



# THE PRINCE GEORGE'S COUNTY GOVERNMENT

## Office of Audits and Investigations

April 18, 2019

### MEMORANDUM

TO: Calvin S. Hawkins, II, Chair  
Health, Human Services and Public Safety Committee (HSPS)

THRU: David H. Van Dyke, County Auditor *DHV*

FROM: Zachary Bartlett, Staff Auditor *ZB*

RE: Orphans' Court  
Fiscal Year 2020 Budget Review

#### Budget Overview

The FY 2020 Proposed Budget for the Orphans' Court is \$561,200. This is an increase of \$116,200 or 26.1% over the FY 2019 Approved Budget, primarily due to mandatory salary increases, related fringe benefit costs, and the addition of a community developer position for its Alternative Dispute Resolution (ADR) program. In prior years, the ADR program was supported by grant funding. However, the Court was not awarded grant funding to support the program in FY 2019, and doesn't anticipate receiving grant funding for this program in FY 2020.

The Court estimates that its FY 2019 estimated General Fund expenditures will exceed the FY 2019 Approved Budget level. As a result of this anticipated overage, the Court is reporting that a supplemental budget appropriation of approximately \$67,000 will be necessary to cover costs associated the transition of the ADR program costs to the general fund as previously discussed. These costs will also cover compensation and fringe benefits for a General Clerk position to cover additional part-time hours.

#### Budget Comparison - General Fund

Approved Fiscal Year 2019 to Proposed Fiscal Year 2020

Category	FY 2018 Actual	FY 2019 Approved	FY 2019 Estimated	% Change - Est vs App	FY 2020 Proposed	Change Amount	Percentage Change
Compensation	\$ 315,732	\$ 323,600	\$ 375,600	16.1%	\$ 407,400	\$ 83,800	25.9%
Fringe Benefits	87,180	91,600	106,300	16.0%	117,300	25,700	28.1%
Operating Expenses	21,591	29,800	30,100	1.0%	36,500	6,700	22.5%
<b>Total</b>	<b>\$ 424,503</b>	<b>\$ 445,000</b>	<b>\$ 512,000</b>	<b>15.1%</b>	<b>\$ 561,200</b>	<b>\$ 116,200</b>	<b>26.1%</b>

Authorized Staffing Count - General Fund

	FY 2019 Approved	FY 2020 Proposed	Change Amount	Percentage Change
Full-Time	7	8	1	14.3%
<b>Total</b>	<b>7</b>	<b>8</b>	<b>1</b>	<b>14.3%</b>

**Staffing Changes and Compensation**

- The FY 2020 Proposed Budget includes funding for eight (8) full-time General funded positions. This proposed staffing level results in an increase of one (1) position, a Community Developer 1,000-hour position for the ADR program, that was previously grant funded.
- The FY 2020 General Fund compensation is proposed at \$407,400 which represents an increase of \$83,800, or 25.9 %, above the FY 2019 Approved Budget. This increase is due to the previously mentioned transfer of the Community Developer position.
- The State mandated salary adjustments for the Chief and Associate Judges were implemented mid-year in FY 2019 (effective January 2019).

**Fringe Benefits**

- Fringe benefit expenditures are proposed at \$117,300, which is an increase of \$25,700, or 28.1%, above the FY 2019 Approved Budget level.

	<b>FY 2016 Actual</b>	<b>FY 2017 Actual</b>	<b>FY 2018 Actual</b>	<b>FY 2019 Estimated</b>	<b>FY 2020 Proposed</b>
Compensation	\$ 312,654	\$ 311,700	\$ 315,732	\$ 375,600	\$ 407,400
Fringe Benefit Expenditures	\$ 85,507	\$ 87,294	\$ 87,180	\$ 106,300	\$ 117,300
As a % of Compensation	27.3%	28.0%	27.6%	28.3%	28.8%
Annual % Change		2.1%	-0.1%	21.9%	10.3%

**Operating Expenses**

- In FY 2020, operating expenses are proposed at \$36,500 and are comprised of the following items:
  - Office Automation \$29,400
  - General Office Supplies \$5,000
  - Telephone \$1,100
  - Membership Fees \$1,000

- The accompanying table compares the FY 2020 Proposed Budget operating expenditures with the FY 2019 Approved Budget operating expenditures. In two (2) of the categories the FY 2020 Proposed Budget level increases from the FY 2019 Approved Budget. In two (2) of the categories, the FY 2020 Proposed Budget level remains unchanged compared to the FY 2019 Approved Budget.

Operating Objects	FY 2019 Approved	FY 2020 Proposed	FY 2019 - FY 2020	
			\$ Change	% Change
Office Automation	\$ 23,200	\$ 29,400	\$ 6,200	26.7%
General Office Supplies	\$ 4,500	\$ 5,000	500	11.1%
Telephone	\$ 1,100	\$ 1,100	-	0.0%
Membership Fees	\$ 1,000	\$ 1,000	-	0.0%
<b>TOTAL</b>	<b>\$ 29,800</b>	<b>\$ 36,500</b>	<b>\$ 6,700</b>	<b>22.5%</b>

- The most significant increase between the FY 2020 Proposed Budget and the FY 2019 Approved Budget is in Office Automation (\$6,200) and is a result of the OIT calculation per agency use.

## HIGHLIGHTS

### **Workload/Performance Trends**

- The Orphans' Court is a public office established under the Constitution of Maryland. The Court hears all matters involving decedent's estates which are contested and supervises all those estates which are probated judicially. The Court approves accounts and awards personal representative's commissions and attorney's fees, when applicable. The Court also has concurrent jurisdiction with the Circuit Court in guardianships of minors and their property. All matters involving the validity of wills and the transfer of property in which legal questions and disputes occur are resolved by the Orphans' Court.
- The Court's projected its caseload related to estates and guardianships to be 12,900 cases in FY 2020. These cases include hearings, pleadings, estates opened, hearing notices, orders, and writs issued.
- The County's current Orphans' Court judges are as follows:
  - Chief Judge Wendy A. Cartwright
  - Associate Judge Athena Malloy Groves
  - Associate Judge Vicky L. Ivory-Orem
- The Court continues to see a large number of *pro se litigant* cases (cases without attorney representation) being filed, including guardianship cases. According to the Court, the majority of its docket is composed of *pro se litigant* cases.

**Budget Comparison - Grants**

Approved Fiscal Year 2019 to Proposed Fiscal Year 2020

Category	FY 2018 Actual	FY 2019 Approved	FY 2019 Estimated	FY 2020 Proposed	Change Amount	Percentage Change
Compensation	\$ 32,955	\$ 27,100	\$ -	\$ -	\$ (27,100)	-100.0%
Fringe Benefits	(1,723)	4,100	-	-	(4,100)	-100.0%
Operating Expenses	4,285	22,000	-	-	(22,000)	-100.0%
<b>Total</b>	<b>\$ 35,517</b>	<b>\$ 53,200</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ (53,200)</b>	<b>-100.0%</b>

Authorized Staffing Count - Grants

	FY 2019 Approved	FY 2020 Proposed	Change Amount	Percentage Change
LTGF	1	0	-1	-100.0%
<b>Total</b>	<b>1</b>	<b>0</b>	<b>-1</b>	<b>-100.0%</b>

**Grant Programs**

- As mentioned earlier, the Court was not award grant funding in FY 2019 for its Alternative Dispute Resolution (ADR) program. Funding for this program isn't anticipated in FY 2020, and as a result, the program costs will be transitioned to the general fund. The ADR program provides litigants an opportunity for mediation to resolve probate matters. Some information about the program are as follows:
  - Training for this program continues to be conducted by a sole sourced vendor that meets the minimum State requirements in this discipline.
  - The Court has the authority to order parties into mediation. Prior to this, the Court could only recommend, not order, parties into mediation.
  - The Court has negotiated with a group of mediators to provide the first two hours of their service at no cost. The Court estimates that the average mediation case will require five (5) to eight (8) hours to complete. The Court had hoped to use the grant to offset the \$200 an hour program fee for litigants in "hardship cases".
  - The Court hopes to secure space within the County Administration Building in Upper Marlboro to conduct the ADR Program. Currently, the Court utilizes space when available within the Courthouse and at other off-site locations.