



Hopkinton Probate Court

TOWN HOUSE ROAD, HOPKINTON, R. I. 02833

Hopkinton Probate Court

LOCAL RULES

1. REGULAR SESSIONS

The Probate Court shall hold its regular sessions on the second Wednesday of each month at 9:00 A.M.

2. PETITIONS

A. The following Petitions may be heard without an Attorney;

1. Petition for Voluntary Informal Administrator – 1.9 under State Law 33-24.1
2. Petition for Voluntary Informal Executor – 1.8 under State Law 33-24.2
3. A Petition for a Name Change.

The Petitioner must be present at the scheduled Probate hearing.

It shall be the responsibility of the Petitioner to fill out the necessary forms entirely and correctly.

3. SCHEDULING

- A. All petitions, pleadings and filings required to be advertised must be received by the Probate Clerk no later than the tenth day of the previous month to be on the following months Court Docket. A shorter time may be allowed with payment of a more expensive advertising fee.
- B. All petitions. Pleadings and filings not required to be advertised must be received by the Probate Clerk no later than noon on the Monday prior to being placed on the Court Docket.

4. SPECIAL SESSIONS

- A. Special Sessions of the Probate Court may be scheduled by the Clerk at the request of a party.
- B. There shall be no charge for a special session reasonably required for hearing or continuance of a contested or otherwise lengthy matter requiring continuation from time to time.

5. ORDER OF CALENDAR

At any session of the Court formal and uncontested matters shall be heard prior to contested matters.

6. ORDERS

Unless otherwise directed by the Judge, the prevailing party in every matter heard by the Court shall prepare and promptly submit to the Court and to all parties who have entered an appearance in the case, an order accurately setting forth the action taken by the Court.

7. PETITION FOR SALE OF REAL ESTATE

Petition for Sale of Real Estate requires an appraisal, qualifications of the realtor, a notice to the heirs, advertising or a waiver of notice.

8. GUARDIAN AD LITEM

An application for Guardian Ad Litem must be completed and returned to the Probate Court. A list of Guardian's Ad Litem will be on file in the Probate Clerk's Office. The Attorney for the petitioner shall notify said individual of his/her appointment and provide to that person all relative information concerning the matter.

9. NAME CHANGE

Upon the filing of a Petition for Change of Name for persons over 18 years old, the applicant shall submit an original birth certificate and a form of identification (driver's license) and the required fee to the Town Clerk for submission to the Office of the Rhode Island Attorney General in order to obtain a criminal background check. The Court shall not require public notice or publication before approving the name change.

For Petitions to change the name of a minor, the named parents on the birth certificate provided to the court shall both join in the petition to change the name of the minor.

10. NOTICE

Notice of proceedings in Probate Court shall be as required by RI General Laws.

In matters where the statutes are not specific or are silent, then 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 a waiver.

Interested parties (or their counsel) are:

- Heirs at law for administrations
- Heirs at law and beneficiaries for testate proceedings (after allowance of the Will)
- Those statutorily entitled to notice in guardianships, to include heirs at law of the proposed ward
- Reasonably ascertainable creditors and creditors who have filed claims

Appropriate certification shall be provided to the court and counsel indicating compliance of the notice requirements.

11. 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, as well as an appraisal from an independent source licensed to provide an appraisal. The appraisal shall not be from the listing or buyer's Realtor in case of a sale.

12. LEGAL ADVICE

The Clerks have been advised not to dispense legal advice and/or assist with completion of legal forms.