

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

IN RE:

No.

of

An Alleged Incapacitated Person.

**FINAL ORDER OF COURT
DETERMINING INCAPACITY AND
APPOINTMENT OF GUARDIAN**

Copy to:

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

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

**FINAL ORDER OF COURT DETERMINING INCAPACITY AND APPOINTING
PERMANENT GUARDIAN OF**

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 _____ at the hearing and the Court finds that the physical or mental condition of _____ 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.

2. That there are insufficient supports available to assist _____ in overcoming such limitations and that there exists no less restrictive mechanism for decision making that the appointment of a _____ Guardian.

3. That based on the total incapacity of _____ to receive and evaluate information effectively and to make or communicate decisions, a Guardian of the _____ is required on a permanent 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 Permanent Guardian of the of

The Permanent Guardian of the Person shall have full authority to consent to the general care, maintenance, and custody of without exception.

The Permanent Guardian of the Person shall assure that receives appropriate services and shall assist in developing self-reliance and independence.

The Permanent Guardian of the Estate shall have the authority to marshal all of 's income and assets, pay bills and manage financial affairs as fully as could do so if 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 Orphans' Court Division and a representative of the financial institution where the box is located. 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.

An Inventory must be filed by _____ . An Annual Report
by the Guardian of the Person and Estate shall be filed by _____ and
annually thereafter in a form approved by the Orphans' Court Division.

The Guardian of the Estate is hereby granted permission to expend principal for the ordinary care and maintenance of the incapacitated person for the period of one year from the date of this order, after which time a Petition for Allowance must be filed to expend additional principal, if required.

If _____ is approved for Medical Assistance benefits, the Guardian of Person and/or Estate is hereby authorized to be paid the sum of Three Hundred Dollars (\$300.00) per month by the Department of Human Services Medical Assistance Program, on an ongoing basis, for guardianship services rendered to _____ .

The guardian may petition the court for additional guardian fees and expenses from the estate by filing a Petition For Allowance.

Within sixty (60) days of the death of the incapacitated person or an adjudication of capacity and modification of existing orders, the Guardian of the Estate shall file a Final Annual Report of the Person, a Final Annual Report of the Estate, and a Final Accounting.

A Surety Bond in the amount of _____ shall be presented for approval by the guardian of the estate within five (5) days of the date of this Order.

_____, 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 appointment of a guardian, then 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 within ten (10) days of the date of this Order.

BY THE COURT:

_____ J.