

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

IN RE:

No.

An alleged incapacitated person

**ORDER OF COURT DETERMINING INCAPACITY
AND APPOINTING EMERGENCY
PLENARY GUARDIAN OF THE PERSON AND ESTATE**

AND NOW, this ____ day of _____, _____, a hearing having been held on _____, and it appearing to the Court that _____ was served with a Citation and Notice of this hearing on _____ and was present at the hearing (or) the Court finds that the physical or mental condition of _____ would be harmed by his/her presence at the hearing, and further finds from the testimony:

1. That _____ suffers from _____, a condition or disability which totally impairs his/her capacity to receive and evaluate information effectively and to make and communicate decisions concerning his/her management of financial affairs or to meet essential requirements to his/her physical health and safety.

2. That there are insufficient supports available to assist _____ in overcoming such limitations and that there exists no less restrictive alternative mechanism for decision making than the appointment of a Emergency Plenary Guardian.
3. That based on the total incapacity of _____ to receive and evaluate information and to make or communicate decisions, an Emergency Plenary Guardian of the Person and an Emergency Plenary Guardian of the Estate are required on an emergency basis.

NOW, THEREFORE, based on the clear and convincing evidence supporting the foregoing findings, it is ORDERED, ADJUDGED and DECREED that _____ be and is hereby adjudged an incapacitated person. _____ is appointed Emergency Plenary Guardian of the Person and _____ is appointed Emergency Plenary Guardian of the Estate.

The Emergency Plenary Guardian of the Person shall have authority to consent to the general care, maintenance and custody of _____, without exception.

The Emergency Plenary Guardian of the Person shall assure that _____ receives appropriate services and shall assist him/her in developing self-reliance and independence.

The Emergency Plenary Guardian of the Estate shall have the authority to marshal all of _____'s income and assets, pay his/her bills and

manage his/her financial affairs as fully as _____ could do so himself/herself if he/she had not be adjudged incapacitated.

If there is a safe deposit box in the name of the incapacitated person alone or in the names of the incapacitated person and another or others, said safe deposit box shall not be entered by the Guardian except in the presence of a representative of the financial institution where the box is located or in the presence of a representative of the Orphans' Court Division. The representative present at the time of entry shall make or cause to be made a record of the incapacitated person's property, and said record shall be filed with the Clerk of the Orphans' Court Division. None of the incapacitated person's property may be removed until after the aforesaid inventory is completed.

If the safe deposit box is jointly owned, five (5) days notice of the proposed entry shall be given to the other owners by the Guardian.

The appointment of the Emergency Plenary Guardian of the Person and Estate shall remain in effect until further Order of Court.

NO BOND REQUIRED ON EMERGENCY PLENARY GUARDIAN APPOINTMENT

_____, an incapacitated person, has the right to appeal this Order of Court by filing exceptions with the Clerk of the Orphans' Court Division within twenty (20) days of the date of this Order or to file an appeal with the Prothonotary's Office of the Superior Court of Pennsylvania within thirty (30) days of the date of this Order or petition this Court for a hearing to review or terminate the adjudication of incapacity and guardianship herein established.

If _____ was not present at this hearing on appointment of a guardian then petitioner shall serve upon and read to _____

the Statement of Rights, a copy of which is attached to this Order on Exhibit "A", and file proof of such service with this Court within ten (10) days of the date of this Order.

PER CURIAM:

_____, J.