

Hays County Courts at Law Probate Policy Regarding Pro Se Applicants (Applicants without an Attorney)

Under Texas law, individuals applying for letters testamentary, letters of administration, determination of heirship, and guardianships of the person or the estate must be represented by an attorney. This legal requirement follows from the law that only a licensed attorney may represent the interests of third-parties or entities. The only time a pro se applicant can proceed in court is when the applicant is truly representing himself or herself.

Therefore, the Hays County Courts at Law require individuals making and pursuing these applications to be represented by an attorney.

Frequently Asked Questions:

Q: What does “pro se” mean?

A: “Pro se” is Latin for “for oneself.” Thus, a person participating in a legal matter “pro se” is an individual who has not retained an attorney and appears in the legal proceeding to represent himself or herself and not any other person or entity.

Q: Can an individual who is not an attorney serve as an executor, administrator, or guardian?

A: Yes. An individual not need to be an attorney to act as an executor, administrator, or guardian. **However, the executor, guardian, or administrator must be represented by counsel.**

Q: In what types of cases may I represent myself “pro se”?

A: Again, you may represent yourself only cases in which you truly are representing only yourself. You may apply to probate a will as a muniment of title if you are the sole beneficiary under a will and the estate does not owe any debts other than those secured by real estate. **Whether a muniment of title is the correct probate procedure is a legal decision that is best made by an attorney.**

Another procedure that may allow for beneficiaries to work together without an attorney and to file paperwork in probate is that of the Small Estate Affidavit. A Small Estates Affidavit is appropriate in limited situations. For further information please see Texas Estates Code, Chapter 205.

Q: If I get the paperwork from the law library or the internet, may I complete it and file it myself?

A: It is important to understand that attorneys do not just fill out forms. Rather, they determine what method of probate or guardianship is appropriate, adapt paperwork or create it as appropriate, and importantly advise clients about their responsibilities.