

APPENDIX B-2 Preliminary Order awarding a Citation for Emergency and Permanent Guardian under Rule 14, Section 2 (a) and 6 (a)

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

IN RE: _____) No. _____) an alleged incapacitated person)

P R E L I M I N A R Y O R D E R O F C O U R T (EMERGENCY AND PERMANENT GUARDIAN)

AND NOW, this _____ day of _____, _____, the foregoing Petition having been presented in open Court, upon consideration thereof and on motion of * _____, counsel for Petitioner, it is ORDERED and DECREED that a Citation be awarded, directed to * _____ to show cause why an emergency plenary/limited guardian of *his/her person and estate should be appointed, returnable _____, _____, and why *he/she should not be adjudged an incapacitated person and a permanent *plenary/limited guardian of his/her person and estate should be appointed returnable _____, _____.) This Petition seeks to have * _____ adjudged an incapacitated person.

The time and place of hearing on the Petition for appointment of an emergency *plenary/limited guardian of the person and estate of the alleged incapacitated person are fixed for _____, _____, at _____ o'clock, _____M.

The alleged incapacitated person shall be given notice of the hearing on appointment of an emergency guardian of *his/her person and estate by serving *him/her personally with the Citation, this Order of Court and a copy of the foregoing Petition prior to the time of such emergency hearing [(or) the Court finds that service of notice of appointment of an emergency guardian upon the

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alleged incapacitated person is not feasible under the circumstances and is, therefore, waived pursuant to 20 Pa. C.S.A. 5513.]

The court finds that the following additional notice to others of the hearing on appointment of an emergency guardian of the alleged incapacitated person is feasible in the circumstances and directs that same be made upon the following persons in the following manner

The Court finds that strict compliance with 20 Pa. C.S.A. 5511 (e) and Rule 14, Section 1 of the Allegheny County Orphans' Court Division Rules (both relating to contents of the Petition) are not feasible under the circumstances and are waived for the purpose of the hearing on appointment of an emergency guardian of the alleged incapacitated person.

The Court further finds that strict compliance with 20 Pa. C.S.A. 5511 (a) (relating to notification concerning the right to counsel and the appointment of counsel for the alleged incapacitated person) are not feasible under the circumstances and are waived for the purpose of the hearing on appointment of an emergency guardian of the alleged incapacitated person.

The time and place of hearing on the Petition for appointment of a permanent *plenary/limited guardian of the person and estate of the alleged incapacitated person are fixed for _____, _____, at _____ o'clock, _____ .M., prevailing time in the Orphans' Court Division, Seventeenth Floor, Frick Building, Pittsburgh, Pennsylvania 15219.

At least twenty (20) days written notice of the hearing on appointment of a permanent guardian of his/her person and estate shall be given to

* _____, the alleged incapacitated person, by serving *him/her personally with a copy of the Petition, the Citation and this Order of Court, together with an explanation of their contents and terms of the Petition. Additional _____, at least _____ days written notice of the Petition and hearing on the appointment of a permanent guardian shall also be given either personally or by registered or certified mail to the following: all persons residing within the commonwealth who are sui juris and would

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be entitled to share in the estate of the alleged incapacitated person if *he/she were to die intestate; to the person or institution providing residential services to the alleged incapacitated person; the United States Department of Veterans' Affairs V.A. Regional Office (271), Attention: Chief, Fiduciary Unit, 1000 Liberty Avenue, Pittsburgh, PA 15222, if the Alleged Incapacitated Person is receiving benefits from the United States Veterans' Administration, and to the following other parties in interest:

_____.

BY THE COURT:

_____, J.