

Overview - For A Temporary Estate To Determine Assets OR Obtain Medical Records

TEMPORARY ESTATE TO DETERMINE ASSETS

General Information :

RSA 553:20-a allows the court to appoint a Temporary Administrator to determine what assets, if any, are contained within a decedent's estate. To seek Temporary Administration, a Petition for Temporary Administration to Determine Assets OR Obtain Medical Records must be filed in the Circuit Court Probate Division in the county where the decedent lived at the time of death.

If the decedent was not a resident of New Hampshire, the petition needs to be filed in the Probate Division located in the county where the decedent's assets are believed to be located.

The petition must include an explanation of why the petitioner has standing to determine what assets are contained in the estate. In addition, for the filing to be complete, the petitioner must mail to the Estates Electronic Filing Center:

- A certified copy of the decedent's death certificate, if in the possession of petitioner.
- The decedent's last will and any codicils (amendments to the will), if in the possession of petitioner.

No entry fee, bond or appraiser is required.

Other Details:

If the petition is granted, the probate court will issue a certificate of Appointment of Temporary Administrator describing the specific duties and responsibilities of the Temporary Administrator.

The petitioner will only be appointed for the purpose of determining the decedent's assets and will not be given any additional authority to receive or dispose of estate assets. This appointment will expire sixty (60) days from the date of the judge's order.

If petitioner files a motion for extension of time within the initial sixty (60) day timeframe, a new certificate may be issued without the necessity of reopening the file.

Temporary administrators must, within 60 days of appointment, file a Temporary Administration 60 Day Report.

Other Helpful Resources:

RSA:

RSA 553:20-a

Form(s):

Petition for Temporary Administration to Determine Assets OR Obtain Medical Records
(NHJB-2768-Pe)

Temporary Administration 60 Day Report (NHJB-2558-Pe)

Administering an Estate Booklet

Glossary of Terms

Checklist:

Checklist - Temporary Administration With a Will to Determine Assets (#015e)

Checklist – Temporary Administration Without a Will to Determine Assets (#014e)

What to Expect:

After Petition for Temporary Administration

TEMPORARY ESTATE TO OBTAIN MEDICAL RECORDS

General Information:

In some cases, a review of a decedent's medical records is sought where there are no assets currently requiring probate. New Hampshire law (See RSA 560:22) allows a surviving spouse to obtain this information directly from the health care providers without any type of probate administration. In cases where the surviving spouse is **not** the person requesting the records, the petitioner must ask the court to be appointed as a Temporary Administrator for purposes of obtaining the decedent's medical records. The process for doing this is as follows:

- To seek appointment as Temporary Administrator to obtain medical records, a Petition for Temporary Administration to Determine Assets OR Obtain Medical Records must be filed in the court located in the county where the decedent resided at the time of death. The petition must include the following:
 - a) An explanation as to why the petitioner has standing to request these records and a brief explanation as to why the records are being sought.
 - b) Identification of hospitals and/or physicians from which the medical records are requested.
- In addition, for the filing to be complete, the following must be mailed to the Estates Electronic Filing Center:
 - A certified copy of the decedent's death certificate, if in the possession of the petitioner.

No filing fee will be charged.

Other Details:

The petitioner will only be appointed for the purpose of obtaining the decedent's medical records and will not be given any additional authority to receive or dispose of estate assets. This appointment will expire sixty (60) days from the date of the judge's order.

If petitioner files a motion for extension of time within the initial sixty (60) day timeframe, a new certificate may be issued without the necessity of reopening the file.

Unless the decedent has provided otherwise, the surviving spouse has a right to obtain the deceased spouse's medical records and does not need to file a petition with the court to do so. (See RSA 560:22)

Other Helpful Resources:

RSA:

RSA 560:22

Form(s):

Petition for Temporary Administration to Determine Assets OR Obtain Medical Records
(NHJB-2768-Pe)

Administering an Estate Booklet

Glossary of Terms

Checklist:

Checklist – Temporary Administration to Obtain Medical Records (#042e)

What to Expect:

After Petition for Temporary Administration

For Further Information:

If you have questions, please contact the Information Center at 1-855-212-1234.