

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

IN RE:

No.

of

An Alleged Incapacitated Person.

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

Copy to:

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

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

**ORDER OF COURT DETERMINING INCAPACITY AND
APPOINTING EMERGENCY PLENARY 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 Citation and Notice of this hearing on _____ and _____ at the hearing and the Court finds that the physical or mental condition of _____ be harmed by _____ presence at the hearing, and further finds from the testimony:

1. That _____ suffers from a condition or disability which totally impairs _____ capacity to receive and evaluate information effectively and to make and communicate decisions concerning _____ management of financial affairs or to meet essential requirements for physical health and safety.
2. That there are insufficient supports available to assist _____ in overcoming such limitation and that there exists no less restrictive alternative mechanism for decision making other than the appointment of a Emergency Plenary Guardian.
3. That based on the total incapacity of _____ to receive and and evaluate information effectively and to make or communicate decisions, a Plenary Guardian of the _____ is required on a 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 totally incapacitated person.
is appointed Emergency Plenary Guardian of the _____ of _____

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 _____ in developing self-reliance and independence.

The Emergency Plenary Guardian of the Estate shall have the authority to marshal all _____'s income and assets, pay _____ bills and manage financial affairs as fully as _____ could do so if _____ he had not been 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 and 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.

This appointment of Emergency Plenary Guardian of the
of _____ shall expire at
at which time and date a final hearing in this matter shall be held.

NO BOND REQUIRED ON EMERGENCY PLENARY GUARDIAN APPOINTMENT.

The testimony from this hearing on the emergency adjudication of incapacity and guardianship herein established shall be preserved and perpetuated for the hearing on the permanent adjudication of incapacity and guardianship.

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

If _____ was not present at the hearing on the adjudication of incapacity and the appointment of a guardian then Petitioner shall serve upon and read to _____ the Statement of Rights attached to this Order of Court and marked as Exhibit A. Proof of service of the Statement or Rights shall be filed by the Guardian with the Clerk of the Orphans' Court within ten (10) days of the date of this Order.

BY THE COURT:

_____, J.