

Probate Court

2025 Operating and 5-Year CIP Budget Presentation

FY25 – Budget Requests

Presenter: Judge, GARY W. WASHINGTON
Date: August 27, 2024

Presentation Agenda



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- ❖ Opportunities & Challenges

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- ❖ Current & Proposed Organization Chart

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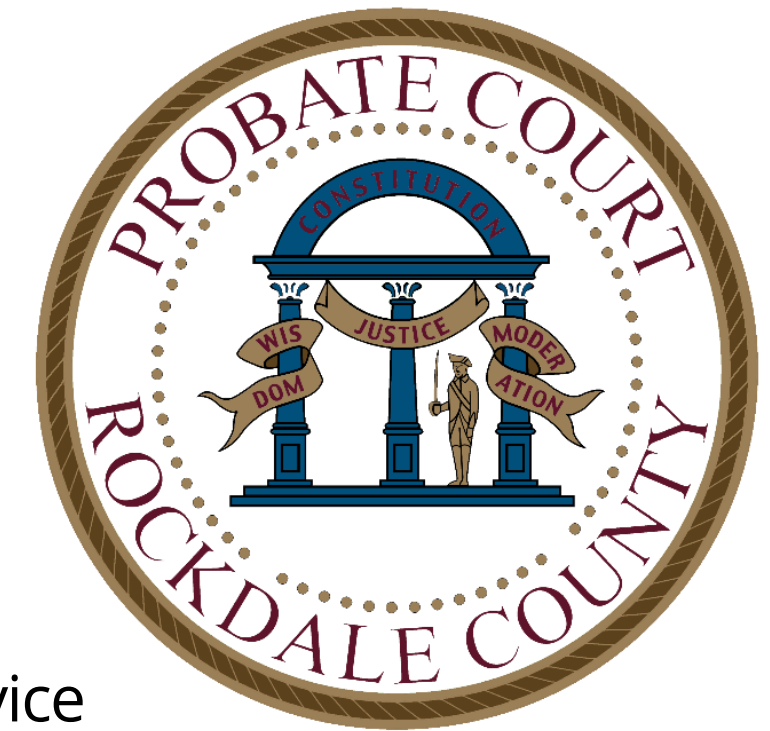
- ❖ Personnel Request
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- ❖ 5- Year CIP (2025 - 2029)

Vision, Mission & Values

Department Statements

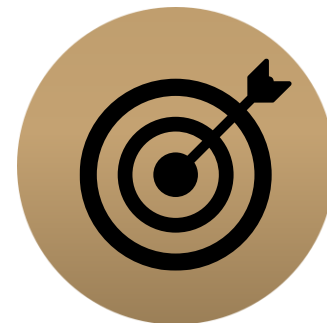


Rockdale Probate Court



○ VISION

- Provide efficient, effective, and professional service for Probate Court customers, and increase the accessibility of the Rockdale County Probate Court to its customers



○ MISSION

- Serve the public by reaching a fair and timely resolution on all Probate Court matters
- Protect the financial interest of wards of the court and beneficiaries in court-supervised estates
- Ensure efficient and effective case management for Probate Court cases
- Provide the public with access to information and public record



○ VALUES

- Integrity
- Respect
- Fairness
- Professionalism

Opportunities & Challenges

SUCCESSSES

- Online access to purchase vital records and marriage certificates
- Implemented a 5-part Probate Speaker Series in partnership with the Conyers Rockdale Library

OPPORTUNITIES

- E-file
- Pro Bono Clinics
- Countywide internal training on working with the Probate Court

CHALLENGES

- Space
- Technology limitations
- Number of Positions

FY25 Goals & Initiatives

Department's Reimagine Rockdale Strategic Plan

Access

Increase public education efforts to inform the community about their rights and responsibilities within the probate court. This includes providing clear and accessible information about court procedures, deadlines, and available resources.

Equity

Ensure fair and equitable outcomes by reviewing and revising court procedures and policies to identify and address any disparities in judicial decisions. This includes the use of data analytics to monitor outcomes and ensure equity in every case.

Innovation

Expand digital access by investing in technology to improve online court services, including electronic filing, case management, and remote participation options.

Operating Budget Summary

*Report Provided by Finance

	Budget <i>FY 2024</i>	Proposed <i>FY 2025</i>	Change
Total Operating Expenses	\$ 98,301	\$ 337,300	\$238,999
Total Personnel Services & Benefits	\$675,395	\$ 692,267	\$ 16,872
Total Est. Budget impact	\$773,696 ⁶	\$1,029,567	\$255,871



Operating Budget

Operating Budget Request

* Include changes of \$5,000 or greater only

	Description	FY24 Budget	FY25 Cost	Amount Change
Professional Services	Fiduciary compliance, County Administrator, Mental Health Hearings, Pauper's Affidavits, Technology Specialist.	\$15,500	\$235,000	\$219,500
Small Equipment	Desktop/Laptop replacement and additional office equipment.	\$5,000	\$10,000	\$5,000

Operating Budget Request Justification

Requests

Professional Services

\$219,500

- Fiduciary compliance as required by statute, County Administrator, Mental Health Hearings, Paupers, Technology Specialist. State Filed cases and pauper's affidavits in which the Probate Court is responsible for paying all fees. O.C.G.A. § 9-15-2. IT Consultant to update any remaining technology upgrades for the Probate Court. Projects include: E-file, integration, and online public access. For special process servers to bring into compliance 1,044 cases (10 years) in which the fiduciary has not complied with their duties and requirements. O.C.G.A. § 53-7-54, O.C.G.A. 29-3-1 *et seq.*, O.C.G.A. 29-5-1 *et seq.*

Small Equipment

\$5,000

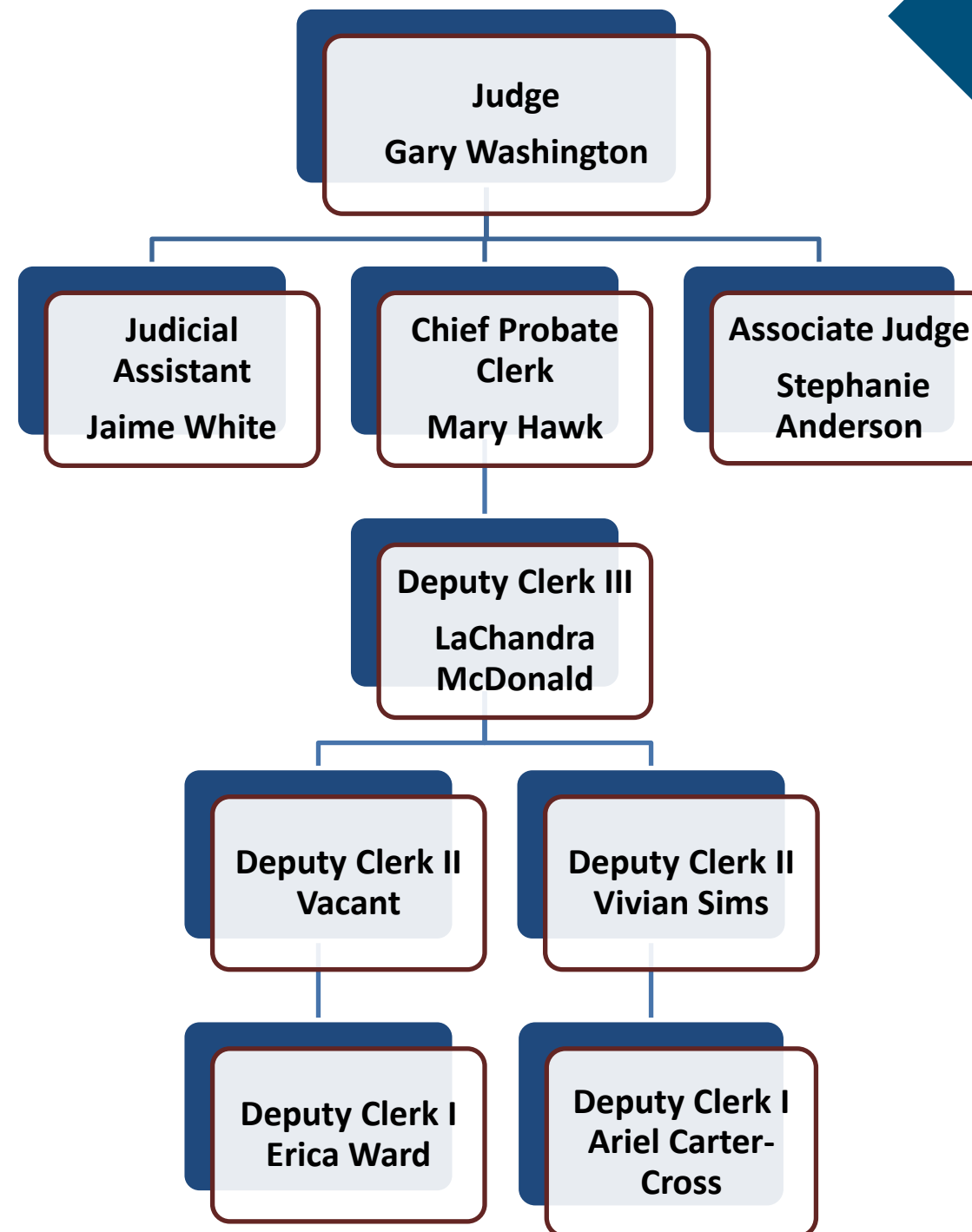
- Increased cost to cover new laptops, desks, cubicles, chairs, and phones for additional personnel.



Personnel Budget

Current Organization Chart

Fiscal Year 2024

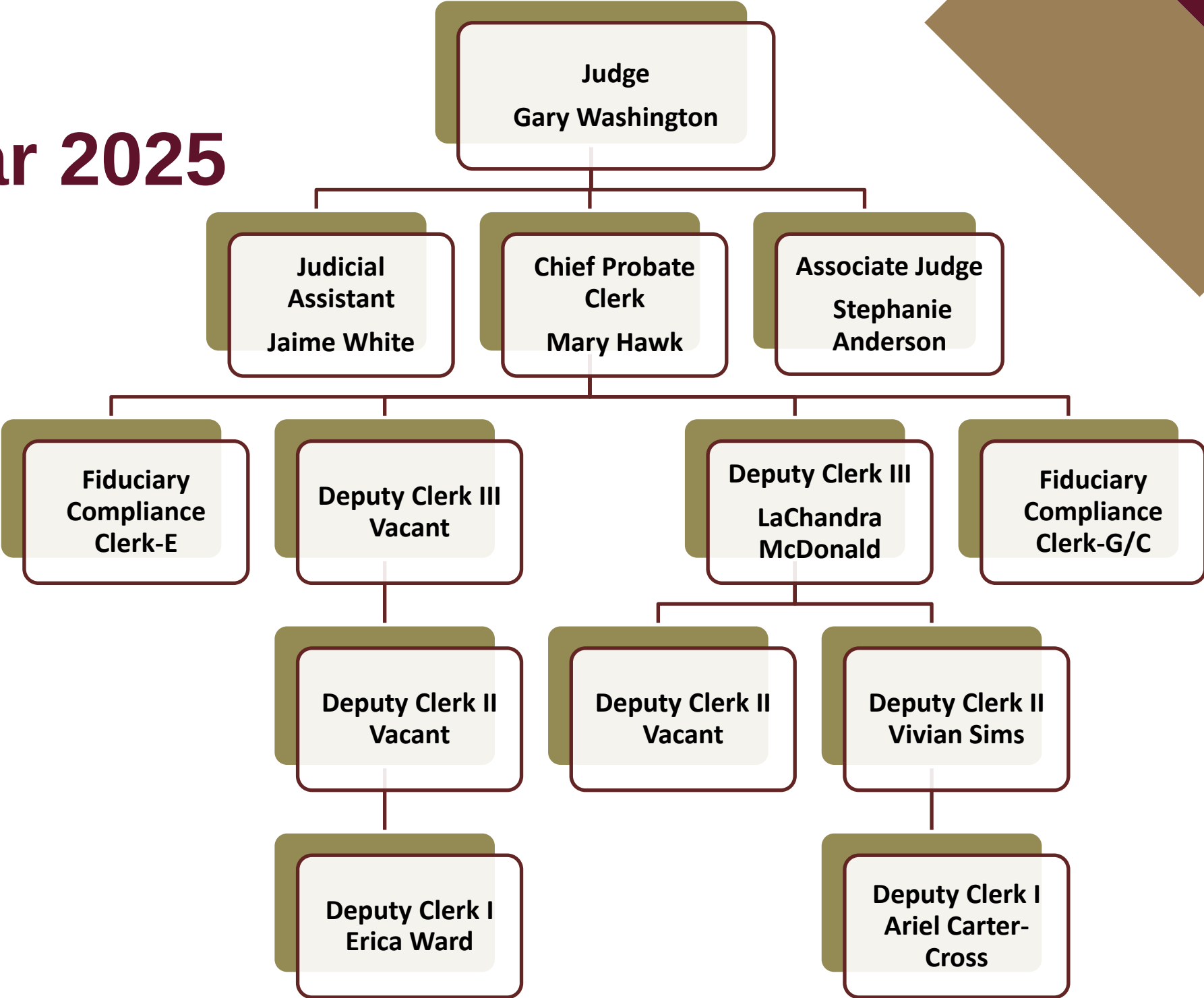


Vacancies- 1

- **Deputy Clerk II**

Proposed Organization Chart

Fiscal Year 2025



Personnel Changes

- Request addition of Deputy Clerk II
- Request addition of Deputy Clerk III
- Request addition of Fiduciary Compliance Clerk-Estates
- Request addition of Fiduciary Compliance Clerk-Guardianships/Conservatorships

Personnel Budget Request

FY24 Budgeted Department Total- 9

FY25 Requested Additional Personnel – 4

Job Title	Fund	Division	FTE or PT	Head Count	Request Type	Salary +40% Benefits
Deputy Clerk II	TBD	N/A	FTE	1	New Position	\$35,068.80 + \$14,027.52
Deputy Clerk III	TBD	N/A	FTE	1	New Position	\$37,523.20 + \$15,009.28
Fiduciary Compliance Clerk–Estates	TBD	N/A	FTE	1	New Position	\$42,952.00 + \$16,751.28
Fiduciary Compliance Clerk- Guardianships/Conservatorships	TBD	N/A	FTE	1	New Position	\$42,952.00 + \$16,751.28
Associate Judge	TBD	N/A	FTE	1	Reclass	\$92,800 + \$37,200

New Department Total (w/Request)- 13

Personnel Budget Request Justification

New Position Requests

Deputy Clerk II

1 FTE - \$49,096.32

- Request for new full-time Deputy Clerk II. This position will be dedicated to handling guardianship and conservatorship cases for minors and adults. This position is essential for improving efficiency, accuracy, and timeliness within the probate court. The complexities of guardianship and conservatorship matters, including legal documentation, financial management, and regular court appearances, necessitate specialized knowledge and dedicated attention.

Deputy Clerk III

1 FTE - \$52,532.48

- Request for new full-time Deputy Clerk III. This new position will be dedicated to overseeing the Guardianship and Conservatorship Division, which is currently being fulfilled by the Chief Probate Clerk. This position will ensure efficient and accurate case management, while maintaining strict adherence to regulatory requirements. The incumbent will assume a supervisory role, working in close partnership with fiduciary compliance clerks to serve as a subject matter expert on guardianship and conservatorship matters. Adding this dedicated position, the Probate Court will be better equipped to handle the growing caseload, mitigate compliance risks, and provide exceptional service to the community.

Fiduciary Compliance Clerk- Estates

1 FTE - \$59,703.28

- Request for new full-time Estates Fiduciary Compliance Clerk. The creation of an Estates Fiduciary Compliance Clerk position is essential to enhance the efficiency and accountability of the probate court. By dedicating a specialist to oversee the financial reporting of annual returns and inventories, the court can ensure timely and accurate compliance with statutory requirements. This role will alleviate the burden on existing staff, improve oversight of estate administration, avoid costly litigation for the County, and ultimately protect the interests of beneficiaries and creditors.

Fiduciary Compliance Clerk- Guardianships/Conservatorships

1 FTE - \$59,703.28

- Request for new full-time Guardianships and Conservatorships Fiduciary Compliance Clerk. This position is essential to ensure the protection of vulnerable individuals under court guardianship or conservatorship. By centralizing the oversight of required filings, including asset management plans, inventories, annual returns, and personal status reports, this role will enhance accountability, efficiency, and compliance. This dedicated position will streamline the review process, identify potential issues early, avoid costly litigation for the County, and ultimately safeguard the interests of protected persons.

Personnel Budget Request Justification

Reclass Position Requests

Full Time Associate Judge

Reclass - \$130,000

- Reclassifying the Associate Judge of the Probate Court from part-time to full-time is essential due to a substantial increase in non-compliance cases and the complexity of legal matters. As a result of compliance oversight, the court will experience a significant uptick in probate filings, resulting in more frequent hearings. Additionally, the need to oversee all aspects of fiduciary compliance, including conducting related hearings, demands a full-time commitment to ensure timely and efficient administration of justice. A full-time Associate Judge will be better equipped to handle the increased workload, maintain case flow, and provide thorough oversight of fiduciary matters, ultimately enhancing the court's ability to serve the public.



JUDGE GARY W. WASHINGTON

ROCKDALE COUNTY PROBATE COURT

Chairman Oz Nesbitt, Sr.
P.O. Box 289
Conyers, Ga. 30012

Commissioner Sherri L. Washington
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Conyers, Ga. 30012

Commissioner Doreen Williams
P.O. Box 289
Conyers, Ga. 30012

Dear Members of the Board of Commissioners:

I am writing to draw your attention to the critical need for funding an additional Deputy Clerk II and two Fiduciary Clerks. This is crucial for enabling the probate court to effectively manage estates, guardianships, and conservatorships.

The below-described pending lawsuit involving the mismanagement of a ward's assets has brought to light a significant deficiency in our current operating system, highlighting the critical need for additional resources to ensure proper oversight and protection of wards and estates under our care.

The Case for Two Fiduciary Clerks:

On March 13, 2006, a Court Order, issued by the Honorable Lillis Brown, established a guardianship and conservatorship for an incapacitated adult, (Ward), with a family member appointed as both guardian and conservator. However, despite explicit instructions in the Order, the family member acting as conservator neglected their legal obligation to file periodic reports on the condition of the ward's estate. This failure to adhere to reporting requirements resulted in an alleged mismanagement of over \$80,000 of the Ward's funds, which had gone unnoticed until now.¹

The failure prompted us to conduct a random sample review of our case files. The review spanned several years and encompassed previous probate court judgeships. It revealed

¹ See the enclosed letter from Attorney Buckley for further details on the allegations and the pending lawsuit.

numerous instances of non-compliance with statutory reporting requirements and highlighted a pervasive issue. An estimated 9,000 files, going back 20 plus years, were identified as needing manual inspection to address this concern. This deficiency poses a significant risk to the assets of wards and estates, as well as to the integrity of Rockdale County and its Probate Court.

I urge you to approve the request for two fiduciary compliance clerk positions. These positions are essential for ensuring the thorough monitoring of each estate, guardianship, and conservatorship case, as mandated by law.² Without adequate resources, we risk failing to protect the assets of those entrusted to our care and may incur unnecessary litigation expenses.³ Additionally, I encourage you to review the letter enclosed from Attorney Buckley, which further underscores the necessity for the probate court to bring its guardianship and conservatorship cases into compliance with reporting requirements.

Given the serious potential consequences of inaction, I urge you to prioritize approving these positions. Doing so is crucial for fulfilling our legal obligations to safeguard the assets of estates and ensure the well-being of wards and their assets.

Request for an Additional Deputy Clerk II:

Until March of 2023, the probate court staff consisted of two Deputy Clerk III positions and a part-time Associate Judge position. Throughout most of the year, the Deputy Clerk III position responsible for guardianships and conservatorships remained vacant due to challenges in finding a qualified candidate willing to accept the offered salary. Additionally, the part-time Associate Judge worked only one day per week, or roughly four times per month, despite a workload that warranted more attention. Even more concerning was the fact that the Associate Judge's annual flat salary averaged out to an hourly pay rate lower than that of the average hourly salary for a new attorney.⁴

² The legal obligation of the probate court to monitor a conservator's compliance with the requirement to file timely reports pertaining to an adult ward is outlined in O.C.G.A. § 29-5-60 (c), which states, "Upon the failure of any conservator to file any return by the timeframe required by law, the court shall cite the conservator to appear and show cause for the delay...A willful and continued failure to file shall be good cause for removal." Estate reporting is outlined in O.C.G.A. § 53-7-30 and O.C.G.A. § 53-7-67.

³ On February 5, 2024, the Probate Court received notification from the Rockdale Chief Superior Court Judge and the Finance Department regarding the availability of an unspecified portion of the American Rescue Plan Act (ARPA) Grant allocated to the Rockdale Judicial Circuit. This grant was designated for addressing back cases resulting from COVID-related delays. However, the funds were restricted to cases dated between January 2020 and December 2022 and could not be utilized for the thousands of probate court back cases predating January 2020, primarily due to reporting deficiencies.

⁴ The Associate Judge's average hourly pay rate of \$29.88 paled in comparison to the typical hourly pay for attorneys in our region, averaging around \$350. Furthermore, her average per diem salary of approximately \$239.01 per day was significantly lower than the \$500.00 per diem salary received by part-time municipal judges in nearby Covington.

In response to the challenges encountered in filling the vacant Deputy Clerk III position and the below-par salary for the Associate Judge, I acted in 2023 to change our organizational plan. We eliminated one of the two Deputy Clerk III positions effective May 2023 and, instead, requested an additional Deputy Clerk II for guardianships and conservatorships to begin in 2024. Additionally, we doubled the number of days the Associate Judge works each month, increasing it from four to eight days, and adjusted the average per diem salary of the Associate Judge to align more closely with that of other Associate Judges in the region.

These changes, including the replacement of a Deputy Clerk III position, doubling the Associate Judge's monthly working days, and aligning the Associate Judge's per diem salary with others in the area, were aimed at enhancing office efficiency and would have resulted in significant annual salary savings for the county, totaling several thousand dollars.⁵

Unfortunately, the requested Deputy II position for 2024 was not approved last year. Consequently, since May 2023, our Chief Probate Clerk has been performing the duties of a Deputy Clerk III responsible for guardianships and conservatorships, in addition to her responsibilities as Chief Probate Court Clerk.

We urgently require funding for an additional Deputy Clerk II position. Establishing this position dedicated solely to guardianship and conservatorship proceedings will significantly enhance probate court services, alleviate the burden on the Chief Probate Court Clerk, and ultimately lead to cost savings for the County.

Conclusion:

The need for funding an additional Deputy Clerk II and two Fiduciary Clerks for the probate court is paramount. The recent lawsuit revealing mismanagement of a ward's assets underscores the urgency of ensuring proper oversight and protection for vulnerable individuals and estates. The deficiencies in our current system pose significant risks to the integrity of Rockdale County and its Probate Court. Approving these positions is crucial for fulfilling our legal obligations, safeguarding assets, and enhancing office efficiency. Moreover, the cost savings resulting from these investments will benefit the County in the long term. Therefore, I urge the Board of Commissioners to prioritize and approve this funding request in its mid-year budget adjustment.

Respectfully,


Gary W. Washington

⁵ Previously, a Deputy III in this role would earn an annual salary of \$52,532.48 (including benefits). With the reclassification, a Deputy II filling this position will earn \$49,096.32 annually. This change results in annual savings of \$3,436.16.



JUDGE GARY W. WASHINGTON
ROCKDALE COUNTY PROBATE COURT

August 15, 2024

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Delivered by hand delivery and email

RE: Supplemental Request to the Board of Commissioners: Emphasizing Potential Revenue Gains for Rockdale County by Funding Fiduciary Clerk Positions

Dear Members of the Board of Commissioners:

Considering our ongoing concerns with fiduciary compliance within the probate court, this supplement serves as a follow-up to the Call-to-Action letter submitted to the Board of Commissioners on May 2, 2024.¹

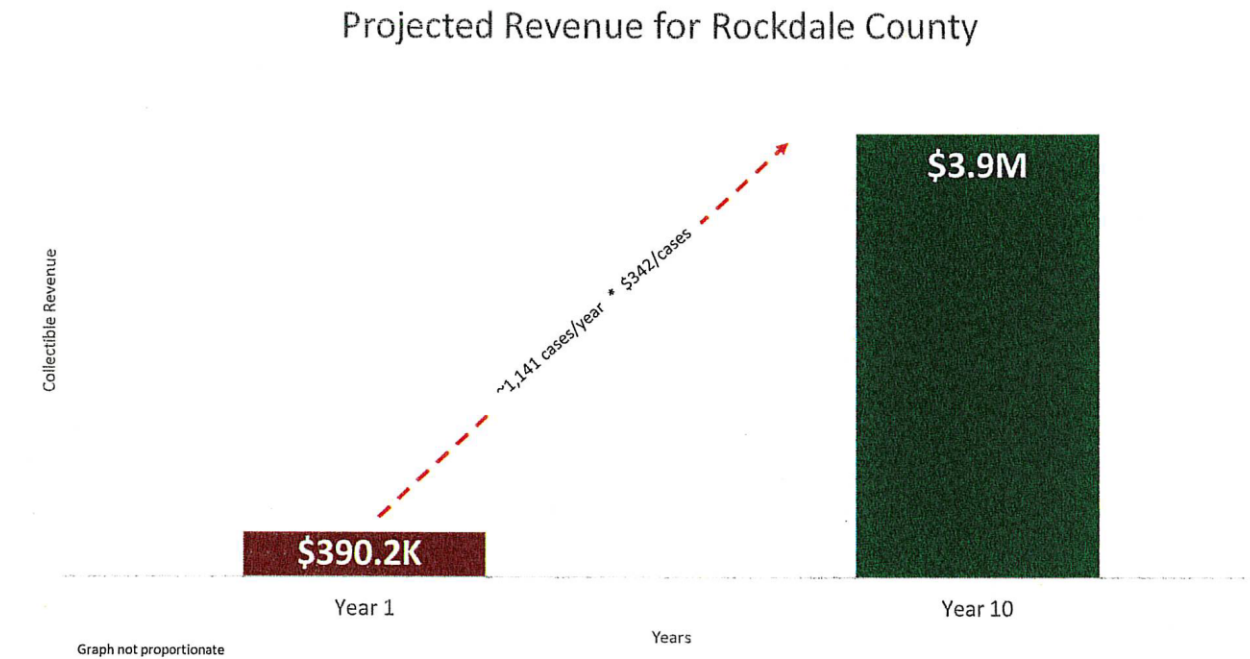
Urgent Need for Fiduciary Compliance and Revenue Recovery

The need for additional staffing, specifically the two fiduciary clerk positions, remains urgent. Recent findings underscore not only the critical need for these positions but also highlight the substantial potential revenue gains for Rockdale County that could be realized by addressing the current backlog of probate cases. In addition to clearing the backlog, efficiently managing new probate cases moving forward would yield even greater financial returns for the county maximizing overall revenue while ensuring timely case oversight.

¹ A copy of the May 2024 Call-to-Action Letter to Board of Commissioners is enclosed with this supplement letter.

Uncollected Revenue: A Missed Opportunity

A review of the past decade has revealed a backlog of 1,141 probate cases that have failed to meet statutory fiduciary compliance requirements for at least one year.² At the current 2024 filing rate of an average \$342 per case,³ this backlog represents \$390,222 in uncollected revenue for a single year.⁴ Over the past ten years, this figure has ballooned to a potential \$3,902,220 in uncollected revenue for Rockdale County, as illustrated by the following graph.



Impact of Upcoming Fee Changes

As a result of the implementation of Senate Bill 232, projected changes to filing rates in 2025 will decrease the potential revenue per case per year to \$120.⁵ When applying this new rate

²Due to limited staffing resources, our review was constrained to cases initiated within the last 10 years. However, we believe that there are many more cases, potentially dating back 20 years or more, that may also be out of compliance with reporting requirements.

³ The \$342 figure represents the average annual filing fees for returns, asset management plans, and inventories. Each of these filings incurs a base fee of \$42, plus an additional \$2 per page for recording fees. With an average of 106 pages of bank statements, this amounts to \$216 in recording fees. Consequently, the total average annual filing cost for these three required filings is estimated at \$342 per open case.

⁴ The combined annual salary for two fiduciary compliance clerks is \$119,406.56, resulting in a net revenue gain of \$270,815.44 when offset against the average annual uncollected revenue of \$390,222 due to the backlog.

⁵ Effective January 1, 2025, fee changes will be implemented due to the passage of SB 232. This bill repealed and replaced O.C.G.A. § 15-9-60 in its entirety, while also amending other sections, including O.C.G.A. § 25-10-4 and Chapter 6 of Title 29.

retroactively over the past decade, the total estimated uncollected revenue reduces to \$1,369,200.

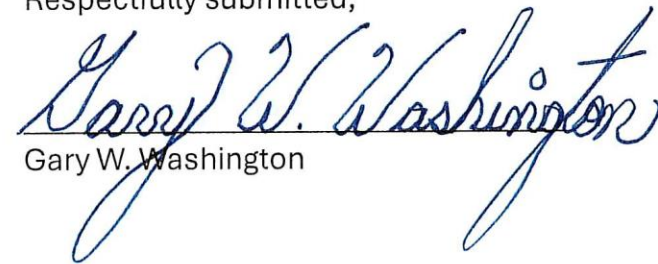
Focus on Future Revenue Generation

While the past decade has seen a significant amount of uncollected revenue, the future presents a clear opportunity. With the addition of two fiduciary clerk positions, Rockdale County could start collecting a substantial portion of the estimated \$3,902,220 in uncollected revenue beginning in 2025. These positions will enable to probate court to effectively manage and resolve the backlog while also handling new probate cases moving forward, ensuring all cases are brought into compliance and the county receives the revenue it is due.

Conclusion

Given the potential for significant revenue generation and the imperative to fulfill our legal and moral obligations, I urge the Board of Commissioners to approve the funding for two additional fiduciary clerk positions. This investment is not only crucial for protecting the person and assets of wards and the assets of estates but will also enable Rockdale County to recover substantial revenue that has been left uncollected. By acting now, we can ensure the integrity of the probate court and contribute to the financial future of the county.

Respectfully submitted,



Gary W. Washington

CC:

Chief Operating Officer, Sue Sanders

Executive Director, Toni Holmes

Chief Financial Officer, Michelle Irizary

Talent Management Generalist, Chantall Hunt



**5-Year Capital
Improvement Plan
(CIP)
2025-2029**




Automotive Equipment

- N/A



Technology Programs & Improvements

- 2025 Client Solutions Consultant \$55,000
 - Implement E-File for online case filing for Probate cases.
- 2026 Laserfiche-Enterprise Justice Integration \$25,000
 - Database creation to allow public access to ALL Probate cases.



Heavy Equipment

- N/A



Building Improvement/ Renovations/Expansions

- 2025 Office Layout Remodel \$25,000
 - To accommodate additional staffing and eliminate multiple people sharing offices.



New Buildings

- N/A

Rockdale County Probate Court
Five Year Capital Improvement Plan
Fiscal Year 2025-2029

	2025	2026	2027	2028	2029	Five Year Total
Automotive Equipment						
Technology Programs & Improvements	\$55,000	\$25,000				\$80,000
Construction & Heavy Equipment						
Building Improvements/Renovations/Expansions	\$25,000					\$25,000
New Buildings						
TOTALS	\$80,000	\$25,000				\$105,000



Thank you

