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Warwick Local Court Rules

1. Scheduling of Hearings:

- In an effort to expedite the hearing process and to reduce the time spent waiting for hearing, the Probate Court of the City of Warwick will meet each and every Thursday (except legal and court holidays) at 8:00am for any petitions that are on waiver.
- All non-advertised petitions must be on the Clerk's desk no later than the Friday prior to any and all hearings.
- All advertised petitions will be heard on the first and third Thursday of the month at 9:00am. The petitions must be on the Clerk's desk one month prior to the hearing date.
- This Court will retain the right to limit the number of petitions to be heard on any given day.
- Matters requiring special hearings will continue to be scheduled at the convenience of the parties and the Court..

2. Adult Name Change:

- Original or certified copy of birth certificate must be filed with Petition.
- Criminal background check from the Criminal Division of the Rhode Island Department of Attorney General must be provided the day of the hearing.
- An affidavit executed by petitioner stating that the applicant requesting the name change does not have a criminal record outside the State of Rhode Island.

3. Filing of Annual and Final Accounts:

- In a decedent's estate, a notice must be sent to the fiduciary, heirs-at-law, and/or beneficiaries of the will, claimants and all attorneys who have entered their appearance.
- For a final account in a decedent's estate a receipted funeral bill, a notice of No Tax Due from the Division of Taxation, releases from all claimants and releases from all beneficiaries/heirs, an affidavit of no real property or a recorded certificate of devise/descent (33-9-29) and Fiduciary's affidavit regarding notice to creditors and OHHS (33-11-5.2) must be filed.
- For a final account in a guardianship estate releases, from all claimants, executor of decedent's estate or from ward (who has reached the age of majority or otherwise deemed competent).

4. Affidavits of Completed Administration:

- Filing of affidavit of complete administration must include a receipted funeral bill, a Notice of No Tax Due from the Division of Taxation, any and all claim releases, releases of Heirs and

Beneficiaries, an affidavit of no real property or a recorded certificate of devise/descent (33-9-29), and Fiduciary's affidavit regarding notice to creditors and OHHS (33-11-5.2) must be filed.

5. Petition for Attorney and Fiduciary Fees Filed with Accounts:

- The Court must approve all fees paid to attorneys/fiduciaries by way of approval of an Application for Approval.
- All fee petitions must include a detailed time sheet for fees and expenses incurred.

6. Petition for approval of Fiduciary fees for court appointed Guardians Ad Litem:

- Gal fee petitions shall not exceed \$800.00 without said petitioner demonstrating cause after hearing for permission to exceed said amount.

7. Miscellaneous Petitions or Motions (including petitions for sale, family allowance, etc.):

- A certification must be included 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:"
- Notice must be given to attorneys of record, heirs-at-law in administration, beneficiaries in estates with wills; in guardianship estates, a notice to all parties to be notified under the status of the original proceedings and attorneys of record.

8. Filings:

Administration petitions:

- A copy of the decree shall be recorded in the Land Evidence records where the property owned by the decedent is located with proof of recording filed with the Warwick Probate Court.

Petitions to Probate or Administrator an Estate:

- A copy of the Family Court Final Judgment shall be required for any divorced decedent.
- Proof of death shall be required for widow or widower

9. Petition for Sale of Real Estate:

- Any petition to sell shall be accompanied by a certified appraisal (not a statement produced by listing or selling broker).
- A purchase and sales agreement must also be filed with the petition if it is available, otherwise it must be filed by the date of the hearing.
- Additional appraisals may be required depending on the nature of the transaction.
- In addition to the aforementioned notice, there shall be notice provided to any joint owners of real estate to which the petition applies.

10. Petition for Sale of Personality:

- An appraisal done by a licensed appraiser must be filed with the petition.
- Any agreement to purchase items must be filed with the petition.

- In addition to the aforementioned notice, there shall be notice provided to any joint owners of real estate to which the petition applies.

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