



Legislation Details (With Text)

File #:	24-2166	Version:	1	Name:	
Type:	Position	Status:		Agenda Ready	
File created:	4/9/2024	In control:		Commissioners Court	
On agenda:	4/23/2024	Final action:			
Title:	Request by the Probate Courts for approval of the creation of the Office of Public Probate Administrator to be a resource for families of decedents with small estates that are unable to afford an attorney, or for whose estates no known or suitable next of kin is available or willing to serve.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	1. 24-2166-Probate Admin - Memorandum by Judges.pdf				

Date	Ver.	Action By	Action	Result
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Department: Probate Courts

Department Head/Elected Official:

Judge Jerry W. Simoneaux, Jr.

Regular or Supplemental RCA: Regular RCA

Type of Request: Position

Project ID (if applicable): N/A

Vendor/Entity Legal Name (if applicable): N/A

MWDBE Contracted Goal (if applicable): N/A

MWDBE Current Participation (if applicable): N/A

Justification for 0% MWDBE Participation Goal: N/A - Goal not applicable to request

Request Summary (Agenda Caption):

Request by the Probate Courts for approval of the creation of the Office of Public Probate Administrator to be a resource for families of decedents with small estates that are unable to afford an attorney, or for whose estates no known or suitable next of kin is available or willing to serve.

Background and Discussion:

The Office of Public Probate Administrator will be a resource for families of decedents with small estates that otherwise could not afford an attorney. The Public Probate Administrator will have authority to preserve and protect a decedent's property when no personal representative has been appointed and no known or suitable next of kin is available or willing to serve. The Public Probate Administrator is authorized to take prompt control of 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.

Funding for the Office of Public Probate Administrator is largely provided by statutory fees. Some additional funding in the estimated amount of \$21,575 and two positions will be requested at another Commissioners Court meeting. Estimated funding in the amount of \$200,000 will be needed in FY 2025 and future years.

All five probate judges enthusiastically support the creation of this office. See the attached Resolution.

The creation of this office is authorized by Tex. Gov't Code 25.00251 and Tex. Estates Code Ch. 455. It is partially funded through fees collected with probate court filings pursuant to Tex. Gov't Code §§ 133.151 & 135.103, and with commissions allowed by Tex. Estates Code 455.003.

Expected Impact:

The Public Probate Administrator will ensure that a deceased person's hard-earned savings will be protected and distributed to their rightful heirs. Creditors will also be protected by making sure final debts are negotiated and paid according to law. Those dying with no funds and no known family will be assured a dignified burial.

Alternative Options:

None.

Alignment with Goal(s):

- ☒ Justice and Safety
- ☐ Economic Opportunity
- ☐ Housing
- ☐ Public Health
- ☐ Transportation
- ☐ Flooding
- ☐ Environment
- ☐ Governance and Customer Service

Prior Court Action (if any):

Date	Agenda Item #	Action Taken

Location:

Address (if applicable):

Precinct(s): Countywide

Fiscal and Personnel Summary		
Service Name		
	Current Fiscal Year Cost	Annual Fiscal Cost

	Labor	Non-Labor	Total	Recurring Expenses
Funding Sources				
Existing Budget				
Other	\$	\$	\$	\$
Choose an item.	\$	\$	\$	\$
Choose an item.	\$	\$	\$	\$
Total Current Budget	\$102,907	\$	\$	\$
Additional Budget Request (<i>Requires Fiscal Review Request Form</i>)				
1000 - General Fund	\$	\$	\$	\$
Choose an item.	\$	\$	\$	\$
Choose an item.	\$	\$	\$	\$
Total Additional Budget Request	\$	\$	\$	\$
Total Funding Request	\$	\$	\$	\$
Personnel (Fill out section only if requesting new PCNs)				
Current Position Count for Service	-	-	-	-
Additional Positions Request	-	-	-	-
Total Personnel	-	-	-	-

Anticipated Court Date:

Anticipated Implementation Date (if different from Court date):

Emergency/Disaster Recovery Note: Not an emergency, disaster, or COVID-19 related item

Contact(s) name, title, department:

Judge Jerry W. Simoneaux, Jr. Harris County Probate Court No. 1

Attachments (if applicable):

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