

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Proposed Rescission and Replacement of Forms G-02, G-03 and G-04, and Proposed Adoption of Forms G-05 and G-06

The Orphans' Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the rescission and replacement of Forms G-02, G-03, and G-04, and the adoption of Forms G-05 and G-06, governing guardianships, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Lisa M. Rhode, Counsel
Orphans' Court Procedural Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P. O. Box 62635
Harrisburg, PA 17106-2635
FAX: (717) 231-9551
orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by April 10, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Orphans' Court
Procedural Rules Committee*

JOHN F. MECK, Esq.,
Chair

EXPLANATORY REPORT

Proposed Rescission and Replacement of Orphans' Court Forms G-02, G-03, and G-04, and Proposed Adoption of Forms G-05 and G-06

In 2013, the Supreme Court of Pennsylvania constituted a 38-member Elder Law Task Force to formulate a plan for substantive improvements in the way Pennsylvania's court system interacts with elders, including the topics of guardianship, elder abuse and neglect, and overall access to justice. In 2014, the Task Force delivered a comprehensive 284-page report detailing 130 specific recommendations to help lay the foundation for improvements in tackling issues in the courts and by other government entities. The report in its entirety can be viewed at: <http://www.pacourts.us/courts/supreme-court/committees/supreme-court-boards/elder-law-task-force>

The report contained a number of specific recommendations for amendment of the Orphans' Court Procedural Rules. The recommendations are currently under consideration by the Committee. The report also suggested modification of current statewide forms for guardianship matters and the addition of several new forms to assist in monitoring guardianships.

Herein, the Committee proposes to rescind and replace the following forms with those recommended by the Task Force:

- Form G-02 Annual Report—Guardian of Estate
- Form G-03 Annual Report—Guardian of Person
- Form G-04 Guardian's Inventory

The proposed modifications are not limited to format improvements. The amended forms are intended to enhance the amount and type of information collected from guardians to allow closer monitoring of guardianship activity. The Task Force observed, and the Committee concurs, that more information collected at the beginning of the guardianship can alleviate later problems after the guardian assumes his or her duties.

The Committee proposes to add the following new forms:

- Form G-05 Certificate of Filing
- Form G-06 Deposition of Written Interrogatories of Physician or Licensed Psychologist

The goal of the proposed Certificate of Filing form is to facilitate best practices identified by the Task Force. The objective of this form is to facilitate information sharing among interested parties, while protecting the privacy and best interests of the incapacitated person. Per the recommendations from the Elder Law Task Force, it would become a best practice for the judge at the time a guardian is appointed, to identify the interested parties entitled to notice from the guardian that a required report has been filed with the court.

The Certificate of Filing is a proposed new statewide form available for guardians to use in order to certify on the court docket that the guardian has provided such notice of filing to the interested parties. The Certificate of Filing form instructs the recipient that a copy of the Certificate along with proper identification will be required to access and view the filed documents. Also included in Instructions for Document Access is a section to be modified locally to set forth the county-specific process for requesting documentation.

The purpose of the proposed Deposition of Written Interrogatories of Physician or Licensed Psychologist form is to facilitate another best practice identified by the Task Force. The form is intended to be completed by the evaluator and reflect the evaluator's assessment of the capacity of the alleged incapacitated person. In uncontested matters, this form may be submitted to the court in the place of sworn testimony. With this form, it is believed that the evaluator can be relieved of the burden of testifying in person, as well as avoiding unnecessary fees in uncontested cases. Moreover, the need for one less witness to appear should ease scheduling difficulties. This form is not intended to replace the need for live testimony in contested cases.

Currently, a licensed psychologist or treating physician is permitted by statute to submit his or her evaluation by deposition in lieu of live testimony. 20 Pa.C.S. § 5518. However, the form of this written deposition (or interrogatories) varies by county. The proposed form included in this proposal would become a mandatory statewide form to be used by each and every evaluator who is providing testimony by deposition regarding the capacity of an alleged incapacitated person.

Through the formal rulemaking process, the Committee will consider at a later time whether these best practices should be codified as requirements under the procedural rules. During the interim, these new forms are proposed to be made available for statewide use.

The Committee invites the bench, bar, and public to submit their comments, suggestions, or objections to this proposal.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

INDEX TO APPENDIX

**ORPHANS' COURT AND REGISTER OF WILLS FORMS ADOPTED BY SUPREME COURT
PURSUANT TO Pa.O.C. Rule 1.3**

* * * * *

B. Guardianship Forms

1. Important Notice—Citation with Notice (Pa.O.C. Rule 14.5)	G-01
2. [Annual Report—]Guardian of Estate	G-02
3. Annual Report—Guardian of Person	G-03
4. Guardian's Inventory	G-04
5. Certificate of Filing	G-05
6. Deposition by Written Interrogatories of Physician or Licensed Psychologist	G-06
[5.] 7. Petition for Adjudication—Guardian of Estate of Incapacitated Person	OC-03*
[6.] 8. Petition for Adjudication—Guardian of Estate of Minor	OC-04**

* Form OC-3 is not reprinted here and is located under Audit and Administration Forms at No. 3.

** Form OC-4 is not reprinted here and is located under Audit and Administration Forms at No. 4.

* * * * *

(Editor's Note: As part of this proposed rulemaking, the Committee is proposing to rescind Forms G-02, G-03 and G-04, which appear in 231 Pa. Code pages Appx-48 to Appx-58, serial pages (323316) to (323326), and replace them with the following forms. The Committee also proposes to add Forms G-05 and G-06. Proposed Forms G-02—G-06 are printed in regular type to enhance readability.)

Form G-02. Guardian of Estate.

COURT OF COMMON PLEAS OF _____ COUNTY
 ORPHANS' COURT DIVISION

ANNUAL REPORT OF GUARDIAN OF THE ESTATE

ESTATE/GUARDIANSHIP OF

An Incapacitated Person

DOCKET NO.

DATE OF DECREE:

DUE DATE:

FILING FEE:

PART I: INTRODUCTION

1. Name of Guardian:

(List Co-Guardian name if applicable)

2. Type of Guardianship:

- Plenary
 Limited

3. Report Period

- This is the **Annual Report** for the period from _____ to _____ (the "Report Period")
- This is the **Final Report** for the period from _____ to _____ (the "Report Period") and is filed for the following reason:
-
- The death of the Incapacitated Person. Date of death: _____
 Name of Personal Representative: _____
- The Guardianship was terminated by the Court by Decree of _____ J., dated _____
-

PART II: SUMMARY

4. If this is the first annual report, state the value of the assets (principal) reported on the Inventory or most recent amended Inventory	\$
5. If this is not the first annual report, state ending balance of the assets (principal) from the previous annual report (annual report - question 8)	\$
6. What is the total amount of income earned during the Report Period?	\$
7. What is the total amount of income and assets (principal) spent for all purposes during the Report Period?	\$
8. What are the balances remaining at the end of the Report Period?	Assets: \$
	Income: \$
9. Total of principal and income	\$

PART III. ASSETS (PRINCIPAL)

10. Are the assets (principal), listed in question 8 invested?

- No - Skip to question 11
- Yes - Answer question 10a.

10a. Where are the assets (principal) invested?

Name of Financial Institution	Balance of Assets (Principal)

11. Were the assets (principal) spent during the Report Period?

- Yes - Answer questions 11a. - 11c.
- No - Skip to question 12.

11a. Were the assets (principal) spent for the sole benefit of the Incapacitated Person?

- Yes
- No

11b. Complete the following information for all asset (principal) expenditures:

Expense Amount	Description of Expense	To Whom Paid	Date Paid

11c. Was Court approval received prior to spending principal?

- Yes

If **yes**, attach copy of Order.

- No

If **no**, provide an explanation as to why court approval was not obtained:

12. Were additional principal assets (principal) received during the Report Period which were not included in the Inventory or a prior report filed for the Estate?

- Yes - Answer questions 12a. - 12b.
- No - Skip to question 13

12a. Was Court approval requested prior to receiving the additional principal?

- Yes
- No

If **no**, provide an explanation as to why court approval was not obtained:

12b. Complete the following information for all additional principal received:

Source	Amount
	\$
	\$
	\$
	\$

PART IV. INCOME

13. List all sources of income for the Incapacitated Person during the report period:

Does the Incapacitated Person receive any of the following as income?	Annual Amount
Social Security Retirement benefits <input type="radio"/> Yes <input type="radio"/> No	\$
Social Security Disability benefits <input type="radio"/> Yes <input type="radio"/> No	\$
Supplemental Security Income benefits (SSI) <input type="radio"/> Yes <input type="radio"/> No	\$
Public Assistance <input type="radio"/> Yes <input type="radio"/> No	\$
Veterans Financial benefits <input type="radio"/> Yes <input type="radio"/> No	\$
Trust income <input type="radio"/> Yes <input type="radio"/> No	\$
Wages <input type="radio"/> Yes <input type="radio"/> No	\$
Workman’s Compensation benefits <input type="radio"/> Yes <input type="radio"/> No	\$
Dividends <input type="radio"/> Yes <input type="radio"/> No	\$
Interest income <input type="radio"/> Yes <input type="radio"/> No	\$
Tax refund <input type="radio"/> Yes <input type="radio"/> No	\$
Realized Gain on Other Asset <input type="radio"/> Yes <input type="radio"/> No	\$
Rental Income <input type="radio"/> Yes <input type="radio"/> No	\$
Pension <input type="radio"/> Yes <input type="radio"/> No	\$
Annuity Income <input type="radio"/> Yes <input type="radio"/> No	\$
Other: <input type="radio"/> Yes <input type="radio"/> No	\$
TOTAL	

14. Is the income balance (listed in question 13) invested?

- No - Skip to question 15
- Yes - Answer question 14a.

14a. Where is income invested?

Name of Financial Institution	Balance of Income

PART V. ANNUAL EXPENSES

15. Complete the following information for all expenditures that were made from the assets (principal) and income for the care and maintenance of the Incapacitated Person. Leave blank if the expense is not applicable.

Expense	Description	Annual Amount
Nursing/Assisted Living Home		
Rent Payment		
Mortgage Payment		
Utilities		
Transportation		
Medical Treatment Costs		
Medications		

15. (Continued)

Expense	Description	Annual Amount
Credit Card Payments		
Food		
Clothing		
Entertainment		
Personal expenses (including allowance)		
Income & Property Tax		
Home/Property Maintenance Costs		
Home Insurance		
Auto Insurance		
Medical Insurance		
Life Insurance		
Gifts		
Child/Spousal Support		
Fees/Cost paid to Guardian		
Other (list all other payments)		

PART VI. GUARDIANS' COMMISSION

16. Did the Guardian receive a commission?

- Yes - Answer questions 16a. - 16c.
- No - Skip to question 17

16a. List amounts of compensation paid as Guardian's commission and state how the amount was determined:

Amount	Method of Determination	Court Approval Obtained	
		Yes <input type="radio"/>	No <input type="radio"/>
		Yes <input type="radio"/>	No <input type="radio"/>
		Yes <input type="radio"/>	No <input type="radio"/>
		Yes <input type="radio"/>	No <input type="radio"/>

16b. Was the commission authorized by Decree?

- Yes

If **yes**, attach a copy of Decree and indicate paragraph number on Decree granting authorization:

If commission is based on an hourly rate, indicate the rate and number of hours expended:

- No

If **no**, explain why court permission was not obtained prior to payment of the commission:

16c. Have you maintained a log of your activities as Guardian?

- Yes
- No

If **yes**, attach copy of log

PART VII. COUNSEL FEE

17. Did the Incapacitated Person pay a counsel fee?

- Yes - Answer questions 17a. - 17b.
- No - Skip to question 18

17a. List amounts paid as counsel fee:

Amount	Name of Counsel	Court Approval Obtained	
		Yes <input type="radio"/>	No <input type="radio"/>
		Yes <input type="radio"/>	No <input type="radio"/>
		Yes <input type="radio"/>	No <input type="radio"/>
		Yes <input type="radio"/>	No <input type="radio"/>

17b. Was the counsel fee authorized by Decree?

- Yes

If **yes**, attach copy of Decree and indicate paragraph number on Decree granting authorization:

If fee is based on an hourly rate, specify the rate and number of hours expended:

- No

If **no**, explain why court permission was not obtained prior to payment of fee:

PART VIII. REPRESENTATIVE PAYEE

18. Does the Guardian act as the Incapacitated Person’s representative payee for the Social Security Administration (SSA) or Veterans Administration (VA)?

- Yes
- No

If **yes**, attach copy of SSA or VA annual report

PART IX. SURETY INFORMATION

19. Was a surety bond required?

- Yes - Answer questions 19a. - 19b.
- No - Skip to question 20

19a. Is the surety bond still in effect?

- Yes
- No

If **no**, provide an explanation as to why not:

19b. Has the value of the estate increased beyond what was originally reported in the inventory?

- Yes
- No

If **yes**, has the amount of the surety bond increased accordingly?

- Yes
- No

20. If you are a professional guardianship agency or an attorney serving as guardian, do you have professional liability coverage?

- Yes - Answer questions 20a. - 20b.
- No - Skip to question 21
- Not applicable - Skip to question 21

20a. Is the insurance policy still in effect?

- Yes
- No

If **no**, provide an explanation as to why not:

20b. Are the coverage limits and exclusions under the current professional liability coverage different than those stated in the original Inventory?

- Yes
- No

If **yes**, state the differences:

PART X. MISCELLANEOUS

21. Is the Certificate of Filing attached?

- Yes
- No

22. Since the last reporting period, has the guardian attended any trainings on guardianships?

- Yes
- No

If **yes**, please list the dates attended and a description of all trainings:

Date of Training	Training Description

23. Since the last reporting period, has the guardian had any judgments filed against them or entered into bankruptcy?

- Yes
- No

If **yes**, describe:

24. Is there any other reason you cannot continue to serve as guardian?

I verify that the foregoing information is correct to the best of my knowledge, information and belief; and that this Verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to un-sworn falsification to authorities.

Date

Signature of Guardian of the Estate

Name of Guardian of the Estate (type or print)

Address

Telephone

Date

Signature of Co-Guardian of the Estate (if applicable)

Name of Co-Guardian of the Estate (type or print)

Address

Telephone

Form G-03. Annual Report—Guardian of Person.

COURT OF COMMON PLEAS OF _____ COUNTY
ORPHANS' COURT DIVISION

ANNUAL REPORT OF GUARDIAN OF THE PERSON

ESTATE/GUARDIANSHIP OF

An Incapacitated Person

DOCKET NO.

DATE OF DECREE:

DUE DATE:

FILING FEE:

PART I: INTRODUCTION

1. Name of Guardian:

(List Co-Guardian name if applicable)

2. Type of Guardianship:

- Plenary
- Limited

3. Report Period

This is the **Annual Report** for the period from _____ to _____ (the "Report Period")

This is the **Final Report** for the period from _____ to _____ (the "Report Period") and is filed for the following reason:

The death of the Incapacitated Person. Date of death: _____
Name of Personal Representative: _____

The Guardianship was terminated by the Court by Decree of: _____
J., dated: _____

If this is a Final Report, skip to question 16

PART II: PERSONAL INFORMATION

4. Incapacitated Person's age: _____ and date of birth: / _ /

5. Current address of the Incapacitated Person:

6. Name and address of the Incapacitated Person's primary caregiver:

7. The Incapacitated Person's residence is:

- Incapacitated Person's home
- Guardian's home
- Relative's home

State name, relationship and address:

- Domiciliary Care
- Personal Care Boarding Home
- Assisted Living Facility
- Nursing Home
- Other:

8. The Incapacitated Person has been in the residence noted in question 7 since:

11. List and describe all of the Incapacitated Person’s medical conditions (physical or mental). For each condition, indicate what services are provided.

Medical Conditions	Services the Incapacitated Person is receiving to address the condition	Is this a new condition (in the past 12 months?)
		<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No
		<input type="radio"/> Yes <input type="radio"/> No

PART IV: GUARDIAN'S OPINION

12. It is the opinion of the Guardian of the Person that the guardianship should be:

- Continued
- Continued with the following modifications:

Terminated

13. Provide the reason for the choice selected in question 12.

14. How many times during the past year did the Guardian of the Person visit the Incapacitated Person:

- 1-4 times
- 5-11 times
- Monthly
- Weekly
- More than weekly
- No in-person visits

15. What was the average length of a visit?

- Less than 15 minutes
- Between 15 minutes and 1 hour
- Between 1 and 2 hours
- More than 2 hours
- Not applicable

PART V: MISCELLANEOUS

16. Is the Certificate of Filing attached?

- Yes
- No

17. Since the last reporting period, has the guardian attended any trainings on guardianships?

- Yes
- No

If **yes**, please list the dates attended and a description of all trainings:

Date of Training	Training Description

18. Since the last reporting period, has the guardian had any judgments filed against them or entered into bankruptcy?

- Yes
- No

If **yes**, describe:

19. Is there any other reason you cannot continue to serve as guardian?

I verify that the foregoing information is correct to the best of my knowledge, information and belief; and that this Verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to unsworn falsification to authorities.

Date

Signature of Guardian of the Person

Name of Guardian of the Person (type or print)

Address

Telephone

Date

Signature of Co-Guardian of the Person (if applicable)

Name of Co-Guardian of the Person (type or print)

Address

Telephone

Form G-04. Guardian's Inventory.

COURT OF COMMON PLEAS OF
ORPHANS' COURT DIVISION

COUNTY

INVENTORY

ESTATE/GUARDIANSHIP OF

An Incapacitated Person

DOCKET NO.

DATE OF DECREE:

DUE DATE:

FILING FEE:

Inventory type: Initial Amended

PART I: ANNUAL INCOME

1. List all sources of income for the Incapacitated Person:

Does the Incapacitated Person receive any of the following as income? Annual Income

Social Security Retirement benefits	<input type="radio"/> Yes	<input type="radio"/> No	\$
Social Security Disability benefits	<input type="radio"/> Yes	<input type="radio"/> No	\$
Supplemental Security Income benefits (SSI)	<input type="radio"/> Yes	<input type="radio"/> No	\$
Public Assistance	<input type="radio"/> Yes	<input type="radio"/> No	\$
Veterans Financial benefits	<input type="radio"/> Yes	<input type="radio"/> No	\$
Trust income	<input type="radio"/> Yes	<input type="radio"/> No	\$
Wages	<input type="radio"/> Yes	<input type="radio"/> No	\$
Workman's Compensation benefits	<input type="radio"/> Yes	<input type="radio"/> No	\$
Dividends	<input type="radio"/> Yes	<input type="radio"/> No	\$
Interest income	<input type="radio"/> Yes	<input type="radio"/> No	\$
Tax refund	<input type="radio"/> Yes	<input type="radio"/> No	\$
Realized Gain on Other Asset	<input type="radio"/> Yes	<input type="radio"/> No	\$

3. Is any property co-owned by the Incapacitated Person and the guardian?

Yes

No

If **yes**:

3a. On what date was the property acquired? _/ / _

3b. On what date was the guardian's name added? / _ / _

3c. The guardian is:

an individual having access or control over the account

an owner of the account

4. Does the Incapacitated Person have a homeowners insurance policy for real property?

Yes

No

If **yes**:

4a. Carrier:

4b. Coverage period:

Attach a copy of insurance policy identifying coverage amounts

5. Does the Incapacitated Person have a homeowners insurance policy for personal property (jewelry, collectibles, etc.)?

Yes

No

If **yes**:

5a. Carrier:

5b. Coverage period:

Attach a copy of insurance policy identifying coverage amounts

6. Does the Incapacitated Person have an automobile insurance policy?

- Yes
- No

If yes:

6a. Carrier:

6b. Coverage period:

Attach a copy of insurance policy identifying coverage amounts

7. Does the incapacitated person have a safe deposit box?

- No
- Yes, in sole name
- Yes, in joint names

If yes:

7a. Location of safe deposit box:

7b. Are there plans to inventory the contents?

- Yes
- No

PART III. LIABILITIES/DEBTS

8. List all debts the Incapacitated Person owes, including mortgages, loans, credit card debt, etc.

Liabilities/Debts	Lender	Value
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$

PART IV. GUARDIAN COVERAGE

9. Was a surety bond required by the decree appointing you as guardian?

- Yes
 No

If **yes**, attach of copy of the bond

10. If you are a professional guardianship agency or an attorney serving as guardian, do you have professional liability coverage?

- Yes
 No
 Not applicable

If **yes**, attach copy of insurance policy

PART V. PERSONAL CARE PLAN

11. Reason for incapacity, as stated in the petition:

12. Can the Incapacitated Person remain in their current residence with assistance, or in the home of a relative?

- Yes
 No

If **yes**:

12a. List the name of the responsible family member:

12b. What services does the Incapacitated Person require?

- Services from local Area Agency on Aging
 Private Companion/Assistance Service

Number of days per week:

Number of hours per day:

- Assistance from family members

Will compensation be provided?

- Yes
 No

If **yes**, indicate compensation amount:

13. Will the Incapacitated Person be moved into a supervised residential setting?

- Yes
 No

If **yes**:

13a. Indicate the type of supervised residential setting:

- Domiciliary Care
 Personal Care Boarding Home
 Assisted Living Facility
 Nursing Home
 Other:

13b. Describe the steps that are being taken to move the Incapacitated Person into a supervised residential setting?

PART VI. FINANCIAL PLAN

14. Complete the following table using initial inventory or most recent amended inventory.

14a. Total Annual Income (Question 1)	\$	14b. Annual estimated expenses	\$
Net Income (14a minus 14b)	\$	14c. Total assets (principal) (Question 2)	\$

15. Is the net income listed above sufficient to care for the needs of the Incapacitated Person?

- Yes
- No, but assets (principal) are available based on petition to court requesting permission
- No, and assets (principal) are not available

16. Indicate any applications for government benefits that have been submitted:

Application type	Has an application been submitted?	Date of submission
Social Security Disability Insurance (SSDI)	<input type="radio"/> Yes <input type="radio"/> No	
Supplemental Security Income (SSI)	<input type="radio"/> Yes <input type="radio"/> No	
Social Security Retirement Benefits	<input type="radio"/> Yes <input type="radio"/> No	
Veteran's Benefits	<input type="radio"/> Yes <input type="radio"/> No	
Medical assistance, long term care	<input type="radio"/> Yes <input type="radio"/> No	
Medical assistance, Home Waiver	<input type="radio"/> Yes <input type="radio"/> No	
Other:	<input type="radio"/> Yes <input type="radio"/> No	

17. Describe all real estate included in the estate and how it will be maintained or sold:

18. Prior to the appointment of a guardian, had an agent under a Power of Attorney been serving?

Yes

No

If **yes**, did that agent access the incapacitated person's property for the agent's personal use?

Yes

No

If **yes**, has an accounting ever been requested or filed with the court?

Yes

No

PART VII: MEDICAL INFORMATION

19. Is a “no-code” (Do Not Resuscitate) provision in place for the incapacitated person?

- Yes
 No

20. When still capacitated, did the Incapacitated Person execute a durable power of attorney for health care or some other health care directive (including, but not limited to, a POLST or a mental health care power of attorney)?

- Yes
 No

If **yes**, identify the authorized agent for making health care decisions:

21. Are you aware of any will or trust executed by the Incapacitated Person, and/or any funeral or burial wishes of the Incapacitated Person?

- Yes
 No

If **yes**, describe:

22. Is the Certificate of Filing attached?

Yes

No

I verify that the foregoing information is correct to the best of my knowledge, information and belief; and that this Verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to unsworn falsification to authorities.

Date

Signature of Guardian

Name of Guardian (type or print)

Address

Telephone

Date

Signature of Co-Guardian (if applicable)

Name of Co-Guardian (type or print)

Address

Telephone

Form G-05. Certificate of Filing.

COURT OF COMMON PLEAS OF COUNTY

ORPHANS' COURT DIVISION

CERTIFICATE OF FILING

ESTATE/GUARDIANSHIP OF

An Incapacitated Person

DOCKET NO.

DATE OF DECREE:

I certify that on (date)

I filed the following documents:

- Inventory Amended Inventory Firearms search
- Annual Report - Guardian of the Person Annual Report - Guardian of the Estate

A copy of this Certificate of Filing is being sent to:

- Incapacitated Person
- Incapacitated Person's attorney or guardian ad litem (if currently representing protected person):
- The parent or guardian with whom the Incapacitated Person resides (if any):
- The following person(s) designated by court order:
- Intestate Heirs:
- Other Interested Parties:

Certification Method:

- By mail
- By fax (number)
- By personal delivery
- Overnight delivery/Fed Ex
- By e-mail if requested by recipient (unless local rule permits)

Printed Name

Guardian's Signature

Instructions for Document Access

If you are one of the individuals noted above to whom this certificate of filing was sent, you may access and view the documents filed by presenting this certificate of filing along with proper identification to the Clerks of the Orphans Court in the county listed on the previous page.

Counties should include specific instructions on how/where individuals who receive a Certificate of Filing can request documents from the Clerk of Orphans' Court.

Form G-06. Deposition by Written Interrogatories of Physician or Licensed Psychologist.

COURT OF COMMON PLEAS OF _____ COUNTY
ORPHANS' COURT DIVISION

**DEPOSITION BY WRITTEN INTERROGATORIES
OF PHYSICIAN OR LICENSED PSYCHOLOGIST**

IN THE MATTER OF

An Alleged Incapacitated Person

DOCKET NO.

PART I: PROFESSIONAL BACKGROUND

1. Name: _____ Title: _____

2. Professional Address: _____

3. Complete education information:

	Name of Institution	Type of Degree Received	Date Completed
Undergraduate			
Graduate			
Post-Graduate			

4. Do you have any professional licenses?

- Yes
- No

If **yes**, indicate type of license and date obtained:

5. Do you have experience evaluating capacity?

- Yes
- No

If **yes**, indicate the basis of your experience:

6. Have you ever testified in court or in an administrative proceeding regarding capacity or competency?

- Yes
- No

If **yes**, indicate the number of proceedings:

PART II: ALLEGED INCAPACITATED PERSON (AIP)

7. Have you met with the AIP in person in connection with this proceeding?

Yes

No

If **yes**, indicate the date(s) and location of meetings with the AIP:

8. Did you administer any tests to the AIP?

Yes

No

If **yes**, summarize the results or scoring of any tests administered:

9. Prior to this proceeding, did you treat or counsel the AIP?

Yes

No

If **yes**, indicate the date(s) and location of past treatments:

10. What is the present condition of the AIP? List all medical and psychiatric diagnoses and current conditions:

Diagnoses	Conditions

11. List all medications, including over-the-counter, that the AIP is taking. For each medication, indicate the prescribing physician and the diagnosis for which the medication was prescribed:

Medication	Diagnosis	Prescribing Physician

12. Indicate the AIP’s ability to perform the following functions:

	Unimpaired	Slightly Impaired	Moderately Impaired	Totally Impaired
Communicating decisions				
Receiving and evaluating information effectively				
Managing finances (including paying bills, making deposits, withdrawals and working with other financial institutions)				
Making healthcare decisions (including selecting medical caregivers, and authorizing or refusing treatment)				
Managing daily activities (including using the telephone, preparing food, housecleaning, and shopping)				
Maintaining personal care (including toileting, dressing, bathing, eating, and managing medications)				
Responding to emergency situations				

An Incapacitated Person is defined as: “An adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such an extent that he/she is partially or totally unable to manage his financial resources or to meet essential requirements for his/her physical health and safety.”

13. In your professional opinion, is the AIP incapacitated?

- Yes - totally incapacitated
- Yes - partially incapacitated
- No

14. In your professional opinion, do you recommend a guardianship for the AIP?

- No
- Yes - Plenary Guardianship
- Yes - Limited Guardianship

14a. If you recommend a limited guardianship, explain the limitations of the AIP that would require assistance through appointment of a guardian, and those that the AIP can manage independently:

PART III: GUARDIANSHIP AND SERVICES

15. Are there any circumstances, medical or otherwise, that create an urgent need for the appointment of a guardian for the AIP?

- Yes
- No

If **yes**, indicate reasons for emergency guardian:

16. What type of assistance does the AIP require and what level of care and living circumstances do you recommend?

17. What recommendations would you make concerning services necessary to meet the essential requirements for the AIP's physical health and safety?

18. What recommendations would you make concerning management of the AIP's financial resources?

19. Do you believe the AIP can regain capacity?

- Yes
- No

19a. Indicate reason(s) for response:

20. The AIP has a right to attend the hearing and to be represented by counsel if he/she desires. The court, in making its evaluation, is generally required to see the AIP in person, absent circumstances that could cause harm. Putting aside questions of whether the court proceeding may be moderately upsetting or confusing to the AIP, do you believe that the AIP's presence in the courtroom would be harmful to the person's emotional or physical well-being?

- Yes
- No

20a. Indicate reason for response:

21. Is there any other information that is relevant to your diagnosis that could assist the court in its determination of incapacity?

Four horizontal lines for providing additional information.

I verify that the foregoing information is correct to the best of my knowledge, information and belief; and that this Verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to unsworn falsification to authorities.

Date

Signature

Name (type or print)

Address

City, State, Zip

Telephone

[Pa.B. Doc. No. 15-404. Filed for public inspection March 6, 2015, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CHS. 500 AND 1000]

Proposed Amendment of the Official Notes to Pa.R.C.P.M.D.J. Nos. 515—516 and 1007

The Minor Court Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of the Official Notes to Pa.R.C.P.M.D.J. Nos. 515—516 and 1007, addressing the timeframe for requesting an order for possession, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Pamela S. Walker, Counsel
Minor Court Rules Committee
Supreme Court of Pennsylvania
Pennsylvania Judicial Center
P. O. Box 62635
Harrisburg, PA 17106-2635
FAX: 717-231-9526
minorrules@pacourts.us

All communications in reference to the proposal should be received by April 29, 2015. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

By the Minor Court Rules Committee

BRADLEY K. MOSS,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 500. ACTIONS FOR THE RECOVERY OF POSSESSION OF REAL PROPERTY

Rule 515. Request for Order for Possession.

* * * * *

Official Note: The fifteen days in subdivision A of this rule, when added to the 16 day period provided for in Rule 519A, will give the defendant time to obtain a supersedeas within the appeal period. See Rules 1002, 1008, 1009 and 1013.

The 1995 amendment to section 513 of The Landlord and Tenant Act of 1951, 68 P. S. § 250.513, established a ten-day period from a judgment for possession of real estate arising out of a residential lease; therefore, the filing of the request for order for possession in subparagraph B(1) is not permitted until after the appeal period

has expired. In cases arising out of a residential lease, the request for order for possession generally must be filed within 120 days of the date of the entry of the judgment.

Subparagraph B(2) provides that in a case arising out of a residential lease, if a supersedeas (resulting from an appeal or writ of certiorari) or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated, thus allowing the plaintiff to proceed with requesting an order for possession, the request may be filed only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated. **When a supersedeas has been terminated in a case that has been appealed to a court of common pleas, the plaintiff may request an order for possession from the magisterial district judge as long as the request is made within 120 days of the date of the entry of the judgment, and judgment has not been entered by the court of common pleas. The entry of a compulsory arbitration award pursuant to Pa.R.C.P. No. 1307(c) is not a bar to the issuance of an order for possession. After a court of common pleas enters judgment, the judgment of the magisterial district court is extinguished and may no longer be executed upon in any court. All further process must take place in the court of common pleas.**

The time limits in which the plaintiff must request an order for possession imposed in subdivision B apply only in cases arising out of residential leases and in no way affect the plaintiff's ability to execute on the money judgment. See Rule 516, Note, and Rule 521A.

At the time the plaintiff files the request for an order for possession, the magisterial district court should collect server fees for all actions through delivery of possession. Thereafter, if the order for possession is satisfied 48 hours or more prior to a scheduled delivery of possession, a portion of the server costs may be refundable. See Rules 516 through 520 and [**Section 2950(d) of the Judicial Code, 42 Pa.C.S. § 2950(d)**] **44 Pa.C.S. § 7161(d)**.

Rule 516. Issuance and Reissuance of Order for Possession.

* * * * *

Official Note: The order for possession deals only with delivery of possession of real property and not with a levy for money damages. A plaintiff who seeks execution of the money judgment part of the judgment must proceed under Rule 521A, using the forms and procedure there prescribed. The reason for making this distinction is that the printed notice requirements on the two forms, and the procedures involved in the two matters, differ widely.

Subdivision B provides for reissuance of the order for possession for one additional 60 day period. However, pursuant to subdivision C, in cases arising out of a residential lease, the request for reissuance of the order for possession must be filed within 120 days of the date of the entry of the judgment or, in a case in which the order for possession is issued and subsequently superseded by an appeal, writ of certiorari, supersedeas, or a stay pursuant to a bankruptcy proceeding, only within 120 days of the date the appeal, writ of certiorari, or supersedeas is stricken, dismissed, or otherwise terminated, or the bankruptcy stay is lifted. **When a supersedeas has been terminated in a case that has been appealed to a court of common pleas, the plaintiff may request an order for possession from the magisterial district judge as long as the request**

is made within 120 days of the date of the entry of the judgment, and judgment has not been entered by the court of common pleas. The entry of a compulsory arbitration award pursuant to Pa.R.C.P. No. 1307(c) is not a bar to the issuance of an order for possession. After a court of common pleas enters judgment, the judgment of the magisterial district court is extinguished and may no longer be executed upon in any court. All further process must take place in the court of common pleas. The additional 60 day period need not necessarily immediately follow the original 60 day period of issuance. The written request for reissuance may be in any form and may consist of a notation on the permanent copy of the request for order for possession form, "Reissuance of order for possession requested," subscribed by the plaintiff. The magisterial district judge shall mark all copies of the reissued order for possession, "Reissued. Request for reissuance filed _____ (time and date)." A new form may be used upon reissuance, those portions retained from the original being exact copies although signatures may be typed or printed with the mark "/s/." There are no filing costs for reissuing an order for possession, for the reissuance is merely a continuation of the original proceeding. However, there may be additional server costs for service of the reissued order for possession.

* * * * *

CHAPTER 1000. APPEALS

APPEAL

Rule 1007. Procedure on Appeal.

* * * * *

Official Note: As under earlier law, the proceeding on appeal is conducted de novo, but the former rule that the proceeding would be limited both as to jurisdiction and subject matter to the action before the magisterial district judge (see *Crowell Office Equipment v. Krug*, 213 Pa. Super. 261, 247 A.2d 657 (1968)) has not been retained. Under subdivision B, the court of common pleas on appeal can exercise its full jurisdiction and all parties will be free to treat the case as though it had never been before the magisterial district judge, subject of course to the Rules of Civil Procedure. The only limitation on this is contained in subdivision C, which makes clear that an appeal from a supplementary action filed pursuant to Rule 342 is not intended to reopen other issues from the underlying action that were not properly preserved for appeal.

When a supersedeas has been terminated in a case that has been appealed to a court of common pleas, the plaintiff may request an order for possession from the magisterial district judge as long as the request is made within 120 days of the date of the entry of the judgment, and judgment has not been entered by the court of common pleas. The entry of a compulsory arbitration award pursuant to Pa.R.C.P. No. 1307(c) is not a bar to the issuance of an order for possession. After a court of common pleas enters judgment, the judgment of the magisterial district court is extinguished and may no longer be executed upon in any court. All further process must take place in the court of common pleas.

REPORT

Proposed Amendment of the Official Notes to Pa.R.C.P.M.D.J. Nos. 515—516 and 1007

Request for Order of Possession

I. Introduction

The Minor Court Rules Committee ("Committee") is planning to propose to the Supreme Court of Pennsylvania the amendment of the Official Notes to Pa.R.C.P.M.D.J. Nos. 515—516 and 1007. These rules address the timeframe for requesting an order for possession. The Committee is making this recommendation to clarify where a plaintiff may file a request for an order for possession when an appeal has been taken.

II. Discussion

Currently, Rules 515 and 516 address a request for an order for possession, and issuance and reissuance of the order. In a residential landlord tenant case, when a judgment for possession has been rendered by a magisterial district judge, the plaintiff may request an order for possession after the 10th day and within 120 days following the date of entry of the judgment. See Rule 515B. In the event an appeal of the judgment operates as a supersedeas or the matter is stayed pursuant to bankruptcy proceedings, the plaintiff may request an order for possession only within 120 days of the date the supersedeas or bankruptcy stay is stricken, dismissed, lifted, or otherwise terminated. See Rule 515B(2). An order of possession is valid for a 60 day period, and may be reissued for one additional 60 day period. See Rules 516B(1), 519C. In residential lease cases, a plaintiff must file a written request for reissuance of an order for possession when the order has been issued, and, subsequently, an appeal operates as a supersedeas or bankruptcy proceedings stay the matter. See Rule 516C. Rule 1007 sets forth the procedures for the appeal in the court of common pleas.

The Committee received correspondence suggesting that it review the rules governing the filing of a request for an order for possession when an appeal has been filed. Specifically, the Committee was asked to review the situation where a magisterial district judge enters judgment in a residential landlord tenant case, the tenant appeals and obtains a supersedeas, the appeal goes before a board of arbitrators pursuant to Pa.R.C.P. Nos. 1301—1314, an arbitration award is entered, and the supersedeas is terminated for nonpayment of rent into escrow prior to expiration of the thirty day period for entry of the award in the court of common pleas. The Rules are silent on this scenario, leading to ambiguity about where the plaintiff should file a request for an order for possession.

The Committee discussed the situation described above, and agreed that only a judgment entered by the court of common pleas should preclude the plaintiff from requesting an order for possession from the magisterial district court. Once the court of common pleas has entered a judgment on an appeal (including entry of judgment of a compulsory arbitration award pursuant to Pa.R.C.P. No. 1307(c)), the judgment of the magisterial district court is extinguished, and may no longer be executed upon in any court. However, prior to the entry of judgment by the court of common pleas, the plaintiff may request an order for possession from the magisterial district court, even if the board of arbitrators has entered an arbitration award, so long as no supersedeas or bankruptcy stay remains in effect.

While reviewing the Official Note to Rule 515, the Committee noted that the statutory reference to the section of the Judicial Code governing fees for constables was outdated. The Committee will recommend updating the constable fee schedule reference to reflect statutory changes.

Finally, the Committee is concurrently seeking comments on a proposal that would rescind the rules governing writs of certiorari and making correlative rule changes, including changes to Rules 515—516. The Committee has not reprinted those proposed changes in this publication, but will ensure that any final recommendation to the Court on this matter conforms to the current status of that proposal.

III. Proposed Changes

The Committee plans to propose the amendment of the Official Notes to Rules 515—516 and 1007 by adding the following language:

When a supersedeas has been terminated in a case that has been appealed to a court of common pleas, the plaintiff may request an order for possession from the magisterial district judge as long as the request is made within 120 days of the date of the entry of the judgment, and judgment has not been entered by the court of common pleas. The entry of a compulsory arbitration award pursuant to Pa.R.C.P. No. 1307(c) is not a bar to the issuance of an order for possession. After a court of common pleas enters judgment, the judgment of the magisterial district court is extinguished and may no longer be executed upon in any court. All further process must take place in the court of common pleas.

The Committee will also propose the amendment of the Official Note to Rule 515 to reflect that constable fees are governed by 44 Pa.C.S. § 7161(d).

[Pa.B. Doc. No. 15-405. Filed for public inspection March 6, 2015, 9:00 a.m.]

Title 255—LOCAL COURT RULES

BUTLER COUNTY

**Courthouse and Government/Judicial Center Front
Door Security; AD-3-2015**

Administrative Order of Court

And Now, this 10th day of February, 2015, intending to preserve order, ensure the fair administration of justice and provide for the safety of all persons conducting business in the Butler County Courthouse and the Government/Judicial Center, it is hereby ordered and decreed that the provisions of 18 Pa.C.S.A. § 913 shall be enforced by the Butler County Sheriff. Possession of firearms and other dangerous weapons are strictly prohibited except as allowed by the Butler County Security Policy.

All packages, brief cases and other containers in the immediate possession of persons entering the Courthouse/Government-Judicial Center shall be subject to inspec-

tion. A search shall be conducted by requiring persons and property to be passed through a walk through metal detector or x-ray machine and the use of a hand-held metal detector being moved by hand in close proximity to all areas of the body of the person being searched and in close proximity to all areas of a package being searched. In the event that the detector emits an alert signal, the search of a person shall be expanded to include a pat-down of the immediate area of the body of the person being searched which had activated the signal. A pat-down search shall be conducted only by a sheriff of the same gender as the person being searched. Any package which indicates that suspicious materials, substances or contraband may be contained therein, shall be opened by the person bringing it into the building for a more thorough examination.

When the term weapon is used in this order, it shall be defined as including any firearm, any knife, any explosive or incendiary device (whether real or hoax) or any object that is designed, made or adapted for the purpose of inflicting bodily injury and any weapon defined as such by the Pennsylvania Crimes Code.

One or more signs shall be posted at each public entrance in a location and of a size and design reasonably calculated to draw the attention of persons entering the building and giving notice that: a) no weapons or explosives may be brought into the building; b) all persons entering the building are subject to search for weapons or explosives; and c) all packages, brief cases and other containers are subject to search prior to entering the building.

Administrative Order of Court

And Now, this 17th day of February, 2015, the Court orders and directs that the Administrative Order of Court dated February 10, 2015 related to security at the public entrance to the Butler County Government/Judicial Center be published forthwith in the *Pennsylvania Bulletin*.

It is further ordered that this Administrative Order shall be effective thirty (30) days after the publication thereof in the *Pennsylvania Bulletin*.

It is finally ordered that in accordance with Pa.R.Crim.P. 105, that the District Court Administrator shall:

(a) File one (1) certified copy hereof with the Administrative Office of Pennsylvania Courts,

(b) Distribute two (2) certified copies hereof to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,

(c) Deliver a copy of the Administrative Order related to building security to the *Butler County Legal Journal* for publication as that organization deems appropriate.

(d) Distribute a copy of the Administrative Order to the Judges of the Court of Common Pleas in Butler County.

By the Court

THOMAS J. DOERR,
President Judge

[Pa.B. Doc. No. 15-406. Filed for public inspection March 6, 2015, 9:00 a.m.]

FOREST COUNTY

Offender Supervision Fee; Misc. Dkt. 3 of 2015

Administrative Order

And Now, this 4th day of February, 2015, pursuant to 18 P.S. § 11.1102, the Court hereby increases the Offender Supervision Fee from thirty-five (\$35) dollars per month to forty-five (\$45) dollars per month, assessed against all offenders placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment. Said increase shall be effective April 1, 2015. Offenders sentenced prior to the effective date of this increase shall continue to be assessed the prior monthly Offender Supervision Fee.

It Is Further Ordered that in accordance with Pa.R.Crim.P. 105, the District Court Administrator shall:

- (a) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts,
- (b) Distribute two (2) certified copies hereof and one (1) disk copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,
- (c) File one (1) certified copy hereof with the Criminal Procedural Rules Committee,
- (d) File one (1) copy with the Prothonotary/Clerk of Court of the 37th Judicial District. Said Administrative Order shall be posted on the Court website of the 37th Judicial District of Pennsylvania and shall be available for public inspection and copying in the office of the Prothonotary/Clerk of Court upon request and payment of reasonable costs of reproduction and mailings.

By the Court

MAUREEN A. SKERDA,
President Judge

[Pa.B. Doc. No. 15-407. Filed for public inspection March 6, 2015, 9:00 a.m.]

WARREN COUNTY

Offender Supervision Fee; Misc. Dkt. 6 of 2015

Administrative Order

And Now, this 4th day of February, 2015, pursuant to 18 P.S. § 11.1102, the Court hereby increases the Offender Supervision Fee from thirty-five (\$35) dollars per month to forty-five (\$45) dollars per month, assessed against all offenders placed on probation, parole, accelerated rehabilitative disposition, probation without verdict or intermediate punishment. Said increase shall be effective April 1, 2015. Offenders sentenced prior to the effective date of this increase shall continue to be assessed the prior monthly Offender Supervision Fee.

It Is Further Ordered that in accordance with Pa.R.Crim.P. 105, the District Court Administrator shall:

- (a) File one (1) certified copy hereof with the Administrative Office of the Pennsylvania Courts,
- (b) Distribute two (2) certified copies hereof and one (1) disk copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*,
- (c) File one (1) certified copy hereof with the Criminal Procedural Rules Committee,
- (d) File one (1) copy with the Prothonotary/Clerk of Court of the 37th Judicial District. Said Administrative Order shall be posted on the Court website of the 37th Judicial District of Pennsylvania and shall be available for public inspection and copying in the office of the Prothonotary/Clerk of Court upon request and payment of reasonable costs of reproduction and mailings.

By the Court

MAUREEN A. SKERDA,
President Judge

[Pa.B. Doc. No. 15-408. Filed for public inspection March 6, 2015, 9:00 a.m.]