

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
LIMITED GUARDIAN OF PERSON AND/OR ESTATE**

AND NOW, this _____ day of _____, _____, a hearing in this case having been held on _____, _____ and it appearing to the Court that _____ was served with a 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 partially 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 of his/her physical health and safety.

2. That there is insufficient support available to assist _____ in overcoming such limitations and that there exists no less restrictive alternative mechanism for decisions making than the appointment of a Limited Guardian.

3. That based on the partial incapacity of _____ to receive and evaluate information effectively, and to make or communicate decisions, a Limited Guardian of the Person and Limited 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 hereby is adjudged a partially incapacitated person.

_____ is appointed Emergency Limited Guardian of the Person of _____ and _____ is appointed Emergency Limited Guardian of the Estate of _____.

The Emergency Limited Guardian of the Person shall have authority to consent to the general care, maintenance and custody of _____ with the exception of:

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

The Emergency Limited Guardian of the Estate shall have authority to marshal all of _____'s income and assets except that _____, the incapacitated person, shall retain the following power and authority to act on his/her own behalf regarding his/her estate:

_____.

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. The representative shall be reimbursed for all expenses incurred payable from the estate of the incapacitated person.

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.

NO BOND REQUIRED ON EMERGENCY LIMITED 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 by filing an appeal with the Prothonotary's Office of the Superior Court of Pennsylvania within thirty(30) days of the date of this Order or to

petition the Court for a review hearing to modify or terminate the 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 as Exhibit "A", and file proof of such service with this Court within ten days.

PER CURIAM:

_____, J.