

2013 -- H 5257

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LC00817  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO PROBATE PRACTICE AND PROCEDURE - PRACTICE IN PROBATE  
COURTS

Introduced By: Representative Donald J. Lally

Date Introduced: February 05, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 33-22-3 of the General Laws in Chapter 33-22 entitled "Practice in  
2 Probate Courts" is hereby amended to read as follows:

3 **33-22-3. Notice given by petitioner on filing of petition and hearing.** -- In addition to  
4 the notice prescribed by section 33-7-9, and to notice by publication in the manner as prescribed  
5 by section 33-22-11, the petitioner or his or her attorney shall, at least ten (10) days before the  
6 date set for hearing on the petition, send or cause to be sent by mail, postage prepaid, addressed to  
7 each person whose name and post office address is by section 33-22-2(3) required to be set forth  
8 in the petition, as the names and addresses are set forth therein or as then known to the petitioner,  
9 ~~and when the decedent was fifty five (55) years or older to the executive office of health and~~  
10 ~~human services and in accordance with section 40-8-15,~~ notice of the filing, the nature of the  
11 petition, and of the time and place set for hearing on the petition, or in lieu thereof a copy of the  
12 newspaper notice published pursuant to the provisions of section 33-22-11; provided, however,  
13 that in the case of any person entitled to notice hereunder whose post office address is outside the  
14 continental limits of the United States this notice shall be sent at least three (3) weeks before the  
15 date set for the hearing; and provided further that the petitioner or his or her attorney shall not be  
16 required to send this notice to any person sui juris who shall at, or prior to, the hearing waive  
17 notice of its pendency in writing either on the petition or by instrument separately filed. The  
18 petitioner or his or her attorney shall at or prior to the hearing file or cause to be filed an affidavit

1 that the notice was given, setting forth the names and post office addresses of the persons to  
2 whom the notice was sent and the date of mailing of the notice, together with a copy of the notice.

3 SECTION 2. This act shall take effect on July 1, 2013.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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1           This act would remove the requirement of notifying the executive office of health and  
2 human services when a decedent was fifty-five (55) years or older, when petitioning for the  
3 probate of a will or administration of an estate.

4           This act would take effect on July 1, 2013.

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