

ADMINISTRATIVE RULES AND RULES OF PRACTICE OF THE
SOUTH KINGSTOWN PROBATE COURT

In compliance with RIGL §33-22-29, the South Kingstown Probate Court establishes and adopts the following as Administrative Rules of Practice:

ACCOUNTS OF FIDUCIARIES: All accounts submitted by a fiduciary must be certified to by the fiduciary and the attorney representing the fiduciary or the Certified Public Accountant who prepared the account, as required by RIGL §33-14-2.2

The Court may, in its discretion, require appropriate detail for any accounts filed. Notice of hearing for accounts, in addition to advertising, shall be given by regular mail at least ten (10) day before the court hearing of the account of all interested parties or their counsel, unless notice is waived by said parties.

Accounts begin on Schedule "A" with the inventory or Schedule "C: balance of the last allowed account.

An amended account, if submitted after the original account is advertised, shall not be re-advertised unless the original advertisement was not correct in its description of the account, i.e. failed to indicate the account was a final account or was an account for the proceeds from sale of real estate. Notice to interested parties shall be as stated herein.

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 beneficiaries/heirs must be filed and pursuant to RIGL §33-3-14 an affidavit of no real property or a duly recorded certificate of descent shall also be filed.

1. **COURT SESSION:** The Court will normally convene at 2:00 PM on the third Thursday of each month; the Court reserves the right to meet on a different day as necessary. The South Kingstown Probate Court is located on the second floor of the Town Hall in the Town Council Chambers, 180 High Street, Wakefield, RI 02879. The Probate Judge is James P. Howe and the Clerk of the Court is Dale S. Holberton, CMC.
2. **Legal Counsels are not required to sign the docket. The order of hearing of matters will customarily be as follows:**
 - a. **Petitions for change of name.**
 - b. **Petitions for Probate of Will; Administration; Foreign Will.**
 - c. **Petitions for Guardianships (temporary and permanent); Conservatorship; Custodianships.**
 - d. **Miscellaneous Petitions, including Petitions for Adoption of persons 18 years of age or older.**
 - e. **Probate Accounts.**
 - f. **Contested matters.**

Within the foregoing groups, matters will be docketed and heard alphabetically, or at the discretion of the Court.

3. Affidavits of Completed Administration will not appear on the Court docket, but will be handled administratively with the clerk's office.
4. Legal Council shall file all supporting vouchers or Certifications of Accounting at the time of filing accounts.
5. No matter will be heard unless and until all fees currently due have been paid. Checks should be made payable to the "Town of South Kingstown".
6. Matters which must be advertised should be filed and the requisite fees paid not later than the Friday prior to the week that publication is to occur. Publication will be in the South County Independent, three times prior to the hearing.
7. All matters on waiver shall be filed by the end of the business day on the Friday prior to the hearing.
8. Special sessions may be scheduled at the discretion of the Probate Judge.
9. Pursuant to RIGL §8-9-7, at the request of any party or of the Probate Judge, any Probate Court Proceeding will be tape-recorded by the Probate Clerk. Such recording will be kept on file for one year, and will be made available for transcription at the request and expense of the request party.
10. Pursuant to Section 4634 of the Charter of the Town of South Kingstown, whenever the Probate Judge is absent or unable to perform his/her duties, or there is a vacancy in such office, such duties shall be temporarily performed by the Town Solicitor or, in the absence of the Town Solicitor, by the Probate Clerk.
11. The Probate Clerk and the staff of the Town of South Kingstown are not authorized to practice law or give legal advice in any probate proceedings. All parties interested in Probate procedure are directed to RIGL §33-1-1 et. Seq., and probate forms are available online at the Secretary of State's website: www.sos.ri.gov/library/probate/

October 1, 2015