

REPORTING REQUIREMENTS for

Probate & Guardianship

Daily Reports

- ▶ These can be done daily or by the deadline given in the statute -
 - ▶ Abstract of Death to the Voter Registrar - Exhibit A
 - ▶ This is done if the County Clerk is the Local Registrar; If JP is Local Registrar, they should do it.
 - ▶ Abstract of Probate Case Filed to Voter Registrar - Exhibit A
 - ▶ Some counties may also give this Abstract to the District Clerk to update the Jury Wheel
 - ▶ Guardianship - losing the right to vote to Voter Registrar - Exhibit B
 - ▶ Some counties may also give this Abstract to the District Clerk to update the Jury Wheel
 - ▶ Guardianship - losing the right to drive to DPS - Exhibit C
 - ▶ DL-117 form
 - ▶ NICS reporting on guardianships granted - done through CJIS - Exhibit D
 - ▶ Notify JBCC (Judicial Branch Certification Commission) when Guardian has qualified or when guardianship is terminated, transferred or a successor guardian is appointed.
 - ▶ NEW - SB 1096 - BEGINS JUNE 1, 2018

Monthly Reports

- ▶ OCA
 - ▶ Number of cases and appointments - *Exhibit E*
 - ▶ Appointments on Attorney Ad Litem, Guardian, Guardian Ad Litem, Mediator & Competency Evaluator
 - ▶ This report must also be posted in the courthouse and on the county's website
 - ▶ Some counties post a "link" to the OCA site for public to access their report
- ▶ Abstract of Death to Secretary of State - *Exhibit F*
 - ▶ County Clerk does this if he/she is the Local Registrar, otherwise it is done by Justice of the Peace office(s).
- ▶ Abstract of Probate Case filed - *Exhibit G*
 - ▶ List is uploaded to Secretary of State (can be uploaded with the Abstract of Death)

Yearly Reports

- ▶ Guardianship Certification Board - any Private Professional Guardians you have registered in your county
 - ▶ By January 31 - *Exhibit H*
 - ▶ Even if you have none, you must check the “none” box and submit
- ▶ Annual Report of money invested under EC 1355.052 - *Exhibit I*
 - ▶ By March 1, report to the Court on investments made in an interest-bearing, separate account
- ▶ Escheat any money left unclaimed to the Texas Comptroller - *Exhibit J*
 - ▶ On or before July 1
 - ▶ Do this online at <https://claimittexas.org/>
- ▶ Update Sheriff/Constable fees - *Exhibit K*
 - ▶ By October 15
 - ▶ Update on the Comptroller’s website
 - ▶ A letter or email from the Comptroller is sent with instructions.

Records Retention



Hon. Rose Pietsch
Bastrop County Clerk

Probate Records

Since the formation of the first 23 counties under the Republic, county clerks have been required to record virtually all papers filed in probate cases in the *Probate Minutes*. In many counties, however, clerks began to limit the **Probate Minutes** to a record of the proceedings in probate cases and to record the case papers in separate volumes called the **Probate Record**.

Probate Records

In some counties, the Probate Record itself was further subdivided into separate volumes relating to various aspects of the probate process -- guardianship, applications for administration, administrators' bonds and oaths, estate inventories, final accounts, probate claims, reports of sale, orders for partition and distribution, etc. Unlike many states, there has never been a requirement for separate recordation of wills in Texas, although in some counties will have been or are recorded in a **Will Record**.

Probate Records

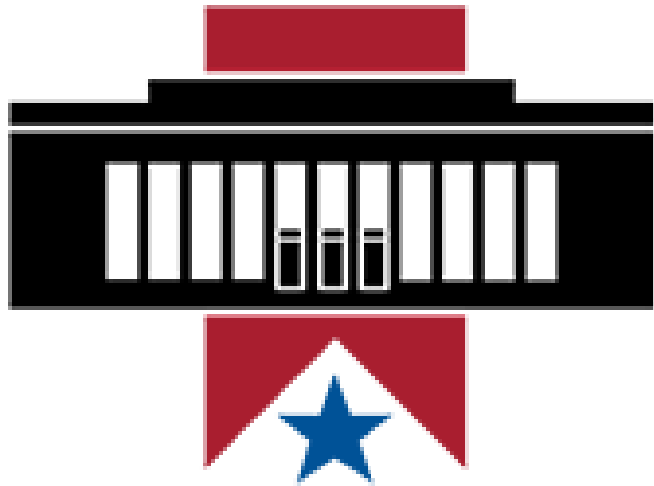
Researchers should be aware that in some counties records of probate proceedings can be found in the District Court Minutes or District Court Civil Minutes during the period from 1869 to 1876 when the county court and the office of the county clerk were abolished. In most counties, however, wills can be found in the Probate Record. The **Probate Case Papers** themselves (and related records series such as **Guardianship Case Papers**) have been filmed in some counties.

General Perception of Records Retention



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AND
ARCHIVES COMMISSION