominal" calendar or the "contested calendar." Many cases start as "nominals," which means that the litigants are expected to agree on the terms of their divorce. The petition will be scheduled expeditiously on the "nominal" calendar. In those cases where there are difficult issues regarding custody and/or distribution of marital property, the cases may turn from "nominal" to contested or begin as contested cases.

As you might expect, contested cases take much longer to resolve. There are many stages in a contested divorce. Judicial officers tend to work towards resolution of the issues at all stages of the divorce. I believe that the more judicial officers who hear these cases, the more likely the cases will be settled short of a lengthy trial.

For over 35 years the General Magistrate has heard and decided contested divorces. One litigant in all that time has questioned whether the enabling statute authorizes the General Magistrate to hear contested divorce trials. The Supreme Court did not rule on the specific challenge to the General Magistrate's authority but upheld his decision on the merits. Our position has consistently been that the statute provides the Chief Judge with the authority to assign any of the Magistrates to any calendar that will assist the Court in fulfilling its mission.

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At this point, Family Court Magistrates are assigned to child support, truancy, domestic abuse and various miscellaneous petitions for custody and visitation. They are explicitly authorized to hear domestic abuse petitions and “nominal” divorces. The passage of this bill will have no fiscal impact and will not require the appointment of additional Magistrates.

I requested the submission of this legislation to confirm my authority to assign civil contested divorce petitions to their duties. I believe this legislation will cure any doubts about their authority to assist with the contested divorce calendar and benefit litigants to resolve the contentious issues between them. Thank you for the opportunity to comment on this bill.

Very truly yours,

A handwritten signature in black ink, appearing to read "MB Forte", with a stylized flourish at the end.

Michael B. Forte
Chief Judge

MBF:nmp