



Published on *Town of Burrillville RI* (<https://www.burrillville.org>)

[Home](#) > [Departments](#) > [Probate Court](#) > Local Rules for Probate Procedures

## Local Rules for Probate Procedures

**Sessions:** The Probate court of the Town of Burrillville regular sessions meet the last Wednesday of the month at 1:00 p.m. in the Town Building, Council Chambers.

**Legal Advice:** This is a court of law. Decrees and judgments are legally binding. Fiduciary duties are defined and regulated by statute. Petitioners, respondents and parties of interest are strongly advised to seek legal representation. Those appearing before the court without representation do so at their own risk and responsibility. No legal advice will be dispensed by the Probate Judge or the various clerks of the court, including how to fill out probate forms. This Court directs all parties to RI General Law, Section 33 et seq for further information concerning practice and procedure in the probate courts of Rhode Island.

**Guardian Ad Litem:** The Guardian Ad Litem need not be present in court in an uncontested matter, provided that their report has been filed with the Court within the timeframes established by statute. As a standing order of the Court, every Guardian Ad Litem report will be sealed.

**Guardianships & DMATs:** In any guardianship requiring the filing of a Decision Making Assessment Tool (DMAT), the DMAT will be sealed as a standing order of the Court. Any party wishing access to such sealed documents (Guardian Ad Litem report or DMAT) must file a written petition with the Court explaining such party's reason for requesting access thereto and requesting that such documents be unsealed for such party. Notice of such request should also be sent to any party who has entered an appearance in such matter.

### **Fees:**

- Affidavit of time spent, work done and hourly rate for attorneys and fiduciaries are required as part of accounting.
- Attorneys functioning as fiduciaries are not entitled to bill their professional rate on work done as fiduciary for matters which are merely administrative or clerical.
- Fees for services as Guardian shall not exceed \$45.00 per hour absent compelling circumstances.

**Forms:** Use of statewide forms is mandatory.

**Final accounting:** Original notice of no tax due from the Division of Taxation and either an original or copy of a paid or receipted funeral bill must be filed with final accounting.

**Special Sessions:** Special sessions are scheduled for emergency reasons upon prior approval of the Court.

**Notices:** If decedent is over fifty-five years of age a letter must be sent to EOHHS (Executive Office of Health & Human Services) with the hearing date. An affidavit of notice along with a copy of the letter must be filed with the court before the hearing. Notice must be mailed to all heirs with the hearing date, and an affidavit of notice along with copies of the letters must also be filed. If all heirs have signed an advertising waiver, notice does not need to be mailed.

### **Filing Deadlines**

- **Advertised Matters:** Matters which must be advertised should be filed, and the requisite fees paid, not later than the Tuesday before the week the first publication is to occur. Publication will be in The Woonsocket Call and published three times prior to the hearing.
- **Matters on Waiver or Non-Advertised Matters:** Matters on waiver or which do not require advertising should be filed no later than three (3) business days prior to a scheduled Court session.
- **Filings:** Pleadings, memoranda and other filings should be filed with the Court at least three (3) working days prior to the scheduled hearing.

**Appraisals:** Appraisals in support of a petition to sell real estate must be signed and supported by photographs of the property which is the subject of the petition. An appraisal of a listing broker or co-broker of the subject property will not be accepted.

**Petition to Sell Real Estate:** Notice must be sent to all beneficiaries and advertised unless there is a power of sale written in the will.

**Entered by Order: Timothy F. Kane, Probate Judge  
September 27, 2023**

**Source URL:** <https://www.burrillville.org/probate-court/pages/local-rules-probate-procedures>