

RULE 14. INCOMPETENTS' ESTATES

- Rule
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Rule 14.1. Local rules.

The practice and procedure with respect to incapacitated persons' shall be as prescribed by local rules, which shall not be inconsistent with Rules 14.2—14.5.

Source

The provisions of this Rule 14.1 amended December 23, 1999, effective January 1, 1999, 29 Pa.B. 327. Immediately preceding text appears at serial page (197031).

Rule 14.2. Adjudication of incapacity and appointment of a guardian of the person and/or estate of an incapacitated person.

A petition to adjudicate incapacity shall meet all requirements set forth at 20 Pa.C.S. § 5511. A citation and notice in the form approved by the Supreme Court shall be attached to and served with a petition. The procedure for determination of incapacity and for appointment of a guardian shall meet all requirements set forth at 20 Pa.C.S. §§ 5512 and 5512.1.

Committee Comment—2006: The form of citation and notice formerly found in the body of rule 14.5 has been moved to the Appendix.

Source

The provisions of this Rule 14.2 amended December 23, 1998, effective January 1, 1999, 29 Pa.B. 327; amended October 16, 2006, effective 30 days from the date of entry of this order, 36 Pa.B. 6760. Immediately preceding text appears at serial page (252129).

Rule 14.3. Review hearing.

A petition for a review hearing has become competent shall set forth:

- (1) the date of the adjudication of incapacity;
- (2) the name and address of the guardian;
- (3) if the incapacitated person has been a patient in a mental hospital, the name of such institution, the date of admission, and the date of discharge;
- (4) the present address of the incapacitated person, and the name of the person with whom the incapacitated person is living;
- (5) the names and addresses of the presumptive adult heirs of the incapacitated person; and
- (6) an averment that (i) there has been significant change in the person's capacity; (ii) there has been a change in the need for guardianship services; or

(iii) the guardian has failed to perform duties in accordance with the law or act in the best interest of the incapacitated person.

Official Note: See 20 Pa.C.S. § 5512.2.

Source

The provisions of this Rule 14.3 amended December 23, 1998, effective January 1, 1999, 29 Pa.B. 327. Immediately preceding text appears at serial page (197032).

Rule 14.4. Proceedings relating to real estate.

A petition for the public or private sale, exchange, lease, or mortgage of real estate of an incapacitated person or the grant of an option for the sale, exchange or lease of the same shall conform as far as practicable to the requirements of these rules for personal representatives, trustees and guardians of minors in a transaction of similar type.

Source

The provisions of this Rule 14.4 amended December 23, 1998, effective January 1, 1999, 29 Pa.B. 327. Immediately preceding text appears at serial page (197032).

Rule 14.5. Form of Citation and Notice.

The citation and notice to be attached to and served with a petition for adjudication of incapacity and appointment of guardian shall be substantially in the form approved by the Supreme Court.

Committee Comment—2006: The form of citation and notice formerly found in the body of Rule 14.5 has been moved to the Appendix.

Source

The provisions of this Rule 14.5 adopted June 12, 1995, effective August 5, 1995, 25 Pa.B. 2594; amended June 29, 2001, effective July 1, 2001, 31 Pa.B. 3872; amended October 16, 2006, effective 30 days from the date of entry of this order, 36 Pa.B. 6760. Immediately preceding text appears at serial pages (252130) and (281641).

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