

STATE OF NEW HAMPSHIRE

PROBATE COURT

ADMINISTRATIVE ORDER 15

Civil actions filed in Probate Court – Writs, Small Claim Complaints and Landlord Tenant actions

As of July 27, 2008, RSA 547:3, Jurisdiction, has been amended to allow the Circuit Court Probate Division (f/k/a Probate Court) to hear cases involving claims for damages, or for the recovery of money or property when it involves an **estate, trust, conservatorship or guardianship (adult or minor)**. The Probate Division has jurisdiction to decide a civil case (e.g. collections, torts, contract actions, suits on bond, small claims, landlord-tenant action) when an **estate, trust, conservatorship or guardianship (adult or minor)** is the plaintiff or the defendant. This jurisdiction is concurrent with the Circuit Court District Division and Superior Court.

1. Small Claims: In order to facilitate processing of small claim complaints in the Probate Division, the court adopts by reference District Division Rules 4.1 through 4.13. Mediation pursuant to Administrative Order 11 may be made available at the discretion of the judge. See also Procedure Bulletin 28 relative to processing small claims actions in the Probate Division.
2. Civil Complaints: In order to facilitate processing of civil complaints in the Probate Division, the court adopts by reference the District Division Civil Rules 3.1 through 3.52 applicable to cases filed on or after implementation of electronic filing of civil cases in the District Division to the extent that they are not inconsistent with Probate Division Rules.. Civil Complaints in the Probate Division shall not be electronically filed. See also Procedure Bulletin 28 relative to processing civil actions in the Probate Division.
3. Landlord Tenant Actions: In order to facilitate processing of landlord tenant claims in the Probate Division, the court adopts by reference District Division Rules 5.1 through 5.12. See also Procedure Bulletin 28 relative to processing landlord tenant actions in the Probate Division.
4. Filing fees: The filing fees for civil actions in Probate Division are now included in Probate Division Rule 169.
5. Petitions: In the event that a case is brought as a petition, bill or motion, it will be processed in accordance with court procedures for equity cases. The filing fee for these cases will be the same as the filing fees for equity cases.

David D. King
Administrative Judge
New Hampshire Circuit Court

History:

Revised June 16, 2020

Effective: June 16, 2020

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