

**LOCAL ADMINISTRATIVE RULES OF
NORTH PROVIDENCE PROBATE COURT**

Pursuant to RIGL 33-22-29 the Probate Court of the Town of North Providence hereby establishes the following local administrative rules:

- 1) **COURT SESSIONS** – The sessions of the Probate Court are held on the 1st and 3rd Monday of each month at 2:00 P.M. in the Town Hall, Town Council Chambers, at 2000 Smith Street, North Providence, Rhode Island or on such other date as the Court shall deem necessary.
- 2) **COURT CALENDAR** – cases assigned for hearing at any court session will be heard in the following order:
 - Formal Matters
 - Nominal Matters
 - Contested Matters
- 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. No additional fees or charges will be made for special sessions. (33-22-30)
- 4) **ELECTRONIC RECORDINGS**
 - A) Electronic recordings of any court proceedings will be made by the court at the request of the Probate Judge or any part thereto by electronic tape recording (33-22-19.1). No other tape recorders will be permitted in the courtroom. Parties may, however, have court proceedings transcribed by authorized court stenographers.
 - B) The Probate Court Clerk shall, upon request, permit parties to produce written transcriptions from electronic tape recordings, at no additional cost. Copies of electronic tape recordings will be made available to parties for \$25.00 per tape.
 - C) Upon request of any party, the court will obtain official written transcriptions of electronic tape recordings of any portion of hearings or testimony requested by a party, upon payment of the estimated cost thereof in advance.
 - D) Electronic tape recordings of hearings will be kept by the Probate Court for a period of one year only, and will be destroyed thereafter.
- 5) **COURT DECISIONS** – All decisions, orders and decrees 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)
- 6) **NOTICE TO CREDITORS** – No First and Final Accountings, and no Certificate of Completed 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)
- 7) **CERTIFICATION OF CHARGES** – No Accountings will be accepted by the Probate Court Clerk, unless accompanied by a certification by the Attorney for the estate substantially in the form set forth in Section 33-14-2.2 or copies of the front sides of all checks or other documents evidencing charges, losses, or payments set forth in said account. The Probate Judge may demand additional evidence (33-14-2).

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- 8) **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 fourteen 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 ordered by the court upon motion by the petitioning party.
- 9) **DECISION MAKING ASSESSMENT TOOLS** – No petition for the appointment of a Limited Guardian will be considered by the Probate Court unless a Decision Making Assessment Tool, signed by a licensed physician, has been presented to the Court at least three days before the hearing thereof. (33-15-4).
- 10) **GUARDIANS AD LITEM** – Guardians ad Litem in limited guardianships shall be selected by the petitioner with the approval of the Probate Judge. All Guardian ad Litem reports must be submitted on the standard form provided for in RIGL 33-15-47. Fees for Guardians ad Litem will be limited to \$400.00 unless additional fees are authorized by the Probate Judge for cause shown.
- 11) **RULES OF EVIDENCE** – In all contested matters the Rhode Island Rules of Evidence shall be applied: providence
- 12) **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 the personal property of the deceased in accordance with Section 33-9-1. Every guardian shall do so within thirty days of his or her appointment.

Requirements for inventories will be strictly enforced. Parties unable to submit inventories within the required time must petition the Court for an extension of time.

These rules shall take effect for all matters filed on and after December 1, 1996.

Paula M. Cuculo, Esq.
Probate Judge of the Probate Court
Town of North Providence