

TOWN OF COVENTRY PROBATE COURT RULES OF PRACTICE AND PROCEDURE

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

1. COURT SESSIONS: Sessions will normally convene at 3:00 p.m. on the second and fourth Thursday of each month, unless that day is a legal holiday. Court sessions are held in the Town Hall, Council Chambers, 1670 Flat River Road, Coventry, Rhode Island. The Court reserves the right to meet on a different day as necessary. Summer sessions will be held on the fourth Thursday during the months of June, July and August.

2. COURT CALENDAR: Counsel are requested to sign the docket in the Town Clerk's Office on the day of the court session. Cases are heard in the sign-in order except that 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 which cannot be completed during regular court sessions by the Probate Judge. There will be no additional fees or charges for special sessions. (33-22-30).

4. FILING FEES/DEADLINE: No matter will be heard unless and until all fees currently due have been paid. Checks should be made payable to the "Town of Coventry." Matters which must be advertised should be filed and the requisite fees paid not later than Monday of the week that publication is to occur. Publication will be in the Wednesday edition of The Kent County Daily Times, two times prior to the hearing. All matters on waiver shall be filed at least 24 hours prior to the hearing date.

5. ELECTRONIC RECORDINGS:

a. 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 (33-22-19.1). Parties may, however, 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 electronic tape recordings. Copies of tapes will be made available for \$35.00 per tape.

c. Electronic tape recordings of hearings will be kept in accordance with the records retention schedule.

6. COURT DECISIONS: 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. (33-22-31)

7. NOTICE TO CREDITORS: No First and Final Accountings 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. (33-11-5.1)

8. CERTIFICATION OF CHARGES: No Accountings 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 Section 33-14-2.2 or copies of all cancelled checks or other documents evidencing charges, losses, or payments set forth in I said account. There will be no exceptions. The Probate Judge may request additional evidence. (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 14 days prior to the hearing in the case of limited guardians and guardians or five days in 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 considered 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 attorneys kept in the office of the Probate Clerk and approved by the Probate Judge. Attorneys filing a Guardianship Petition can select a GAL from the court list or the Probate Court will make the selection. 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 additional fees are authorized by the Probate Judge for cause shown. Guardian ad litem must supply an itemized bill. In order to be added to the Guardian ad litem list, requesting attorneys must submit a sample GAL report and a copy of the face sheet of their malpractice insurance in effect at the time

12. COMMISSIONER: Commissioners appointed by the Court to hear disallowed claims pursuant to RIGL 33-11-16 shall be selected by agreement of the attorneys for the claimant and the estate with the approval of the Probate Judge. In the event that attorneys cannot agree on a Commissioner, selection will be made by the Probate Judge.

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

14. INVENTORIES: Every Administrator and Executor shall within 90 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 30 days of his or her appointment RIGL 33-15-19. Requirements for inventories will be strictly enforced. Parties unable to submit inventories within the required times must petition the Court for an extension of time.

15. AFFIDAVITS OF COMPLETE ADMINISTRATION: No Affidavit of Complete Administration will be accepted without original releases of legatees (including fiduciary if a 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 payment of current 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.

16. ATTORNEYS'/FIDUCIARIES' FEES: Affidavit of time spent, work done and hourly rate for attorneys and fiduciaries are required as part of accounting. Forms on file in Probate Clerk's office. 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 \$25.00 per hour absent compelling circumstances.

17. FORMS: Use of state wide forms is mandatory.

18. CHANGE OF NAME: A criminal record check through the Department of Attorney General is required of 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.

19. PROBATE JUDGE: Pursuant to Article VI, Section 6.04 of the Charter of the Town of Coventry, in the absence, disability, or disqualification of the judge of probate so that he is unable to fulfill his duties, or there is a vacancy in such office, the duties of the judge of probate shall be performed by the town solicitor; and when so serving, the acting judge of probate shall have and exercise all the powers and duties of the judge of probate.

Enacted: November 3, 1997
Roberta H. Johnson, Probate Clerk
Richard P. Sullivan, Probate Judge

Updated: January 1, 2020
Joanne P. Amitrano, Probate Clerk
Jean A. Boulanger, Probate Judge