



PROBATE COURT 1900

PURPOSE:

The Probate Court serves the citizens of Bernalillo County in the probate of the estates of deceased persons. The Probate Court provides more expeditious and cost-effective proceedings than would be possible through the District Court. Probate Courts are constitutionally mandated under the Constitution of the State of New Mexico. The New Mexico Statutes Annotated governs operation of Probate Courts. Specific jurisdiction of the Court is set out in the Uniform Probate Code.

SERVICES PROVIDED:

Services provided by the Probate Court include probate of the estates of deceased persons and providing information regarding estates filed with the Court. The Court provides information to title companies and others in the course of their work. The Court also provides general information regarding the Probate Code, court files and practice before the Court. The Court is in a unique position to answer questions about the probate process and the Court for *pro se* Applicants and others. Without giving legal advice, the Probate Judge and her staff provide the public with general information about the probate process in a user-friendly environment, creating a positive image of both the Court and Bernalillo County government. While not all of our thousands of contacts result in a case being filed with the Court, providing useful information and directing people requiring information to the appropriate place are also vital functions of the Court.

PROBATE COURT - 1900 EXPENDITURES BY CATEGORY:

	Actuals FY 2004	Actuals FY 2005	Estimated FY 2006	Budget FY 2007	% Budget Var FY 2008	% Var
Salaries and Benefits	119,102	123,446	149,309	160,018	7% 161,095	1%
Office Expense	2,766	2,945	4,135	6,200	50% 6,200	0%
Operating Expense	40	72	177	350	98% 350	0%
Travel and Transportation Expense	889	305	400	1,930	383% 1,930	0%
Carryovers	712	1,392	892	-	-100% -	0%
PROG EXPENDITURES TOTAL	123,509	128,160	154,912	168,498	9% 169,575	1%

FUNDING SOURCE SUMMARY

General Fund – 1900 Revenue	12,984	13,596	15,752	12,505	-21% 12,505	0%
General Fund Contribution	110,525	114,564	139,160	155,993	12% 0	1%
PROG FUNDING SOURCE TOTAL	123,509	128,160	154,912	168,498	9% 169,575	1%

Authorized Full-time Equivalents	3	3	3	4	25%	4	0%
---	----------	----------	----------	----------	------------	----------	-----------

PROGRAM HIGHLIGHTS AND MAJOR ACCOMPLISHMENTS:

The Probate Court's caseload has nearly doubled since Judge Rudd took office in 2001. *Pro se* filings have increased from 14 in fiscal year 2000 to 123 through February of FY2K6. We expect to reach 175 *pro se* filings for FY2K6.

Judge Rudd continues to increase the visibility of the Court through her GOV TV show, *The Judge is In*, and her columns in the Albuquerque Journal.

Judge Rudd continues to update the statewide Probate Judge Training Manual that she created in conjunction with the Judicial Education Center (JEC). The manual is available on the JEC website and also serves as a resource to attorneys and *pro se* applicants. The Manual will be updated again in 2007 in conjunction with the training of new probate judges who take office on January 1, 2007.

We finally began using our Probate Court Docketing system in April 2005. All cases from 2005 and 2006 have been entered into the docket system by permanent staff. The automated receipting system included in our docketing system has made it much easier to generate receipts and track our revenues. IT and ICON software have been very responsive to tailoring the system to fit our needs.

We hired a part-time term employee, Mary Jane Gage, in October 2005. Working backwards from 2004, she has entered more than ten (10) years of old cases into the system and will continue adding cases from earlier years.

Mary Jane is also working on a project to remove death certificates from our old files. This project has entailed extra work for all the probate court employees, including Judge Rudd, but we feel it is necessary because of HIPPA regulations and restrictions on the use of social security numbers. This is part of our policy of not filing death certificates in new cases. The Court now reviews death certificate and files a Certificate stating that the Judge has reviewed the Death Certificate. The Death Certificate is then returned to the Applicant.

The Court has also revised its procedure for docketing cases. In previous administrations, cases were not docketed until they had been reviewed by the Judge. Now all cases that meet the statutory requirements are docketed at the time they are presented to the Court. The Court staff uses a checklist to ensure that all requirements have been met. This should clear up any concerns that Finance may have had in the past over the timeliness of deposits.

SERVICE IMPROVEMENT GOALS & OBJECTIVES:

FY07

Improve Access to Court Records

- Automate Docketing System
 - We expect to enter cases for at least the past 50 years. After that, we will probably need help from someone more experienced with archival materials. Ongoing
- Create internet access to automated docket with searchable database and other features
 - We are ready to make our docket information available to the public online via the county web site. IT is researching servers for this part of the project and we expect ICON representatives to visit us to assist with this phase of the project by 12/31/06

Continue to Improve Relationships with Community

- Create sample online fill-in-the blank practice forms
 - Since Carla installed Word XP on our computers, we have revised the sample forms to make them more user-friendly and include instructions about how to fill them out properly. We hope to, with help from Robert Lucero, install a test version on our website by 12/31/06

Improve Probate Practice

- Judge Rudd and staff will work with the New Mexico Supreme Court to amend the do-it-yourself *pro se* probate forms to clarify some issues encountered by them and other probate judges by 7/31/06

- Judge Rudd will continue to meet with estate planners and other attorneys to form legislative goals and priorities for the 2007 session re: probate code and related issues. Along with the trial lawyers, we also hope to amend the Wrongful Death Statute to include a definition of "personal representative" to clear up confusion between probate and wrongful death requirements by 10/31/06
- The Second Judicial District Court has asked the Probate Court for input on the District Court project to create *pro se* probate forms for the public, and we will be assisting the District Court with that project, as needed by 8/31/06

Improved communication through the use of our brochures and web page (as outlined above) and periodic speaking engagements by Judge Rudd with the following groups Ongoing:

- Other Courts
- Attorneys
- Title Companies
- Banks and Other Financial Institutions

Space Shortage

- We hope to resolve our critical space shortage issues. We anticipate that sometime in FY07 we will have no additional space for cabinets to store 2007 and later probate cases. We will also need to find space for a computer terminal for public searches. Timeline: by 12/31/06

FY08

Preservation of Permanent Records

- Formation of a records preservation policy.
- Possible cooperative project with Hispanic Cultural Center to archive our oldest records and make them available to the public.
- Repair old records based on recommendations of consultant.
- Attend workshops on record preservation sponsored by the State Archives Division and other institutions.: Apply for grant assistance by 12/31/07 for target completion by 12.31/09

Continue to create internet access to automated docket with searchable database and other features.

- At this point we may want to consider allowing for online filing of court documents.: Ongoing, but would collaborate with district court procedures for possible online filing

PERFORMANCE DATA:

Performance Measures	Actual FY 2004	Actual FY 2005	Estimated FY 2006	Target FY 2007	Target FY 2008
New Estates Opened	324	362	375	382	382
Pleadings Filed	3062	3344	4000	4000	4000
Telephone Calls	4830	5279	5600	5600	5600
Visitors to the Court	2326	2466	2,100	2400	2400
Pro Se Filings	135	198	175-200	200	200
Satisfied Customers based on mailed survey (1 time survey)	-	99%	-	-	-
Web Satisfaction Survey (new as of 02/25/03)	-	99%	100%	100%	100%