

Town of Barrington Probate Court Administrative Rules

Pursuant to RIGL 33-22-29, the Probate Court of the Town of Barrington hereby establishes the following local administrative rules:

1. COURT SESSIONS: Sessions will normally convene at 9:00 A.M. on the first Monday of each month unless that day is a legal holiday. Court sessions are held in the Town Council Chambers, second floor, at the Town Hall, 283 County Road. The Court reserves the right to meet on a different day as necessary.

2. COURT CALENDAR: Counselors are requested to sign the docket in the Town Clerk's office on the morning of the court session; the Clerk's office is open at 8:30 A.M. Cases are heard in the sign-in order (first come, first served) with the exception of contested matters; contested matters are heard at the end of the session.

3. CONTESTED MATTERS: Special sessions of the Probate Court will be scheduled as reasonably necessary to hear contested matters that cannot be completed during regular court sessions by the Probate Judge. There will be no additional fees or charges for special sessions (RIGL 33-22-30).

4. FILING FEES /DEADLINE: No matter will be heard unless all fees currently due have been paid. Checks should be payable to the "Town of Barrington". Matters requiring advertising should be filed and the necessary fees paid no later than the previous Thursday of the week of publication. Publication will be in the Wednesday edition of the Barrington Times three times prior to the hearing. All matters on waiver should be filed at least 5 business days prior to the hearing date.

5. ELECTRONIC RECORDINGS:

A) Audio Recordings of any court proceedings will be made by the Court at the request of the Probate Judge or any party thereto by audio recordings (RIGL 33-22-19.1). However, parties may have court proceedings transcribed by authorized court stenographers at their own expense.

B) The Probate Court shall upon written request permit parties to produce written transcriptions from audio recordings. Copies of audio recordings will be available for the current cost of a USB Drive supplied by the Probate Court Office.

C) Audio recordings of hearings will be kept in accordance with the records retention schedule.

6. COURT SESSIONS: Every decision of the Probate Court shall be reduced to a written order or decree presented at the time of the hearing or by the prevailing party within a reasonable time thereafter (RIGL 33-22-31).

7. NOTICE TO CREDITORS: No First and Final Account and no Affidavit of Complete Administration will be accepted by the Probate Court without an affidavit by the fiduciary certifying that notice has been given to all known and easily ascertainable creditors (RIGL 33-11-5.1).

8. CERTIFICATION OF CHARGES: No Account will be accepted by the Probate Court Clerk unless accompanied by a certification from the attorney for the estate substantially in the form set forth in RIGL 33-14-2.2. There will be no exceptions. The Probate Judge may request additional evidence (RIGL 33-14-2).

9. GUARDIANSHIPS: No petition for limited guardian, guardian or temporary guardian will be heard by the Probate Court unless notice has been given to the prospective ward at least fourteen days prior to the hearing in the case of limited guardians and guardians or five days in the case of temporary guardians unless a shorter period is approved by the Court upon motion by the petitioning party.

10. DECISION MAKING ASSESSMENT TOOLS: No petition for the appointment of a limited guardian, temporary guardian or guardian will be heard by the Probate Court unless a Decision-Making Assessment Tool, initial assessment signed by a licensed physician, has been presented to the Court at least three days before the hearing date.

11. GUARDIANS AD LITEM: Guardians ad litem shall be appointed from a list of qualified individuals kept in the office of the Probate Clerk and approved by the Probate Judge. The Probate Court will appoint from the court list. All Guardian ad litem reports must be submitted on the standard form provided in RIGL 33-15-47. Fees for Guardians ad litem shall be limited to a maximum of \$800.00 unless the Probate Judge for cause shown authorizes additional fees. Guardians ad litem must furnish an itemized bill. If you would like to be placed on the Guardian ad litem list, you should request an application from the Probate Clerk and return the completed application to the Clerk.

12. RULES OF EVIDENCE: In all contested matters, the Rhode Island Rules of Evidence shall be applied, however, this section shall not prohibit parties from stipulating or waiving the requirements of the Rules of Evidence as to any particular matter (RIGL 33-22-19.2).

13. INVENTORIES: Every Administrator or Executor shall within 90 days after his/her appointment return to the Probate Court, under oath, a true inventory of all the personal property of the deceased, in accordance with RIGL 33-9-1. Every Guardian shall do so within 30 days of his/her appointment (RIGL 33-15-19). Parties unable to submit inventories within the required times should petition the Court for an extension of time.

14. AFFIDAVITS OF COMPLETE ADMINISTRATION: No Affidavit of Complete Administration will be accepted without original releases of legatees including fiduciary, if legatee, copies of paid funeral bill and inheritance tax discharge, claim releases, certification that notice has been given to all known or easily located creditors, and current payment of fees. Affidavits of Complete Administration and Small Estate Affidavits will not

appear on the court docket but will be handled administratively within the Probate Clerk's office.

15. ATTORNEYS/FIDUCIARIES FEES: Affidavit of time spent, work done and hourly rate for attorneys and fiduciaries are required as part of the accounting; forms are available in the Probate Clerk's office. Attorneys functioning as fiduciaries are not entitled to bill their professional rate on work done as fiduciary for matters that are merely administrative or clerical.

16. FORMS: Use of Statewide forms is mandatory.

17. CHANGE OF NAME: All Petitions for Name Changes shall be advertised. A criminal record check through the Department of Attorney General is required for all persons petitioning for a name change. If there is a criminal record, the Probate Judge will exercise his discretion as to the name change on a case-by-case basis. The Court shall defer petitions for minors in cases where all surviving parents have not signed the petition to the Family Court for jurisdictional purposes.

18. PROBATE JUDGE: Pursuant to Section 15-1-2 Acting Judge of Probate, of the Charter of the Town of Barrington, whenever the Judge of Probate Court is a party or interested in any proceeding about to be heard in court, or is absent or unable to perform the duties, or there is a vacancy in such office, duties shall be temporarily performed by the Town Solicitor, or any assistant Town Solicitor, or in the event no such solicitor is qualified, by such person appointed by the Town Council having the qualifications set forth in Section 15-1-1. The fact of any such interest, absence, inability or vacancy shall be recorded in the records of the Court.

Entered By Order:

Meredith J. DeSisto, Probate Clerk

Matthew J. Leonard, Probate Judge

Amended: May 24, 2004 (Rule #12 Commissioners deleted, § 33-11-16)

Amended: July 16, 2007 (Rule #15 Change of Name for minors)

Amended: March 9, 2009 (Rule #11 Guardians Ad Litem, fee)

Amended: October 5, 2009 (Rule #17 Change of Name) Amended: August 31, 2021 (Rule #11 Guardian Ad Litem, fee)

Amended: December 9, 2021: Added new judge.

Amended: April 10, 2024: (Rule #15 Change of Name update.)