

Hon. Jerry Simoneaux
Probate Court No. 1

Hon. Pamela Medina
Probate Court No. 2



Hon. Jason Cox
Probate Court No. 3

Hon. James Horwitz
Probate Court No. 4

Hon. Kathleen Stone
Probate Court No. 5

Harris County Probate Courts Resolution in Support of the Appointment of a Probate Administrator

Summary: The Probate Judges unanimously endorse the courts' appointment of a Probate Administrator, as authorized by Texas Estates Code Chapter 455 and Texas Government Code Section 25.00251.

Funding: Funding is largely provided through statutory fees in applications filed in Probate Court in accordance with Texas Government Code Sections 135.102 (b)(13) & (C)(4), and by commissions earned on estates as authorized by Texas Estates Code Chapter 352. Additional funding, if needed, may come from the county as approved by the Commissioners.

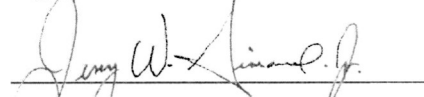
Duties: Provide administration for a decedent's estate when no personal representative has been appointed and no known or suitable next of kin is available to serve. The Probate Administrator shall determine whether the decedent executed a will or seek a judicial determination of the heirs. The Probate Administrator shall take prompt control of the property to prevent loss, injury, waste, or misappropriation, and ensure that the deceased person's heirs receive their lawful share of the estate. If necessary, the Probate Administrator shall also make burial arrangements with the appropriate county facility in charge of indigent burials. If the gross estate does not exceed \$75,000.00, the Probate Administrator may also complete and file a small estate affidavit on behalf of the heirs.

Benefits: The appointment of a Probate Administrator would benefit our community in four significant ways:

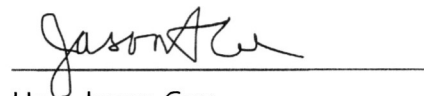
1. **Recovering, Protecting, and Distributing Funds:** The probate administrator is authorized to open an estate to collect and distribute assets, including those resulting from tax lien sales of real property, to avoid an escheat to the state.
2. **Assisting with Small Estate Affidavits:** For estates valued under \$75,000, the probate administrator would facilitate the successful completion of small estate affidavits, thereby avoiding probate or loss of property.
3. **Temporary Relief During Will Contests:** Families involved in will contests would receive temporary administrative relief when the estate cannot otherwise support the appointment of a paid temporary administrator.
4. **Indigent Estates:** If necessary, the Probate Administrator can arrange indigent burials and efficiently distribute or dispose of property.

Therefore, the five judges of the Harris County Probate Courts wholeheartedly support the appointment of a Probate Administrator as a crucial resource for our community.

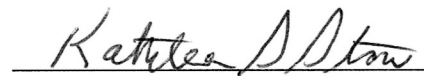
Signed March 6, 2024



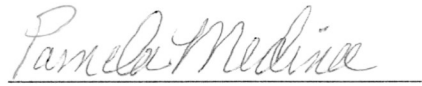
Hon. Jerry W. Simoneaux, Jr.
Probate Court No. 1



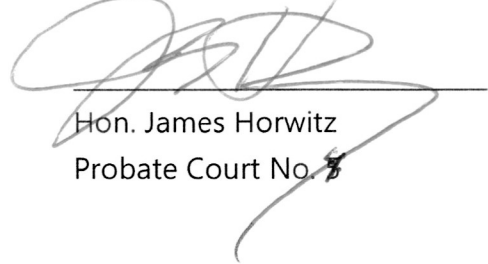
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FISCAL REVIEW REQUEST FORM

This Section to be Completed by the Requesting Department

Target Court Date for Action	April 23, 2024
Date Fiscal Review Requested (w/ fully completed RCA and backup materials submitted to OMB/OCA)	April 8, 2024

RCA Title (Agenda Caption)	Request by the Probate Courts for the creation of the Office of Public Probate Administrator, creation of an Attorney IV and a Coordinator IV position, and supplemental funding.	
Program/Project Type (check box)	<input type="checkbox"/>	Expansion of existing program/project
	<input checked="" type="checkbox"/>	New program/project
	<input type="checkbox"/>	Grant match
	<input type="checkbox"/>	Other - Describe:
Justification for Budget Augmentation (Why is the funding needed now?)	<p>Today, we have the perfect candidate with the experience, knowledge, and heart to make a clear and positive impact on our community. We should act now to create the office so we don't lose this rare opportunity.</p> <p>The Office of Public Probate Administrator will be a resource for families of decedents with small estates that otherwise could not afford an attorney, including those who die indigent and need burial services. The Public Probate Administrator is authorized to act when no personal representative has been appointed and no known or suitable next of kin is available or willing to serve. Their role is to prevent loss, injury, waste, or misappropriation, and ensure that the deceased person's heirs receive their lawful share of the estate.</p>	
Describe department research on program/project benchmarks (What do other jurisdictions do and how did that inform this program? What data was	The legislature enacted laws authorizing the Public Probate Administrator in 2014. Only one other county, Tarrant County, has created one. In that county, the Public Probate Administrator opens administrations for property subject to tax lien foreclosures. They work with the taxing authorities, seek judicial declaration of heirs, and return any excess from the sale or foreclosure of the property to the rightful heirs. However, authorizing statute gives far more powers to the Public Probate	

<i>used to inform program/project design?)</i>	Administrator that we can use locally to help our most vulnerable community members.		
Describe program/ project design's equity considerations (<i>Which groups are impacted by this policy and how? How would any inequities be addressed by this request if approved?</i>)	<p>When a person dies with no known heirs, or heirs unwilling or disqualified to serve as an administrator, the Public Probate Administrator has authority to access information, take possession of personal and real property, assist in getting heirs judicially determined, and distribute the assets to the rightful heirs.</p> <p>The Public Probate Administrator can help keep family wealth in our community, rather than have it go to the State Comptroller's Office or escheat to the state. By taking control of assets subject to tax lien foreclosures, the Public Probate Administrator can protect the property, sell, or negotiate with taxing authorities, and return any excess funds to the rightful heirs.</p> <p>The Public Probate Administrator can also arrange for indigent burials for people who die with no known relatives.</p>		
Unfunded State/Federal/Other Mandate? (<i>check box</i>)	X	Yes – The office is partially funded by statutory fees and commissions.	No
If yes, describe the mandate (including whether a State, Federal, judicial, Commissioners Court, or other mandate)	Tex. Gov't Code § 133.151 & 135.102 (Texas Consolidated Fee Schedule) earmarks up to \$20 from each application filed in Probate to be used for the Public Probate Administrator. Further, Texas Estates Code § 455.012 authorizes commissions due to an Administrator to be paid into the Court Registry for use by the PPA's office as ordered by the Probate Judge.		

KPIs/Performance Measures for the Request

List existing department performance measures that will be improved if this request is funded. If no existing measures tie to this funding request, list new measures that would be tracked to determine the success of the program.

Existing Dept Measure	County Goal and/or Priority Outcome Supported	Current Target FY 2024 Measure (in budget software)	Revised FY 2024 Measure w/Funding	Target FY 2025 Measure w/Funding
N/A				
New Dept Measure	County Goal and/or Priority Outcome Supported	Current Target FY 2024 Measure	Revised FY 2024 Measure w/Funding	Target FY 2025 Measure w/Funding
Fees Collected	\$100,000.00	\$40,000.00		
Commissions Collected	\$25,000.00	\$3,500.00		
Cases assigned	120/yr	40		

This Section to be Completed by the Office of Management and Budget

Does department have internal funding available to reallocate for this purpose? Describe.	No. The department currently does not exist and does not have funds appropriated.
Is there an alternative fund source other than that requested? (<i>e.g., internal funding, grant funding, special fund</i>)	<p>Yes. The new department would be funded in part by statutory fees collected and recorded to Fund #2356 – Supplemental Guardianship. For FY2024 the Auditor forecasted that Fund 2356 would have recurring revenue of \$105,000, and a beginning cash balance of \$125,510.</p> <p>OMB projects that the costs to run the Office would be about \$319,336. Meaning the General Fund would be responsible for additional funding of \$214,336, or about 67% of the Office’s budget.</p> <p>Based on the RCA, it appears that the Probate Courts would use revenue from Fund 2356 to cover a portion of the FY24 pro-rated costs for the office and would need the additional \$214K built-in to the FY25 budget for the Office of Probate Administrator.</p> <p>Additionally, the Probate Courts have discretionary funding available to them in Special Revenue Fund #2161 Probate Court Support fund. However, expensing funds from Fund 2161 would require support and approval of all of the Probate Courts.</p>
Discuss any duplication within the County (including by other departments) related to this request and if consolidation should be considered	None. This particular service does not exist as stated in the county currently due to increased authority provided by the statute available only to the position/department created (Public Probate Administrator)
Was this item considered as part of the budget process for the current Fiscal Year? If so, please provide context.	No, this is the first/initial request to create this office.
Describe and quantify impacts to revenue related to this request.	N/A.
If request is related to a grant, what is the:	
Source of matching funds	N/A.
Number of years associated with the new grant funding	N/A.
History of the County’s use of the grant funds	N/A.

Summary of Budget Request

	Ongoing Annual Cost (recurring expense)	One-time Cost	Total Annual Cost	Total Prorated Need for Current Fiscal Year
Labor	\$162,557		\$162,557	\$21,575
Non-Labor	\$51,779		\$51,779	-
Total	\$214,336		\$214,336	\$21,575
# New PCNs	2		2	2
Capital				
Fund Source(s) Requested (General Fund, Special Fund, etc.)	General Fund			
Job title(s) for each new PCN	TBD			

This Section to be Completed by the Office of County Administration

Does the request align with Countywide Goals and Priority Outcomes? Explain.	This request aligns with the “Provide outstanding customer service” Priority Outcome under the “Governance and Customer Service” Goal Area.
Has the department submitted a complete request with sufficient supporting documentation (i.e., all information on pages 1 and 2 of this document, a fully completed RCA, and comprehensive backup materials for the RCA)? Explain.	The department has submitted the RCA and fully completed its sections of the Fiscal Review Request Form.
For any similar County programs/projects, is there a duplication in service, population served, etc.? Should consolidation be considered?	N/A
Can a change in policy or process result in the desired impact without adding funding?	No. The legislature has only authorized the Public Probate Administrator to act on behalf of families of decedents of small estates when no personal representative has been appointed and no known or suitable next of kin is available or willing to serve.

OCA Recommends Commissioners Court take the Following Action(s):

Recommendation	Notes	Recommended by
Approve the funding request as verified by OMB		
Do not approve the funding request		
Request department submit the request as part of the annual budget process	As this request is for a new program, OCA recommends that the department work with OMB to submit as part of the FY25 budget process. The proposed program has merit and should be considered by Commissioners Court with all other budget enhancement requests.	Diana Ramirez
Request department work with OMB and OCA/TAP to refine the request		