

LOCAL ADMINISTRATIVE RULES OF THE CUMBERLAND PROBATE COURT

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

1) COURT SESSIONS - The sessions of the Probate Court are held on the second Thursday of each month at 2:30 p.m. in the Town Hall, Town Council Chambers, at 45 Broad Street, Cumberland, Rhode Island. Please confirm dates with Probate Clerk at 728 2400 x 154 before assigning matters.

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 (33-22- 19.1). No other 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 recordings at no additional cost. Copies of electronic recordings will be made available to parties for \$5.00 per recording.

c) Upon request of any party, the Court will obtain official written transcriptions of electronic recordings of any portion of hearings or testimony requested by a party, upon payment of the estimated cost thereof in advance.

d) Electronic 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 decision, 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) DOCUMENTS REQUIRED - No First and Final Accountings, and no Certificates of Completed Administration will be accepted by the Probate Court without:

- a. Original paid funeral bill.
- b. Affidavit by the fiduciary certifying that notice has been given to all known and easily ascertainable creditors. (33-11-5.1)
- c. Affidavit of no real property, or recorded certificate of devise and descent.
- d. Releases from all claims.
- e. Releases from all heirs (Amount paid or \$1.00 and other valuable consideration.
- f. Inventory must have been filed.
- g. Payment of Court fee.
- h. All pending petitions must have been resolved.

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).

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) DECISIONMAKINGASSESSMENTTOOLS - 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 AT LITEM - Guardians at 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 at Litem will be limited to \$400.00 unless additional fees are authorized by the Probate Judge for cause shown.

11) COMMISSIONERS - 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 for the claimant and the estate cannot agree on a Commissioner, selection will be made by the Probate Judge.

12) RULES OF EVIDENCE - In all contested matters the Rhode Island Rules of Evidence shall be applied; provided, 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)

13) 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 of 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 times must petition the Court for an extension of time.

These rules shall take effect for all matters filed on and after March 1, 2018

s/ Alfred G Thibodeau

Alfred G. Thibodeau, Probate Judge
of the Probate Court of the Town of
Cumberland