

# Reporting Requirements

(These reports can be done on a daily basis)

# Guardianship Registration & Training

- \* All guardianships must be registered with the Judicial Branch Certification Commission (JBCC) Effective as of June 1, 2018
- \* Clerk reports to JBCC that a guardian has been appointed and the date of qualification. Email to [jbccguardianregistration@txcourts.gov](mailto:jbccguardianregistration@txcourts.gov) (Ex. A)
- \* Also notify JBCC of transfer, denial, removal, closure, non-suits or successor

# Abstract of Death Certificate (to Voter Registrar)

- \* Texas Election Code Section 16.001 (a)
- \* Prepare an abstract of each death certificate issued in the month for a decedent 18 years of age or older
- \* File each abstract with the voter registrar of the decedent's county of residence and the Secretary of State not later than the 10<sup>th</sup> day of the month following the month in which the abstract was prepared



ROSE PIETSCH  
Bastrop County Clerk  
P.O. Box 577  
Bastrop, TX 78602  
(512) 332-7234 or Metro # 581-7134  
Fax # (512) 332-7241

### **Abstract of Death Certificate**

I, the undersigned, from the Bastrop County Clerk's Office on behalf of the Registrar of Death for Bastrop County, do hereby certify that the following person was of legal voting age and a resident of this State at the time of his/her death.

Name of Decedent

Address

Date of birth

Sex

Date of death

Place of death

Deputy Clerk

Date

Not later than the 10<sup>th</sup> day of each month, each local registrar of deaths in this State shall furnish to the registrar of voters of the county of residence of the decedent over the minimum voting age who was a resident of this State at the time of his/her death.

# Abstract of Death—Secretary of State

- \* Texas Election Code Section 16.001(a) (Ex. B)
- \* Clerk having probate jurisdiction is required to prepare an abstract of each application for probate proceedings filed
- \* Abstracts are to be submitted to the Secretary of State in an electronic manner (Ex. C)
- \* Electronic Filing Waiver Request may be submitted and may be approved by the Secretary of State.

# ABSTRACT FOR PROBATE CASE FILED (TO VOTER REGISTRAR)

- \* Texas Election Code Section 16.001(b) (Ex. B)
- \* Prepare an abstract of each application for probate that is filed in the month
- \* File with the voter registrar and the Secretary of State not later than the 10<sup>th</sup> day of the month following the month in which the abstract is prepared (Ex. D)

**ABSTRACT FOR APPLICATION FOR PROBATE ACTION**

I, the undersigned, being the Clerk of the Court having probate jurisdiction for BASTROP COUNTY, do hereby certify that the following person was of legal voting age and a resident of this State at the time of his/her death. An Application for Probate of Will or Administration of the decedent's estate was filed with the Bastrop County Court at Law.

Name: John Doe

Address: 804 BASTROP TX 78602

Date of Birth: 01/01/1900

Sex: Male

SSN: 123-45-6789

Date of Death: 04/11/2015

Cause No. 10,000

Date of Application: 04/15/2015

Supplemental Identification:

SIGNED this the 15th day of April, 2015.

ROSE PIETSCH, County Clerk  
Bastrop County, Texas

(seal)

By: \_\_\_\_\_

# ABSTRACT FOR APPLICATION IN GUARDIANSHIP

- \* Texas Election Code Section 16.002 (a) (Ex. E)
- \* If court eliminates the right to vote of the ward, the Clerk must prepare an abstract for the voter registrar
- \* The ward must be found to be either “totally mentally incapacitated” or “partially mentally incapacitated without the right to vote”



**ABSTRACT FOR APPLICATION IN GUARDIANSHIP**

I, the undersigned, being the Clerk of the Court having probate jurisdiction for BASTROP COUNTY, do hereby certify that the following person was of legal voting age and a resident of this State at the time he/she was declared incapacitated by the Court. An Application for Appointment of Guardian was filed with the Bastrop County Court at Law.

Name: Jane Smith

Address: 804 Pecan Street Bastrop TX 78602

Date of Birth: 01/01/1900 Sex: Female

Date Voting Rights were Revoked: 01/01/2000

SSN: 123-45-6789

Cause No. G-100 Date of Application: 01/01/1999

Supplemental Identification:

SIGNED this the 15th day of April, 2015.

ROSE PIETSCH, County Clerk  
Bastrop County, Texas

(seal)

By: \_\_\_\_\_

# DRIVER'S LICENSE REPORT FOR DPS

- \* Texas Estates Code Section 1101.151 & 1101.152 (Ex. G)
- \* If a court order takes away the right of the ward, due to a mental condition, to hold or obtain a license to operate a motor vehicle, the Clerk shall give notice to the Department of Public Safety.
- \* DPS Form DL-117 (11/12)
- \* Forward form to the DPS in Austin within 10 days of the judgment.
- \* Read the order very carefully to see if this notice is required.
- \* If capacity is restored by judicial decree, notify DPS within 10 days of that decree, per Section 521.319(f) of the Texas Transportation Code.

**NOTICE OF CONVICTIONS**  
**CONVICTION - BOND FORFEITURE - MENTALLY INCAPACITATED - EDUCATION PROGRAM**

NAME (PRINT or TYPE) \_\_\_\_\_  
(LAST) (FIRST) (MIDDLE) (SSN)

DRIVER LICENSE NO., ID NO. \_\_\_\_\_ BIRTHDATE \_\_\_\_\_ RACE \_\_\_\_\_ SEX \_\_\_\_\_  
(Indicate State if other than Texas)

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_, TEXAS \_\_\_\_\_  
(Zip Code)

\_\_\_\_\_ MISDEMEANOR \_\_\_\_\_ FELONY \_\_\_\_\_ BOND FORFEITURE

OFFENSE \_\_\_\_\_  
(Type and/or description of offense)

OFFENSE DATE \_\_\_\_\_ CONVICTION DATE \_\_\_\_\_ PENALTY \_\_\_\_\_ Ignition Interlock Required \_\_\_\_\_

OFFENSE COMMITTED IN COMMERCIAL VEHICLE \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN TRANSPORTING HAZARDOUS MATERIAL \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ UNKNOWN

**DRIVER LICENSE OR OPERATING PRIVILEGE SUSPENDED**

BEGINNING DATE \_\_\_\_\_ ENDING DATE \_\_\_\_\_

**NOTE:** The court must indicate beginning and ending suspension dates for all alcohol related offenses. Questions, please contact Texas Department of Public Safety, Enforcement and Compliance Service at 512/424-2031.

**DRUG EDUCATION PROGRAM**

Drug Education Program Successfully Completed \_\_\_\_\_  
Date

**DWI EDUCATION PROGRAMS**

DWI Probation Granted Education program required _____ Date	DWI Education Program for repeat offenders, required _____ Date
DWI Education Program Successfully completed _____ Date	DWI Education Program for repeat offenders, successfully completed _____ Date
DWI Education Program Waived _____ Date	DWI Education Program for repeat offenders, waived _____ Date

**GRANTED DWI EDUCATION PROGRAM EXTENSION**

Date extended from \_\_\_\_\_ to \_\_\_\_\_

CERTIFIED BY SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ PHONE # \_\_\_\_\_

COURT \_\_\_\_\_ COUNTY \_\_\_\_\_

CAUSE/DOCKET # \_\_\_\_\_

MAIL TO: TEXAS DEPARTMENT OF PUBLIC SAFETY  
ENFORCEMENT AND COMPLIANCE SERVICE  
P.O. BOX 4087, AUSTIN TX 78773-0920

EMAIL TO: ConvictionReporting@dps.texas.gov

DL-117 (Rev. 11/12)

# REPORTING REQUIREMENTS

(These reports are done on a monthly basis)

# OFFICE OF COURT ADMINISTRATION

- \* Government Code Section 71.035. Clerk must submit an Official Monthly Report on the activity of the Court (Ex. H)
- \* Due by the 20<sup>th</sup> day of the month following the activity
- \* Keep these reports for at least 2 years and they are to be made available to the public to inspect and copy, if requested.
- \* <http://www.txcourts.gov/search-result-page.aspx?group=tjb&q=Probate+Reporting+Instructions>

# OFFICE OF COURT ADMINISTRATION COURT APPOINTEE FEE

- \* Texas Supreme Court Order 07-9188
- \* Prepare and report to the Office of Court Administration by the 20<sup>th</sup> day of the following month
- \* Report includes information about each court-approved fee of \$500 or more to a court appointee
- \* For no reportable activity, simply check that box on the report and submit.
- \* Keep these reports for at least 2 years and make available to the public.
- \* Applies to Guardianship cases also
- \* <http://www.txcourts.gov/reporting-to-oca/judicial-council-trial-court-activity-reports.aspx> (Select Instructions)

# Department of Public Safety-Federal Firearm Report (NICS)

- \* Texas Government Code Section 411.052 and 411.0521. The Clerk is required to report (Ex. I)
- \* File with the Texas Department of Public Safety a monthly report on incapacitated adults who have had a guardian appointed to manage their affairs
- \* If they are determined to lack mental capacity
- \* Read the court order very carefully to determine if case is to be reported.
- \* CJIS NICS User Guide-  
[http://www.dps.Texas.gov/administration/crime\\_records/docs/cjis/cjisNICSUserGuide.pdf](http://www.dps.Texas.gov/administration/crime_records/docs/cjis/cjisNICSUserGuide.pdf)

# Reporting Requirements

(These reports are done on a yearly basis)



# Judicial Branch Certification Commission (JBCC)

- \* Formerly known as the Guardianship Certification Board (GCB)
- \* Private Professional Guardians must apply annually for a Certificate of Registration to the Clerk in the County in which they are appointed or plan to seek appointment as guardian.
- \* Must be done no later than January 31<sup>st</sup> for the preceding calendar year. Texas Estates Code Section 1104.306
- \* To assist you in determining if an entity is a local guardianship program, as opposed to a private professional guardian, a list of local programs is posted on the JBCC website:  
<http://www.txcourts.gov.jbcc>

# Annual Report of Funds Invested

- \* Texas Estates Code Section 1355.052, no later than March 1<sup>st</sup> of each year, the clerk must furnish to the Court a report on all investments of funds in the Registry of the Court. (Ex. L)
- \* The report must contain: (Ex. M)
  1. The amount of the original investment or the amount of the investment at the last annual report, whichever is later;
  2. Any increase, dividend, or income from such investment since the last annual report;
  3. The total amount of the investment and all increases, dividends, or income at the date of the report; and
  4. The name of the depository or the type of investment.
- \* Local Government Code Section 117.058, Counties over 190,000 population also reports to the County Auditor

# Escheat Unclaimed Funds

- \* Funds held by the County that have reached the end of their dormancy period must be remitted as unclaimed property (Ex. N)
- \* Information on reporting requirements can be found at <http://www.window.state.tx.us/up/forms.html>

# Sheriffs' & Constables' Fees Update

- \* Texas Local Government Code Section 118.131. Changes to your Sheriffs' and Constables' Fees must be submitted to the State Comptroller's office no later than October 15<sup>th</sup> each year
- \* To meet this deadline and to comply with the law, you must:
  1. Place this item on your Commissioners Court meeting agenda
  2. Adopt the fees before October 1<sup>st</sup> of each year.
- \* These fees will include any Posting or Personal Service fees for Probates & Guardianships.
- \* Report on website- <https://mycpa.cpa.state.tx.us/sacf>

# Resources

- \* Texas Election Code
- \* Texas Local Government Code
- \* Texas Estates Code
- \* Texas Government Code
- \* Office of Court Administration
- \* Comptroller of Public Accounts
- \* Department of Public Safety
- \* Supreme Court of Texas

# **Probate and Guardianship Records Retention**

Probate Academy

May 8 – 10, 2019

Lubbock, Texas

**Visit the State Library for a wealth of information:**  
**<https://www.tsl.texas.gov/slr/recordspubs/localretention.html>**



### **Local Government Retention Schedules**

WARNING: Unless the following retention schedules have been adopted by your local government using form SLR 508 the retention periods listed in the schedules may not be used for the destruction of your records. For questions about local retention schedules contact your Government Information Analyst.

Index: **CC** | DC | EL | GR | HR | JC | LC | PS | PW | SD | TX | UT

### **CC: Records of County Clerks**

- Part 1: County Clerk as Clerk to Commissioners Court
- Part 2: County Clerk as Recorder
- Part 3: County Clerk as Clerk of County Court**
- Part 4: Official Public Records of County Clerks
- Part 5: Records of the County Surveyor
- Part 6: Records of the County Superintendent of Schools

Download: Word | PDF (89 pages) | View: WEB

Schedule CC was updated effective August 14, 2011.

Download edition changes: Word | PDF

## Use of Asterisk (\*)

The use of an asterisk in this third edition of Local Schedule CC indicates that the record is either new to this edition, the retention period for the record has been changed, or amendments have been made to the description or remarks concerning the record. An asterisk is not used to indicate minor amendments to grammar or punctuation.

## ABBREVIATIONS USED IN THIS SCHEDULE

**AR** – After release, replacement, termination, or cancellation of the instrument; or if recorded, of all instruments in volume

**AV** – As long as administratively valuable

**FE** – Fiscal year end

**TAC** – Texas Administrative Code

**US** – Until superseded



### SECTION 3-3: PROBATE CASE RECORDS

<b>Record Number</b>	<b>Record Title</b>	<b>Record Description</b>	<b>Retention Period</b>	<b>Remarks</b>
CC1625-01	<b>ANNUAL ACCOUNT RECORD (PROBATE ACCOUNT RECORD)</b>	Recorded annual or final reports or exhibits of account of executors, administrators, and guardians.	PERMANENT	
CC1625-02	<b>APPRENTICESHIP RECORD</b>	Record of the apprenticeship of minors.	PERMANENT	
CC1625-03	<b>COMMUNITY PROPERTY DOCKET</b>	Docket books or sheets of probate cases involving the administration of community property due to the death or incompetence of a spouse.	PERMANENT	By rule of court - Rules of Civil Procedure, Rule 26

### SECTION 3-3: PROBATE CASE RECORDS

<b>Record Number</b>	<b>Record Title</b>	<b>Record Description</b>	<b>Retention Period</b>	<b>Remarks</b>
CC1625-04	<b>COMMUNITY PROPERTY MINUTES</b>	Record of the proceedings of the county court in cases involving the administration of community property due to the death or incompetence of a spouse.	PERMANENT	
CC1625-05	<b>GUARDIANS' CLAIM DOCKET</b>	Register of claims on estates of persons under guardianship.	PERMANENT	By rule of court - Rules of Civil Procedure, Rule 26.
CC1625-06	<b>GUARDIANS' DOCKET</b>	Docket books or sheets of cases involving the appointment of guardians.	PERMANENT	By rule of court - Rules of Civil Procedure, Rule 26.

## SECTION 3-3: PROBATE CASE RECORDS

<b>Record Number</b>	<b>Record Title</b>	<b>Record Description</b>	<b>Retention Period</b>	<b>Remarks</b>
CC1625-07	<b>GUARDIANSHIP MINUTES (GUARDIANSHIP RECORD)</b>		PERMANENT	
CC1625-08	<b>INVENTORY RECORD (PROBATE INVENTORY RECORD)</b>	Recorded inventories and appraisements of property in probate cases.	PERMANENT	
CC1625-09	<b>PROBATE BOND RECORD (PROBATE BOND DOCKET)</b>	Recorded bonds and qualifying oaths of executors, administrators, and guardians.	PERMANENT	By rule of court - Rules of Civil Procedure, Rule 26.
CC1625-10	<b>PROBATE CASE PAPERS</b>	Original case papers, including wills, of matters within the jurisdiction of a county court as probate court.	PERMANENT	

### SECTION 3-3: PROBATE CASE RECORDS

<b>Record Number</b>	<b>Record Title</b>	<b>Record Description</b>	<b>Retention Period</b>	<b>Remarks</b>
CC1625-11	<b>PROBATE CLAIM DOCKET</b>	Register of claims against estates of decedents or of those under guardianship.	PERMANENT	By rule of court - Rules of Civil Procedure, Rule 26.
CC1625-12	<b>PROBATE DOCKET</b>		PERMANENT	By rule of court - Rules of Civil Procedure, Rule 26.
CC1625-13	<b>PROBATE FILE DOCKET (PROBATE DOCKET-PENDING)</b>	Original entry docket books or sheets of probate cases.	Follow retention periods for Civil File Docket (Civil Docket-Pending) [CC1575-05]	
CC1625-14	<b>PROBATE MINUTES</b>		PERMANENT	
CC1625-15	<b>PROBATE RECORD (FINAL PROBATE RECORD)</b>	Recorded documents filed in probate cases.	PERMANENT	

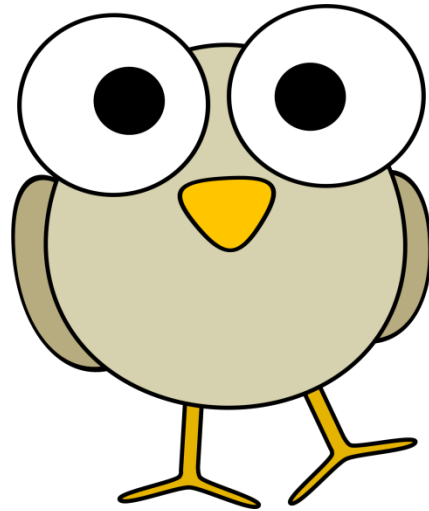
### SECTION 3-3: PROBATE CASE RECORDS

Record Number	Record Title	Record Description	Retention Period	Remarks
CC1625-16	<b>REPORTS OF SALE RECORD</b>	Recorded reports of sale of property from estates submitted by executors, administrators, or guardians.	PERMANENT	
CC1625-17	<b>SMALL ESTATES AFFIDAVITS</b>	Affidavits filed by the distributees of small estates.		
CC1625-17a	<b>SMALL ESTATES AFFIDAVITS</b>	Originals of affidavits that have been recorded in the Small Estates Record [CC1625-19].	1 year after estate settled and closed.	
CC1625-17b	<b>SMALL ESTATES AFFIDAVITS</b>	Originals of affidavits that have not been recorded in the Small Estates Record [CC1625-19].	PERMANENT	

## SECTION 3-3: PROBATE CASE RECORDS

<b>Record Number</b>	<b>Record Title</b>	<b>Record Description</b>	<b>Retention Period</b>	<b>Remarks</b>
CC1625-18	<b>SMALL ESTATES DOCKET</b>	Docket books or sheets of hearings to approve small estates affidavits.	PERMANENT	By rule of court - Rules of Civil Procedure, Rule 26.
CC1625-19	<b>SMALL ESTATES RECORD</b>	Recorded affidavits filed by the distributees of small estates.	PERMANENT	
CC1625-20	<b>VITAL STATISTICS DOCKET OR MINUTES (PROBATE BIRTH DOCKET OR MINUTES; DELAYED BIRTH DOCKET OR MINUTES)</b>	Docket books or sheets or minutes of hearings on applications for the issuance of delayed birth or death certificates or for the issuance of certified copies of illegitimate birth certificates heard.	PERMANENT	By rule of court - Rules of Civil Procedure, Rule 26.
CC1625-21	<b>VITAL STATISTICS CASE PAPERS (PROBATE BIRTH CASE PAPERS; DELAYED BIRTH CASE PAPERS)</b>	Documents relating to hearings on the issuance of delayed birth or death certificates or certified copies of illegitimate birth certificates.	2 years from date application denied or order for registration issued.	
CC1625-22	<b>WILL RECORD</b>	Recorded copies of wills.	PERMANENT	

# Questions?



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