

## **Probate Court Rules & Procedures**

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

### **Court Sessions**

Sessions will normally convene at 9:15 a.m. on the 1st and 3rd Tuesday of each month unless that day is a legal holiday. Court sessions are held in the Conference Room, 10 Court Street. The court reserves the right to meet on a different day as necessary.

### **Court Calendar**

Attorneys are requested to sign the docket in the Conference Room on the morning of court sessions; the Town Hall opens at 8:00 a.m. Cases are heard in sign-in order (first come, first served) with the exception of contested matters which are heard at the end of the session.

### **Contested Matters**

Special sessions of the Probate Court will be scheduled as reasonably necessary to hear contested matters which cannot be heard during regular court sessions by the Probate Judge. There will be no additional fee for special sessions. (33-22-30).

### **Filing Fees/Deadlines**

No matter will be heard unless and until all fees currently due have been paid. Checks should be made payable to the Town of Bristol.

***\*Please Note:** Matters requiring advertising should be filed and the necessary fees paid not later than the previous Tuesday of the week of publication. A publication will be in the Thursday edition of the Bristol Phoenix 3 times prior to the hearing. All matters on waivers should be filed prior to the hearing date.*

### **Electronic Readings**

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.

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

### **Court Decisions**

Every decision of the Probate Court shall be reduced to written order or decree presented at the time of the hearing or by the prevailing party within a reasonable time thereafter. (33-22-31).

## **Guardianships**

All petitions for a minor child will be advertised prior to the hearing date.

## **Change of Name Request**

A criminal record check through the Rhode Island Attorney General will be conducted for all persons petitioning for a change of name. If there is a criminal record, the Probate Judge will exercise his discretion as to the name change on a case by case basis. In the case of a minor child, the process for changing a minor's name is carried out through family court instead of probate court.

## **Notice to Creditors**

No First and Final Accounting and no Affidavit 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 to creditors (33-11-5.1).

## **General Fees**

Those items designated by an asterisk (\*) typically require advertising unless submitted on Waiver of Notice.

In addition, advertising is required for the following:

<b>Probate Action</b>	<b>Fee</b>
Affidavit of Complete Administration	\$34
Maximum Amount for an Estate	\$1,500
Minimum Amount for an Estate	\$34
Petition for Administration*	\$34
Petition for Change of Name*	\$34
Petition for Probate of Will*	\$34
Petition for Guardianship	\$34
Petition for Removal of Fiduciary	\$34
Voluntary Informal Administration (Small Estate)	\$34 + \$5 per certified copy
Voluntary Information Executor (small estate)	\$34 + \$5 per certified copy
Will for Filing with No Assets	\$34
<b>Advertising</b>	<b>Fee</b>
Accounting	\$52.50
Administration	\$139 without waiver; \$86.50 with waiver
Guardianship	\$139

Petition for Sale of Real Estate	\$52.50
Probate of Will	\$139 without waiver; \$86.50 with waiver
Certificate of Appointment (each)	\$5
Certified Copy of Any Probate Document	\$3 + \$1.50 per page
Probate File Copies (per page)	\$1.50