

CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

- Rule
14.1. [Rescinded].
14.2. Adjudication of Incapacity and Appointment of a Guardian of the Person and/or Estate of an Incapacitated Person.
14.3. Review Hearing.
14.4. Proceedings Relating to Real Estate.
14.5. Forms.

Source

This Rule 14 renamed Chapter XIV December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098.

(Editor's Note: Supreme Court Order No. 770 (June 1, 2018) reserved Rules 14.1—14.5 and adopted Rules 14.1—14.14, effective June 1, 2019. See 48 Pa.B. 3524 (June 16, 2018).)

Rule 14.1. [Rescinded].

Note: See Rule 1.5.

Source

The provisions of this Rule 14.1 amended December 23, 1999, effective January 1, 1999, 29 Pa.B. 7098.

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 an individual as an incapacitated person 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 determining incapacity and for appointment of a guardian shall meet all requirements set forth at 20 Pa.C.S. §§ 5512 and 5512.1.

Explanatory Comment: See Rule 14.5(a) for form of citation and notice.

Source

The provisions of this Rule 14.2 amended December 23, 1998, effective January 1, 1999, 29 Pa.B. 329; amended October 16, 2006, effective 30 days from the date of entry of this order, 36 Pa.B. 6760; amended December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098. Immediately preceding text appears at serial page (373433).

Rule 14.3. Review Hearing.

A petition for a review hearing shall set forth:

- (a) the date of the adjudication of incapacity;
- (b) the name and address of the guardian;
- (c) if the incapacitated person has been a patient in a mental health facility, the name of such facility, the date of admission, and the date of discharge;
- (d) the present address of the incapacitated person, and the name of the person with whom the incapacitated person is living;

- (e) the names and addresses of the presumptive adult heirs of the incapacitated person; and
- (f) an averment that:
- (1) there has been significant change in the incapacitated person's capacity;
 - (2) there has been a change in the need for guardianship services; or
 - (3) the guardian has failed to perform duties in accordance with the law or act in the best interest of the incapacitated person.

Explanatory Comment: For the court's disposition of a petition for a review hearing and evidentiary burden of proof, 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. 329; amended December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098. Immediately preceding text appears at serial pages (373433) to (373434).

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. 329; amended December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098. Immediately preceding text appears at serial page (373434).

Rule 14.5. Forms.

The following forms located in the Appendix shall be used exclusively.

- (a) Important Notice—Citation with Notice;
- (b) Annual Report of Guardian of the Estate;
- (c) Annual Report of Guardian of the Person; and
- (d) Guardian's Inventory.

Explanatory Comment: In accordance with Rule 1.8, these forms must be used exclusively and cannot be replaced or supplanted by a local form.

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; reserved December 1, 2015, effective September 1, 2016, 45 Pa.B. 7098. Immediately preceding text appears at serial page (373434).

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