

JOHN E. MARTINELLI
JUDGE



PAUL V. JABOUR
CLERK

SUSAN L. NIKOLIAN
DEPUTY CLERK

**PROBATE COURT OF THE CITY OF PROVIDENCE
RHODE ISLAND**

January 24, 2008

To The Honorable David N. Cicilline, Mayor and
The Honorable Council of the City of Providence

Re: Annual Report of the Operation of the City of Providence Probate Court for the fiscal year commencing **July 1, 2006** through **June 30, 2007**.

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

Receipts for this fiscal period were **\$195,563.36**, which is a slight decrease from the prior year; however, receipts from July 1, 2007 – December 31 2007 were **\$112,857.50** which indicates that there may be a substantial **increase** for this fiscal year.

During this period, the Court staff received **399** new filings for decedent estates¹. The breakdown for these estates is as follows:

- **152** resident Wills and **4** Foreign Wills (out of state jurisdiction)
- **85** Administrations (no will)
- **37** Voluntary Informal Executors- small estates (with a will)²
- **68** Voluntary Informal Administrations- small estates (no will);³
- **51** wills were filed alleging no assets upon which the will operates upon⁴;
- **2** wills filed by attorneys alleging the testator "deceased" (no further action, filed in compliance with Rhode Island General Laws)⁵

¹ In addition, 2 custodianships were filed contemporaneously with either a will or administration petition.

² 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. This process allows families to distribute decedent estates of \$15,000.00 or less in value without a formal Probate proceeding.

³ 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. This process allows families to distribute decedent estates of \$15,000.00 or less in value without a formal Probate proceeding.

⁴ Fees are collected for these filings.

⁵ No fees are collected on these matters.

IN CITY COUNCIL
FEB 7 2008

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.
John M. Stata CLERK

Guardianship, both adult and minor and Conservatorship Petitions, continue to generate consistent court activity, with the statutory clerical responsibilities associated therein. The actual number of new guardianships⁶ and/or temporary guardianships granted by the Court for the fiscal year was **88**, and one (1) out of state guardianship. These all required hearings; many of these were contested matters, with extended court proceedings.

The Court docket has approximately **591 active adult and minor guardianships**, an area of the Court's jurisdiction that continues to expand because of the city's demographics.

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

Status reports are presently entered on an in house computer system devised with City computer personnel to insure their timely filing. The office reviewed **301** status reports, but more may have been processed, since these do not generally require formal hearings, but must be entered in 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 mandates, to insure compliance.

Probate Court has jurisdiction for **adult** and **minor** name changes, provided both parents of the minor agree on the change. 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, normally requests from the Police Department a statement as to whether the adult person seeking the name change has a criminal record; after court hearings, **85** name change petitions were granted.

In the normal course of its operation, numerous petitions and motions were processed and heard by the Court:

- 45 petitions for sale of real estate;
- 5 petitions to re-open previously closed estates;
- 8 appointments of "successor" fiduciaries;
- 2 petitions to remove fiduciaries;

⁶ A fair number of Guardianship cases are brought under the "State Good Samaritan" statute for which filing fees are waived.

- 327 Miscellaneous Petitions concerning various procedural, factual or fee matters.

265 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.

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 80 accounts during this past year. **Affidavit of Complete Administration** closed 138 decedent estates; these require detail scrutiny by Court staff before accepting them as complete.

Twelve (12) new Registry Accounts were opened during this fiscal year. **Seven (7)** Registry Accounts totaling **\$60,798.21** were opened for absentee heirs; these will escheat to the State of Rhode Island after one (1) year, pursuant to **RIGL**. Five **(5) new** Registry Accounts, totaling **\$77,162.70**, were opened for minors⁷.

The **total Registry Account balance** for the end of the fiscal year was **\$302,139.83**; comprised of absentee and minor accounts. The staff, under my supervision, reviews all bank statements and keeps track of balances of these accounts on an in-house computer system.

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.

Guardian ad Litem appointments for adult guardianships are assigned and forwarded, according to a rotating list, to the next in line. Other tasks required by **RIGL** 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.

⁷ Either for a minor guardian ship or as a 'distribution' under a Decedent's estate.

Court Staff is presently involved in data entry to implement the **IMAS, Probate PCS** software to facilitate the probate records system from docketing to deadline. 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 is also being done on a regular basis, with the system vendor to eliminate all manual typewriting by the department.

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

Ultimately, automation of our docket system will greatly facilitate this activity and assuredly will increase compliance with these mandates, which is the Court's ultimate goal.

Presently, and even without full automation, our Court is, as always, among the leaders for RI probate courts in this regard.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Paul V. Jabour Esq.", written in a cursive style.

Paul V. Jabour, Esquire
Probate Clerk

PVJ/sn