

JOHN E. MARTINELLI
JUDGE



PAUL V. JABOUR
CLERK

SUSAN L. NIKOLIAN
DEPUTY CLERK

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

February 3, 2005

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

Re: Annual Report of the Operation of City of Providence Probate Court for the fiscal year commencing July 1, 2003 and terminating on June 30, 2004.

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

The receipts for this fiscal period were \$203,781.72; [Receipts from July 1, 2004 through December 31, 2004 were \$107,090.26 which indicates a slight increase for this fiscal year.]

The Court staff received 272 filings for decedent estates during the fiscal year; these were composed of 182 Wills, 2 out of state will proceedings and 88 Administrations. In addition 2 Custodianship matters were filed, with either a will or administration petition.

Guardianships, both adult and minor, continue to generate consistent activity, with the statutory clerical responsibilities associated therein. The actual number of guardianships and/or temporary guardianships granted by the Court for the fiscal year was 128. These all required hearings; some were contested. Court staff is required to monitor the submission of annual status reports for Adult Guardians; the court staff reviewed at least 295 annual status reports, but may have actually processed more, since these do not generally require hearings, but are still entered in the Court system. It is a legal mandate that the Court personnel insure the annual filing of these reports for adult wards in all active Guardianship matters. Presently, the Court docket has approximately 450 active adult and minor guardianships, an area of the Court's jurisdiction that seems to grow as the elderly population in the city grows, and the societal needs for guardians for minors, other than the natural parents, continues to evolve.

Guardianship accounts are presently entered on an in house computer system devised with City computer personnel to insure the filing of annual accounts and status reports by guardians. Although the system crashed recently, the in house computer staff is attending to its repair.

Fig. 1. Dependence of the

Probate Court has jurisdiction for adult name changes and for name changes of minors, provided both parents agree on the change. These require processing by Court staff, and assistance to the public in completing the forms. Most people requesting name changes are not represented by legal counsel. In addition, the Court before the actual court hearing requires verification of B.C.I. record; the Court, all after hearings, granted 113 name changes. A number were also denied.

There were 4 Adult adoptions heard and granted by the Court in the fiscal year.

In the normal course of its operations, numerous petitions were processed and heard by the Court during regular Probate Court sessions. These were: 49 petitions for sale of real estate; 6 petitions to re-open previously closed estates; and 361 Miscellaneous Petitions concerning various procedural, factual or fee matters.

270 inventories for fiduciary estates were processed. These are all reviewed for accuracy and conformity to Court orders and R.I.G.L. by the Court staff. Statutory fees were calculated and collected relative to Probate Court operations. Cash is not accepted (except for copy expense) and all deposits are made through the Tax Collectors Office, in compliance with procedures established by the City Controller's office.

Financial checks and balances are in place to insure accurate accounting of all Court funds, in compliance with State law requirements as well as City procedures.

Various fiduciary accounts, as required by statute or the Judge, were processed and reviewed for accuracy and detail by the Court staff; the Judge acted on 136 accounts during this past year, representing a 20% increase from the previous year. 165 decedent estates were closed by affidavit of complete administration; these require detail scrutiny by Court staff before accepting them as complete.

Seven new Registry accounts were opened for absentee heirs, totaling \$54,766.56. Absent recovery by heir(s), these will escheat to the State of Rhode Island, pursuant to statute. No new registry accounts for minors were opened this past fiscal year. The total registry account balance for the end of the fiscal year was \$320,997.72, comprised of absentee and minor accounts.

The Court reviewed and acted on 35 Voluntary Informal Executors (with a will) and 63 Voluntary Informal Administrators (no will). 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 case.

We are insuring weekly that Court cases requiring publication in the newspaper are assembled and transmitted to the Providence Journal. Guardian ad Litem notices for adult guardianships are assigned and forwarded, by rotating list, to the next in line person by staff. They are also responsible by R.I.G.L. to notify charitable beneficiaries under a


will of their bequest; to transmit State Tax certificates to the Rhode Island Division of Taxation, as well as insuring the orderly every day operation of the Court.

Our staff is presently involved in data entry to implement the new IMAS, Probate PCS software to facilitate the probate records system from docketing to deadline. The support of the City Council and administration in the budget process is most appreciative to achieve this goal of modernization. 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 in the area of bond premiums, accounts, status reports, inventories, etc. 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 without full automation, our Court is one of the leaders in this State in this regard.

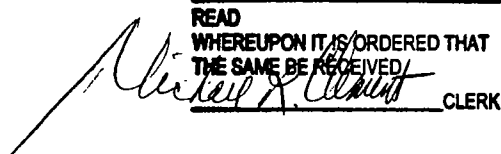
It should be noted that in this past fiscal year, the Probate Court, except for the Judge, and a promotion from within, experienced a complete change of personnel; I was appointed Clerk in April 2004, a new Deputy Clerk was appointed (promoted from within) and two (2) new employees were welcomed and have adjusted to the operation and contributed their input for improvement to the system. The Probate Court is committed to excellence as we move forward into the 21st century, to provide the best service and forum for our Tax Payers in an efficient, cost effective, timely manner.

Respectfully Submitted,


Paul V. Jabour, Esq.
Clerk

PVJ/sn

IN CITY COUNCIL
FEB 17 2005


READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED
CLERK