

JOHN E. MARTINELLI  
JUDGE



PAUL V. JABOUR  
CLERK

RENE M. SAMOS  
DEPUTY CLERK

PROBATE COURT OF THE CITY OF PROVIDENCE  
RHODE ISLAND

January 29, 2014

To: The Honorable Angel Taveras, Mayor and  
The Honorable City Council of Providence

Re: Annual Report of the Operation of the City of Providence Probate Court for the fiscal year commencing July 1, 2012 through June 30, 2013.

Submitted herein for your information is a statistical and administrative overview of the operations of the Probate Court for the above referenced period.

Total Gross Receipts for the fiscal period were \$165,320.23.

During this period, the Court staff received 346 new filings for Decedent Estates<sup>1</sup>. The breakdown for these estates is as follows:

- 131 resident Wills and 4 Foreign Will (out of state jurisdiction)
- 66 Administrations of Decedent estates (no will)
- 43 Voluntary Informal Executors- small estates (with a will)<sup>2</sup>
- 70 Voluntary Informal Administrations- small estates (no will);<sup>2</sup>
- 32 wills were filed alleging no assets upon which the will operates upon;<sup>3</sup>

**Guardianship Petitions**, both for adults and minors, continue to generate consistent court activity, with the statutory clerical responsibilities associated therein. The actual number of new guardianships<sup>4</sup> and/or temporary guardianships granted by the Court for the fiscal year was 87. Approximately (44%) percent of these were for minors, the remaining (56%) percent adults (Person and/or Finance). This breakdown reflects a different annual trend, leaning more to the aging of the population rather than a social demographic trend. Guardianship cases all require hearings; many were contested matters, with extended court proceedings and in some of the minor cases, State Department of Children, Youth and Family involvement.

<sup>1</sup> In addition, 5 Custodianships (necessary, interim appointments, pending appointment of permanent fiduciary) were filed contemporaneously with either a will or administration petition.

<sup>2</sup> Although formal hearings are not required for these cases, Court staff is required to review, collect filing fees and maintain a record of these estates; the Judge must review each of these petitions; some may require court hearings. This process allows families to distribute decedent estates of \$15,000.00 or less in value without a formal Probate proceeding.

<sup>3</sup> Fees are collected for these filings.

<sup>4</sup> A substantial number of Adult Guardianship cases are brought under the "RIGL Good Samaritan Act" for which court filing fees are waived; minor guardianships frequently allege a financial hardship as set forth in a petition alleging extreme economic distress, also resulting in a waiver of filing fees.

IN CITY COUNCIL

FEB 20 2014

READ  
WHEREUPON IT IS ORDERED THAT  
THE SAME BE RECEIVED.

*[Signature]* CLERK  
(401) 421-7740

ACTING

**N.B.** In addition to new Guardianship filings, the Court docket has a substantial number of active adult and minor guardianships which periodically require staff/court action, based on court filings and the statutorily required monitoring of these accounts.

Court staff is statutorily required by **R.I.G.L.** to monitor both the submission of **annual status reports** for adult guardians (minor guardians when court ordered) as well as **annual accounts** for estates for which a **financial guardian** has been appointed.

**Annual Status reports** are presently entered on an in house computer system devised with City computer personnel to insure their timely filing. The office reviewed **98** status reports, but more may have been processed, since these do not generally require formal hearings, but must be entered into the Court system.

**Guardian Accounts** are reviewed by staff and heard by the Judge during regular court sessions. Staff continues to implement legal procedures when a Guardian does not comply with either of these statutory mandates, to insure compliance.

Probate Court also has jurisdiction for **adult name changes**. These require processing by Court staff, and assistance to the public in completing the forms. (Most petitioners seeking name changes are not represented by legal counsel.) Court staff, before any hearing before the judge, requests from the **Police Department** a statement as to whether the adult person seeking the name change has a criminal record. Subsequent to court hearings, **217 name change petitions** were granted.

The Court has jurisdiction for **adult adoptions**; most also involve a name change; **1 adult adoption** was granted during this period.

In the normal course of its operation, numerous petitions and motions were processed and heard by the Court, in addition to the hearings and proceedings on "new filings".

- 29 petitions for sale of real estate;
- 14 appointments of "successor" fiduciaries;
- 2 petitions to remove fiduciaries;
- 18 resignations of fiduciaries;
- 260 Miscellaneous Petitions concerning various procedural, factual or fee matters.
- 111 separate court orders as submitted by counsel were processed by court staff and submitted to the Judge for signature;
- 110 Creditor's claims were filed in active estate files; all required processing by staff; 18 Disallowance of claims were filed by fiduciaries and were also processed (some required full court hearings);

Various **fiduciary accounts**, in addition to **Guardian's Accounts**, as required by Statute or the Judge, were processed and reviewed for accuracy and detail by the Court staff; the Judge acted on **47** of these accounts during this past year, after appropriate hearing.

Statutorily allowed **Affidavits of Complete Administration** were submitted to close **134** decedent estates; these require detail scrutiny by Court staff before accepting them as complete, and the issuance of a closing letter by the Clerk.

**181** inventories for fiduciary estates were processed by staff. These are all reviewed for accuracy and conformity to Court orders and **R.I.G.L.**

All statutory fees were calculated and collected relative to Probate Court operations. Cash is not accepted (except for minimal copy charges) for any probate fees, filings, and the like. All deposits are

made through the **Tax Collectors Office**, in compliance with procedures established by the City Controller's office, to insure accurate accounting of all Court funds.

As part of the regular and ordinary operation of the court, cases requiring statutory notice in the newspaper are assembled and transmitted weekly by staff to the Providence Journal. Advertising costs are collected when the petitions are filed and included in the funds deposited with the **Tax Collectors Office**.

**Guardian ad Litem** appointments for adult guardianships and other court implemented appointments are assigned and forwarded, according to a rotating list, to the next in line as established by **R.I. G. L.**

Other tasks required by **R.I.G.L.** were completed in compliance with the appropriate statute(s). These include:

- Transmittal of **State Tax certificates** for each decedent estate to the **Rhode Island Division of Taxation**.
- Guardian notices to comply by filing status reports and accounts.

All Court personnel including the Clerk and Judge continue to insure the compliance by attorneys/fiduciaries of all Court orders.

**Probate Court** is statutorily mandated by **R.I.G.L.** to maintain a **Registry of Accounts** that are held on deposit with the **City** for the benefit of absentee heirs or beneficiaries of decedent's estates whose whereabouts is unknown or unascertainable to the fiduciary administering the estate<sup>5</sup>.

In addition, the **Registry of Accounts** lists accounts being held by the City for the benefit of minors that are beneficiaries or heirs of a decedent's estate and do not have a financial guardian appointed, (until the minor reaches **sixteen (16)** or accounts of minors whose guardian chooses to deposit the funds with the Registry until the ward reaches **sixteen (16)**). All withdrawals of this type of account must be heard in court and approved by the judge.

The **total Registry Account balance** for the end of the fiscal year was **\$602,954.25**; the staff, under the **Clerk and Deputy Clerk's** supervision reviews all bank statements and keeps track of balances of these accounts on an in-house computer system. Deposits are made through the regular procedures established by the **Controller's office, through the Tax Collector's office**.

Court Staff continues to implement the latest Probate computer software to facilitate the probate records system from docketing to deadline. Much still remains, given the difficulty of the task and limited resourced available for this type of operation. The continued support of the **City Council and Administration** in the budget process is most appreciative to achieve this goal of modernization of court records and processes.

Work, with the system vendor, to eliminate all manual typewriting by the department is on-going. Ultimately, automation of our docket system will greatly facilitate this activity and assuredly will increase compliance with all statutory mandates, which is the Court's ultimate goal.

Probate Court continues to be committed to excellence to provide the best service and forum for Taxpayers in an efficient, cost effective manner.

Respectfully Submitted,

  
John E. Martinelli  
**Probate Judge**  
JEM/rs

<sup>5</sup> After holding these accounts for the statutory period, if not claimed pursuant to **R.I.G.L. § 33-21.1-13** these escheat to the State of Rhode Island and are transferred there by the City, at the request of the Probate Clerk.