IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

ORPHANS’ COURT DIVISION

IN RE:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

an alleged incapacitated person

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# ORDER OF COURT DETERMING

# INCAPACITY AND APPOINTING EMERGENCY PLENARY GUARDIAN

# OF PERSON (AND/OR) ESTATE

# Filed on behalf of:

# \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Petitioner(s)

# Counsel of Record for this Party:

# Attorney Name and ID#

# Address

# Phone #

# Email address

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 the 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 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 for (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 Plenary Guardian.

1. That based on the incapacity of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to receive and evaluate

information effectively and to make or communicate decisions, a Plenary Guardian of the

(Person and/or Estate) is 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 of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is appointed Emergency Plenary Guardian of the Estate 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 (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 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) day’s notice of the proposed entry shall be given to the other owners by the guardian.

The appointment of Emergency Plenary Guardian of the (Person and/or Estate) shall remain in effect until further \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_, at \_\_\_\_\_\_\_\_\_\_, at which time a hearing on the permanent adjudication of incapacity and guardianship will 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 the 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 (his or her) incapacity and appointment of an emergency plenary guardian, the Petitioner shall serve upon and read to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ the Statement of Rights attached to this Order of Court and marked Exhibit “A”. Proof of service of the Statement of Rights shall be filed by the guardian with the Clerk of the Orphans’ Court Division within ten (10) days of the date of this Order.

 BY THE COURT:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_J.