

**CITY OF EAST PROVIDENCE, RHODE ISLAND
ADMINISTRATIVE RULES OF THE
EAST PROVIDENCE PROBATE COURT**

Pursuant to RIGL § 33-22-29, the Probate Court of the City of East Providence hereby establishes and adopts the following local Administrative Rules:

ACCOUNTS OF FIDUCIARIES – No Accountings will be accepted by the Probate Court Clerk unless accompanied by a certification by the fiduciary and the attorney for the estate substantially in the form set forth in RIGL § 33-14-2.2. Additional detail may be required. Accounts showing proceeds from the sale of real estate shall be accompanied by the HUD settlement statement.

Notice of hearing for Accounts, in addition to advertising, shall be given by regular mail at least ten (10) days before the court hearing of the account to all interested parties or their counsel. An amended account, if submitted after the original account is advertised, shall not be re-advertised unless the original advertisement was not correct in its description of the account, i.e. failed to indicate the account was a final account or was an account for the proceeds from sale of real estate. Notice to interested parties in such cases shall be as stated herein.

APPROVAL OF FIDUCIARY AND/OR ATTORNEY FEES – Any Petition which includes a request for the approval of fiduciary's or attorney's fees must be accompanied by a fee schedule for all services rendered. This schedule should include the dates of service, the service rendered, the time billed for this service, the hourly rate charged and the total amount for all services rendered.

COMMUNICATIONS WITH THE COURT – Ex-parte communications are prohibited. Written communications in any pending probate matter shall be sent or faxed to East Providence Probate Court and not to the private office of the Judge.

Requests for continuances must be agreed to by all parties in the proceedings whether presented or not. If the parties cannot agree the Court will conduct a hearing, with notice, as to the request.

CONTESTED MATTERS – Special sessions of the Probate Court will be scheduled as reasonably necessary to hear contested matters which cannot be completed during the regular court sessions.

COURT SESSIONS – Regular sessions of the Probate Court are held on the 2nd and 4th Tuesday of each month at 2:00 p.m. in the City Council Chambers, 145 Taunton Avenue, or on such other date as the Court shall deem necessary.

Cases assigned for hearing at any court session will be heard in the following order:

Name Changes
Matters on Waiver
Formal Matters
Contested Matters

Upon arrival at the Court, individuals are requested to sign the docket sheet located in the City Clerk's office. The docket sheet will be available at 8:00 a.m. No telephone calls requesting to be placed on the docket will be accepted.

COURT DECISIONS – All decisions 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. All orders in contested matters, or as may be requested by the Court, shall be reviewed by opposing counsel pursuant to RIGL § 33-22-31 before entry. If no objection is filed within the statutory period, the order shall thereafter enter. Objections to orders shall be set for hearing by means of a miscellaneous petition for instructions.

CUSTODIANSHIPS – The Court may, under certain circumstances, appoint a custodian(s) for a deceased person's estate pursuant to RIGL § 8-9-10. A pending Petition for Probate of Will or Appointment of Administrator is a prerequisite to any appointment of a custodian. Notice and/or advertisement for appointment of custodians is discretionary with the Court.

DISCOVERY – Rule 26 through Rule 37 of the Superior Court Rules are hereby adopted as the East Providence Probate Court rules in those cases where any interested party has requested discovery pursuant to RIGL § 8-9-17. Discovery may be expanded upon leave of the court with appropriate notice to the other party(s).

Original discovery materials (depositions, interrogations and answers thereto, records, etc.) shall not be submitted to the Court except when they are being offered as evidence during a trial of the matter or as exhibits to a brief. The time for compliance with discovery orders, etc. shall be as contained in the Superior Court Rules, unless a different schedule is agreed to by the parties or established with leave of court for just cause and after hearing thereon.

Proceedings under RIGL § 8-9-17 shall, upon request for and approval of Citation, and after service on the party to testify, be conducted under oath and shall be limited in scope as set forth in the statute. No other witnesses shall be allowed to testify at said hearing other than the party so served, unless agreed upon by all the parties thereto. Written interrogatories may be submitted by the inquiring party, in lieu of live testimony

DOCKET DEADLINE – All petitions that do not require advertising or those on waiver must be submitted to the Court by the close of business on the Friday preceding the Court session.

ELECTRONIC RECORDINGS - Electronic recordings of any court proceedings will be made by the Court at the request of the Probate Judge or any party thereto by electronic tape recording. No other tape recorders or devices will be permitted in the courtroom. Parties may, however, have court proceedings transcribed by authorized court stenographers.

GUARDIANSHIPS – The Court shall, from its list of qualified individuals, appoint a Guardian Ad Litem each time a petition for adult guardianship is filed. The clerk shall notify said individual of their appointment and provide to that person all relative information concerning the matter. Fees for Guardians Ad Litem may not exceed \$400 unless additional fees are authorized by the Probate Judge.

Replacement guardians in an existing guardianship shall re-file the guardianship petitions and comply with the statutory requirements for service, notice and advertisement. The requirement for an updated decision making assessment tool and/or report from a guardian ad litem shall be at the discretion of the court, depending on the facts and circumstances of each case whenever a replacement guardian is requested.

Foreign guardians of the estate of a nonresident ward owning real estate in East Providence shall follow the requirements of R.I.G.L. 33-19-27. A Miscellaneous Petition shall be filed, with appropriate notice and advertising, and after approval thereon, the procedures and Administrative Rules set forth herein for the sale or mortgage of real estate shall be followed. Thereafter, an Account of the transaction shall be filed with the Court, and upon allowance thereof, the net proceeds from the sale of the real estate shall be delivered to the foreign guardian of the estate, as evidenced by his/her receipt, terminating the locate probate matter.

INVENTORIES – Every Administrator and Executor shall within ninety days after his or her appointment return to the Probate Court, under oath, a true inventory of all of the personal property of the deceased in accordance with RIGL § 33-9-1. Every guardian shall do so within thirty days of his or her appointment.

MINOR GUARDIANSHIPS – The Court may, from its list of qualified individuals, appoint a Guardian Ad Litem when a petition for minor guardianship is filed. Provisions for service on the proposed ward with a citation and copy of the petition and notice to parents, children or next of kin shall be according to RIGL § 33-15.1-10, 11. Appropriate affidavits and evidence of service on the proposed ward in compliance with the statutes shall be submitted at or prior to the hearing.

In those cases wherein one parent is deceased and credible evidence supporting the death is submitted and the surviving parent is petitioning for the appointment of a guardian or waives notice, no additional next of kin of the ward need be notified. Service on wards twelve (12) years of age and under shall be as ordered by the Court.

NAME CHANGES – For all persons over 18 years old, upon the filing of a petition to change the name and submission of a birth certificate and BCI background report. In addition, the East Providence Police shall be notified and requested to provide a criminal background check before the Court will act on the petition. If a criminal record is reported, the Court may approve, deny or allow the petition to be withdrawn without action.

NOTICES – Notice of proceedings shall be as required by Rhode Island General Laws. In matters where the statutes are not specific or silent, ten (10) days written notice by regular mail to the last known address shall be given to all interested parties or their counsel. Notice may be waived by the parties by submission of appropriate waiver forms. Written certification shall be provided to the court indicating compliance with the notice requirements.

NOTICE TO CREDITORS - No Final Accountings and no Affidavits of Completed Administration will be accepted by the Court without an affidavit by the fiduciary certifying that notice has been given to all known and easily ascertainable creditors.

PETITION FOR SALE OR MORTGAGE OF REAL ESTATE – Before a petition for sale is granted, a copy of the purchase and sales agreement shall be provided to the court. For either a sale or mortgage, an appraisal from independent source shall be provided to the Court (the appraisal shall not be from the listing or buyer's Realtor in the case of a sale).

REPLACEMENT, REMOVAL OR RESIGNATION OF FIDUCIARIES – A petition for resignation of a fiduciary who has qualified for which no inventory has been previously filed must be accompanied by an inventory and a final account. In the event there were never any assets in the estate, the fiduciary shall include an affidavit attesting to this fact.

A petition for replacement of a fiduciary because of the death of the fiduciary shall also include a copy of the fiduciary's death certificate; the successor fiduciary shall, as best as possible, file a Final Account for the previous fiduciary. If no expenditures were made by the previous fiduciary and an inventory indicates no personal estate, an affidavit attesting to these facts shall be submitted with the Account.

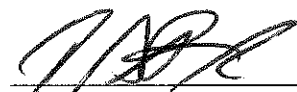
A fiduciary replaced for cause is required, after citation and hearing, to file an Account of his or her tenure in said fiduciary capacity; failure to do so may result in contempt proceedings initiated, with appropriate sanctions imposed.

A successor fiduciary, after removal for cause, may be required, as best as possible, to file a Final Account for the replaced fiduciary, without relieving the replaced fiduciary of any liability or duty to the estate or to the Court. Any successor fiduciary shall not be responsible to or liable to the estate as a result of the actions of a prior fiduciary or for the replaced fiduciary's account.

RULES OF EVIDENCE – In all contested matters the Rhode Island Rules of Evidence shall be applied provided, however, that this section shall not prohibit parties from stipulating to or waiving the requirements of the Rules of Evidence as to particular matters.

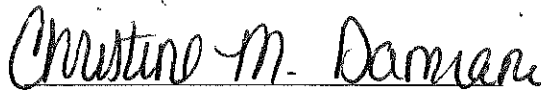
SMALL ESTATES – Decedent estates whose total assets are fifteen thousand dollars (\$15,000) or less as defined in R.I.G.L. 33-24 may file a petition for Voluntary Informal Executor pursuant to R.I.G.L. 33-24.2 or a petition for Voluntary Informal Administration pursuant to R.I.G.L. 33-24.1.

ENTER:



Dean G. Robinson
Probate Judge

BY ORDER:



Christine M. Damiani
Probate Clerk