

JOHN E. MARTINELLI
JUDGE



PAUL V. JABOUR
CLERK

SUSAN L. NIKOLIAN
DEPUTY CLERK

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

January 18, 2007

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, 2005 through June 30, 2006.**

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 **\$219,078.91**, which is an increase from last year.

The Court staff received **407** new filings for decedent estates during the fiscal year; In addition, **7**
custodianships were filed contemporaneously with either a will or administration petition. The
breakdown for decedent estates is as follows:

- **179** resident wills and **1** foreign wills (out of state jurisdiction)
- **78** administrations (no will)
- **23** Voluntary Informal Executors- small estates (with a will) and
- **54** Voluntary Informal Administrations- small estates (no will);¹
- **62** wills were filed alleging no assets upon which the will operates upon;
- **10** wills filed by attorneys alleging the testator "deceased" (no further action, filed in compliance with Rhode Island General Laws)

Guardianship, both adult and minor and Conservatorship Petitions, continue to
generate consistent court activity, with the statutory clerical responsibilities associated therein.

¹ 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.

**IN CITY COUNCIL
FEB 1 2007**

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.
[Signature] CLERK
(401) 421-7740

The actual number of new guardianships² and/or temporary guardianships granted by the Court for the fiscal year was **101**. These all required hearings, some formal and many contested.

Presently, the Court docket has approximately **589** active adult and minor guardianships, an area of the Court's jurisdiction that continues to expand because of the dynamics of the city.

Court staff is statutorily required to monitor 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 of wards 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 **309** status reports, but more may have been processed, since these do not generally require formal hearings, but are still entered in the Court system.

Accounts are reviewed by staff and heard by the judge during regular court sessions. Staff implements certain legal procedures when a guardian does not comply with either of these mandates, to insure compliance. Because of changes in court personal and their lack of experience in this area, this has been a most challenging endeavor.

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, requests from the Police Department a statement as to whether the adult person seeking the name change has a criminal record; after court hearings, **77** name change petitions were granted. A growing number were also denied.

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

- 69 petitions for sale of real estate;
- 8 petitions to re-open previously closed estates;
- 12 appointments of "successor" fiduciaries;
- 2 petitions to remove fiduciaries;
- 319 Miscellaneous Petitions concerning various procedural, factual or fee matters.

² A number of Guardianship cases are brought under the State Good Samaritan statute, and filing fees are waived for these types of cases.

286 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) for any probate fees, filings, etc. 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 102 accounts during this past year. **Affidavit of Complete Administration** closed 172 decedent estates; these require detail scrutiny by Court staff before accepting them as complete.

2 Registry Accounts were opened during the year for absentee heirs, totaling **\$463,713.60**. One of these accounts (approximately \$420,000.00) is not an absentee or minor account and will eventually be distributed among the heirs at law of the estate who are all known. , these will escheat to the State of Rhode Island after one (1) year, pursuant to statute. The total registry account balance for the end of the fiscal year was **\$583,898.87**; comprised of absentee³, minor accounts and this previously referred to large account. 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 publication in the newspaper are assembled and transmitted to the Providence Journal weekly.

Guardian ad Litem notices for adult guardianships are assigned and forwarded, by rotating list, to the next in line. Other tasks required by **R.I.G.L.** in addition to attending to the orderly every day operation of the Court are completed timely. These include:

- notification of charitable beneficiaries under a will of their bequest;
- transmittal of State Tax certificates for each decedent estate to the Rhode Island Division of Taxation.

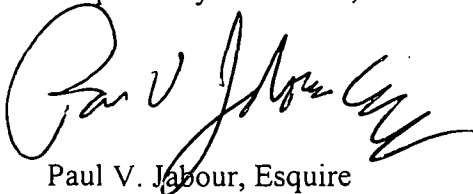
Staff is presently involved in data entry to implement the IMAS, Probate PCS software to facilitate the probate records system from docketing to deadline. The continued support of the City Council and administration in the budget process is most appreciative to achieve this goal of modernization. Work is also being done on a regular basis, with the system vendor to eliminate all manual typewriting by the department.

³ Absentee accounts escheat to the State of RI pursuant to RIGL after one(1) year unless the absentee heir comes forward.

All Court personnel including the Clerk and Judge continue to insure the compliance by attorneys/fiduciaries of Court orders in the area of bonds, 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 even without full automation, our Court is, as always, at the forefront among RI probate courts in this regard. This has been accomplished despite the inexperience of two(2) of the three(3) staff members.

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", with a stylized flourish at the end.

Paul V. Jabour, Esquire
Clerk

PVJ/sn