

TOWN OF EAST GREENWICH

PROBATE COURT

125 Main Street, East Greenwich, RI 02818

401-886-8607

RULES OF PRACTICE AND PROCEDURE

Pursuant to the provisions of RIGL § 33-22-29.

1. The Court will normally convene at 9:00 A.M. on the third Thursday of each month, unless that day is a legal holiday. The Court, however, reserves the right to reschedule the normal hearing day if necessary.
2. Attorneys/Counsel are not required to sign the docket sheet. The Calendar will be docketed alphabetically and is located at the front counter of the Town Clerk's Office. The order of hearing of matters will customarily be as follows, however, the order may be changed based on the complexity of each matter with the matter taking the least time being heard first:
 - a. Petitions for probate of will, petitions for administration, petitions for admission of foreign will (*on waiver: first*)
 - b. Petitions for change of name
 - c. Miscellaneous petitions, including petitions for adoption of persons 18 years of age or older
 - d. Guardianship (temporary and permanent), conservatorships, custodianships
 - e. Probate accounts
 - f. Contested matters
3. All matters on waiver shall be filed at least 24 hours prior to hearing date.
4. Matters which must be advertised should be filed and the requisite fees paid no later than Thursday of the week prior to the week that the first publication is to occur. Publication will be in the Thursday edition of The East Greenwich Pendulum the required number of times prior to the hearing.
5. Special sessions may be scheduled at the direction of the Court.
6. At the request of any party or of the Probate Judge, any Probate Court proceeding will be electronically recorded by the Probate Clerk. Such recordings will be kept on file for one year, and will be made available for transcription at the request and

expense of the requesting party. Any party wishing a stenographer will be responsible for payment of said stenographer and shall notify the Court and opposing counsel prior to the hearing and shall make a copy available to the Court.

7. Affidavits of Complete Administration, Inventories, Claims, etc. will appear on the Court docket, but will be handled administratively unless an objection is made to their acceptance by the Court.
8. Petitions for Probate of Will and Administration must include an Affidavit in proof of will, if applicable, and a certified copy of death certificate; and, Counsel shall file names and addresses of all heirs-at-law and beneficiaries (organizations and individuals) at time of filing of any petition for probate of will or at least two weeks prior to the scheduled hearing date.
9. Petitions for change of name must include a copy of the birth record of the individual whose name is being changed. Adult petitioners must also provide a BCI check from the State of Rhode Island Attorney General's Office.

Juvenile name change petitions must be signed by both parents and both must appear before the Court or have the non-appearing party's signature notarized. If a parent listed on the birth certificate does not sign the petition, the matter must be filed with the Family Court.

10. Counsel shall file all supporting vouchers or Certification of Accountings at the time of filing accounts. Final accounts must include all back-up materials unless accompanied by a Certificate of Accounting. A receipted funeral bill, a notice of No Tax Due from the RI Division of Taxation, releases from all claimants and releases from all beneficiaries/heirs-at-law must be filed w/ all Final Accounts and Affidavits of Complete Administration. Final accounts in a guardianship estate must include releases from all claimants, executor of decedent's estate or from ward (who has reached the age of majority or otherwise deemed competent). Annual Accounts of Guardians shall include a physician's statement regarding the health status of the ward.
11. Petitions for Attorney and Fiduciary fees filed with accounts must include a detailed time sheet indicating dates, time spent, subject matter & hourly rate charged for fees and expenses incurred.
12. Miscellaneous petitions of Motions (including petitions for sale, family allowance, etc.) must include a certification at the bottom of the petition that reads as follows:
"I hereby certify that a copy of the within _____ was forwarded by first class U.S. Mail, postage prepaid, to the following individuals...."

Notices must be given to attorneys of record, heirs-at-law and/or beneficiaries in estate with wills, in guardianship estates, a notice to all parties to be notified under the statute of the original proceeding and attorneys of record.

13. Petition for Sale of Real Estate must include two statements of market value from real estate agents (not involved in the transaction) who have knowledge of the area where the property is located, and a copy of the Purchase & Sales Agreement (*if applicable*). In addition to notice specified above, notice to any joint owners of real estate must be sent.
14. Petition for Sale of Personal Estate must include evidence of the appraised value and any agreements to purchase items must be filed with petition.
15. Court awarded guardian ad litem fees shall not exceed \$800 which shall be paid by the petitioner for guardianship if a permanent guardian is not appointed for the respondent or by the guardian of the ward's estate if a permanent guardian is appointed. (*R.I.G.L. Section 33-15-7*)
16. Petitions for Voluntary Informal Executor/Administrator will appear on the docket but will be reviewed and processed administratively by the Probate Court. Petitioners do not need to appear at the hearing.