

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART IV. ADMISSION TO PRACTICE LAW [ 204 PA. CODE CH. 71 ]

#### Order Amending Rules 341 and 342 of the Pennsylvania Bar Admission Rules; No. 807 Supreme Court Rules Doc.

##### Order

##### *Per Curiam*

And Now, this 25th day of October, 2019, upon the recommendation of the Board of Law Examiners, the proposal having been submitted without publication in the interests of justice and efficient administration pursuant to Pa.R.J.A. No. 103(a)(3):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 341 and Rule 342 of the Bar Admission Rules are amended in the following forms.

This Order shall be processed in accordance with Pennsylvania Rule of Judicial Administration No. 103(b) and shall be effective immediately.

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART IV. ADMISSION TO PRACTICE LAW

#### CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

#### Subchapter C. RESTRICTED PRACTICE OF LAW FOREIGN LEGAL CONSULTANTS

#### Rule 341. Licensing of foreign legal consultants.

\* \* \* \* \*

(b) *Application.* An applicant under this rule shall file with the Board an application in the form prescribed by the Board, which shall be accompanied by:

(1) a certificate from the professional body or public authority in the foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice and the date thereof, and as to his or her good standing as such attorney or counselor at law or the equivalent;

(2) a letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction of the foreign country;

(3) a duly authenticated English translation of the certificate and the letter if, in either case, it is not in English;

(4) a statement indicating his or her understanding of, and commitment to observe, the Rules of Professional Conduct and the Enforcement Rules to the extent applicable to the legal services authorized under Rule 342;

(5) appropriate evidence of professional liability insurance, in such amount as the Board may prescribe, to assure his or her proper professional conduct and responsibility;

(6) such other evidence as to the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of Subdivision (a) of this Rule as the Board may require;

(7) a written statement agreeing to notify the [ **Secretary of the** ] Disciplinary Board of the Supreme Court of Pennsylvania of any change in the applicant's good standing as a member of the foreign legal profession referred to in Subdivision (a)(1) of this Rule and of any final action of the professional body or public authority referred to in Subdivision (b)(1) of this Rule imposing any disciplinary censure, suspension, or other sanction upon such person; and

(8) a duly acknowledged instrument, in writing, setting forth his or her address in this Commonwealth and designating the [ **Secretary** ] **Executive Director** of the Disciplinary Board of the Supreme Court as his or her agent upon whom process may be served, with like effect as if served personally upon him or her, in any action or proceeding thereafter brought against him or her and arising out of or based upon any legal services rendered or offered to be rendered by him or her within or to residents of this Commonwealth, whenever after due diligence service cannot be made upon him or her at such address or at such new address in this Commonwealth as he or she shall have furnished in the last registration statement filed by him or her in accordance with Enforcement Rule 219(d) (relating to periodic assessment of attorneys), or which has been filed in the Administrative Office by means of a duly acknowledged supplemental instrument in writing.

\* \* \* \* \*

#### Rule 342. Practice by foreign legal consultants.

\* \* \* \* \*

(d) *Service of process.* Service of process on the [ **Secretary** ] **Executive Director** of the Disciplinary Board of the Supreme Court of Pennsylvania, pursuant to the designation filed under Rule 341(b)(8), shall be made by personally delivering to [ **and leaving with the Secretary, or with** ] **the Executive Director, or** a deputy or assistant authorized by him or her to receive such service, at his or her office, duplicate copies of such process together with a fee as set by the Disciplinary Board of the Supreme Court. Service of process shall be complete when the [ **Secretary** ] **Executive Director** of the Disciplinary Board has been so served. The [ **Secretary** ] **Executive Director** of the Disciplinary Board shall promptly send one of such copies to the foreign legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the foreign legal consultant at the address specified by him or her as provided in Rule 341(b)(8).

[Pa.B. Doc. No. 19-1668. Filed for public inspection November 8, 2019, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Criminal Division Rule of the Court of Common Pleas; No. AD-2019-395-CR Rules Doc.

##### Order of Court

*And Now*, this 18th day of October, 2019, it is hereby *Ordered* that the following Rule 576.1 of the Court of Common Pleas of Allegheny County, Pennsylvania, Criminal Division, adopted by the Board of Judges, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Local Rule 576.1. Electronic Filing and Service of Legal Papers.

*By the Court*

KIM BERKELEY CLARK,  
*President Judge*

#### ALLEGHENY COUNTY CRIMINAL DIVISION LOCAL RULE 576.1

#### Rule 576.1. Electronic Filing and Service of Legal Papers.

##### (A) *General Scope and Purpose of the Rule.*

Pursuant to Pennsylvania Rule of Criminal Procedure 576.1, Electronic Filing and Service of Legal Papers, electronic filing of legal papers through the PACFile electronic filing system is permissive in the Fifth Judicial District, as of November 12, 2019. The Administrative Office of Pennsylvania Courts and the Fifth Judicial District have agreed upon an implementation plan for PACFile in Allegheny County.

##### (B) *PACFile.*

(1) The exclusive system for electronic filing in the Criminal Division of the Allegheny County Court of Common Pleas is the PACFile System, developed and administered by the Administrative Office of the Pennsylvania Courts and located on Pennsylvania's Unified Judicial System Web Portal.

(2) Pursuant to Pa.R.Crim.P. 576.1(D)(2), establishment of a PACFile account constitutes consent to participate in electronic filing, including acceptance of service electronically of any document filed on the PACFile system in any judicial district that permits electronic filing.

(3) Any party who declines to participate in the electronic filing system, or who is unable to electronically file or accept service of legal papers which were filed electronically, or who is otherwise unable to access the PACFile system, shall be permitted to file legal papers in a physical paper format and shall be served legal papers in a physical paper format whether electronically filed or otherwise, as required by Pa.R.Crim.P. 576.

##### (C) *Legal Papers.*

(1) "Legal papers" which may be filed electronically shall encompass all written motions, written answers and any notices or documents for which filing is required or permitted, including orders, exhibits and attachments, but excluding:

- (a) applications for search warrants;
- (b) applications for arrest warrants;
- (c) any grand jury materials, except the indicting grand jury indictment or the investigating grand jury presentment;
- (d) submissions filed *ex parte* as authorized by law,

(e) submissions filed or authorized to be filed under seal, and

(f) Requests for Continuances.

(2) Third party filing of amicus briefs or other third party filings shall not be permitted to be filed electronically.

(3) The applicable general rules of court and court policies that implement the rules shall continue to apply to all filings of legal papers regardless of the method of filing.

(4) Any legal paper submitted for filing to the Department of Court Records, Criminal Division in a physical paper format shall be accepted by the Department of Court Records in that format and shall be retained by the Department of Court Records as may be required by applicable rules of Court and record retention policies. The Department of Court Records shall convert such physical paper to electronic format and add it to the system, except those legal papers excluded from electronic filing pursuant to Pa.R.Crim.P. 576.1(C) and this rule.

(D) *Filing Fees.* Applicable filing fees shall be paid through procedures established by the Department of Court Records and at the same time and in the same amount as required by statute, Court rule or order, or published fee schedule.

(E) *Confidential Information.* Counsel and unrepresented parties must adhere to the Public Access Policy of the Unified Judicial System of Pennsylvania and Allegheny County Local Rules of Judicial Administration 6001.7 and 6001.10 and refrain from including confidential information in legal papers filed with the Department of Court Records or the Court whether filed electronically or in a paper format.

[Pa.B. Doc. No. 19-1669. Filed for public inspection November 8, 2019, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Orphans' Court Division Rule of the Court of Common Pleas; No. AD-2019-404-OC Rules Doc.

##### Amended

##### Order of Court

*And Now*, this 23rd day of October, 2019, it is hereby *Ordered* that the following local rules of the Court of Common Pleas of Allegheny County, Pennsylvania, Orphans' Court Division, adopted by the Board of Judges, shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Guardianship Proceedings  
Local Rule 5.6A  
Local Rule 14.1(c)  
Local Rule 14.2A  
Local Rule 14.14A [Forms] B(1), B(2), C, D, E, F, G.1 and G.2

*By the Court*

KIM BERKELEY CLARK,  
*President Judge*

ALLEGHENY COUNTY COURT OF COMMON PLEAS ORPHANS' COURT DIVISION LOCAL RULES FOR GUARDIANSHIP PROCEEDINGS

Local Rule 5.6A.

All Actions filed under Title 23, Chapter 56 of the Pennsylvania Consolidated Statutes ("Standby and Temporary Guardianship Act") which seek the appointment of a temporary or standby guardian shall be filed with the Clerk of the Orphans' Court Division.

Local Rule 14.1(c).

Petitions filed under Section 5536 of the Guardianship Act of 1992 (20 Pa.C.S. § 5536) ("Section 5536 Petition") shall be filed with the Clerk of the Orphans' Court at the Department of Court Records, Orphans' Court Division. A Section 5536 Petition shall not be presented at Motions Court.

A Section 5536 Petition shall set forth:

- (a) the name of the guardian and the date of the guardian's appointment;
(i) If the guardian is not the petitioner, the petition shall set forth the name and address of the petitioner, and the petitioner's relationship to the incapacitated person.
(b) the current address of the incapacitated person, the nature of their current residence, and the level of care they are receiving;
(c) the nature and present value of the incapacitated person's estate and the incapacitated person's annual income;
(d) a list of all of the incapacitated person's ongoing expenses and the claims of any creditors, including the name and address of the creditor, the basis and amount of the claim;
(e) a list of all previous allowances approved by the court;

- (f) a list of any distributions of principal that were made without court approval or that are awaiting court approval;
(g) itemized statements supporting any professional fees which are requested to be paid;
(h) a proposed Order of Court granting the relief requested; and
(i) The cover sheet of any 5536 petition shall include the notice provision set forth in Pa. O.C. Rule 3.5(b)(1).

Local Rule 14.2A.

A petition seeking guardianship of an adult person shall include a proposed Preliminary Order in the form set forth in the Forms provided in Local Rule 14.14A. A petitioner may request additional relief in addition to that set forth in the Preliminary Order form by setting forth the proposed relief in a separate paragraph or paragraphs at the end of the Preliminary Order form.

Local Rule 14.14A. [ Forms ]

- Form B(1)—Preliminary Order of Court (Non-Emergency Guardian).
Form B(2)—Preliminary Order of Court (Emergency and Permanent Guardian).
Form C—Final Order of Court Determining Partial Incapacity and Appointing Limited Permanent Guardian of the Person or Estate or Both.
Form D—Final Order of Court Determining Incapacity and Appointing Plenary Guardian of the Person or Estate or Both.
Form E—Order of Court Determining Incapacity and Appointing Emergency Limited Guardian of the Person or Estate or Both.
Form F—Order of Court Determining Incapacity and Appointing Emergency Plenary Guardian of the Person or Estate or Both.
Form G.1—Statement of Rights.
Form G.2—Order of Court Appointing Successor Guardian of the Person or Estate or Both.

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

IN RE: )
) No.
)
\_\_\_\_\_ )
an alleged incapacitated person )

PRELIMINARY ORDER OF COURT (Non-Emergency Guardian)

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the foregoing Petition, it is ORDERED AND DECREED that a Citation be awarded directed to \* \_\_\_\_\_ to show cause why a plenary/limited permanent guardian of his/her person and estate should not be appointed, returnable \_\_\_\_\_, and why he/she should not be adjudged an incapacitated person and a permanent plenary/limited guardian of his/her person and estate should not be appointed returnable \_\_\_\_\_.

The time and place of hearing on the Petition for appointment of a permanent plenary guardian of the person and estate of the alleged incapacitated person are fixed for the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ m. prevailing time, at which time a hearing on the Petition for Appointment of a Plenary Guardian of the Person and Estate of the Alleged Incapacitated Person will be held in the Orphans' Court Division of the Court of Common Pleas of Allegheny County, 17th Floor, Frick Building, 437 Grant Street, Pittsburgh Pennsylvania 15219.

At least twenty (20) days written notice of the hearing shall be given to \* \_\_\_\_\_, the alleged incapacitated person, by serving \*him/her personally with a Citation, and a copy of this Order of Court and a copy of the foregoing Petition, together with an explanation of the content and terms of the Petition; at least twenty (20) days

\* Sections denoted by asterisk (\*) must be completed by counsel before Court presentation.

written notice of the Petition and hearing shall also be given either personally or by registered or certified mail to the next of kin and other parties in interest named in the Petition including the United States Department of Veterans' Affairs, V.A. Regional Office (271), Attention: Chief, Fiduciary Unit, 1000 Liberty Avenue, Pittsburgh, PA 15222, if the Alleged Incapacitated Person is receiving benefits from the United States Veterans' Administration.

PER CURIAM:

\_\_\_\_\_, J.

**APPENDIX B-2 Preliminary Order awarding a Citation for Emergency and Permanent Guardian under Rule 14, Section 2(a) and 6(a)**

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

IN RE: \_\_\_\_\_ )  
 ) No.  
 )  
an alleged incapacitated person )

**PRELIMINARY ORDER OF COURT  
(EMERGENCY AND PERMANENT GUARDIAN)**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the foregoing Petition having been presented in open Court, upon consideration thereof, it is ORDERED and DECREED that a Citation be awarded, directed to \* \_\_\_\_\_ to show cause why an emergency plenary/limited guardian of \*his/her person and estate should not be appointed, returnable \_\_\_\_\_, \_\_\_\_\_, and why \*he/she should not be adjudged an incapacitated person and a permanent \*plenary/limited guardian of his/her person and estate should not be appointed returnable \_\_\_\_\_, \_\_\_\_\_.

The time and place of the hearing on the Petition for appointment of an emergency \*plenary/limited guardian of the person and estate of the alleged incapacitated person are fixed for \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ .M. in the Orphans' Court Division, 17th Floor, Frick Building, 437 Grant Street, Pittsburgh, PA 15219.

The alleged incapacitated person shall be given notice of the hearing on appointment of an emergency guardian of \*his/her person and estate by serving \*him/her personally with the Citation, a copy of this Order of Court and a copy of the foregoing Petition prior to the time of such emergency hearing [(or) the Court finds that service of notice of appointment of an emergency guardian upon the alleged incapacitated person is not feasible under the circumstances and is, therefore, waived pursuant to 20 Pa.C.S.A. 5513.]

The Court finds that the following additional notice to others of the hearing on the appointment of an emergency guardian of the alleged incapacitated person is feasible in the circumstances and directs that same be made upon the following persons in the following manner \_\_\_\_\_ .

The Court finds that strict compliance with 20 Pa.C.S.A. 5511(e) (relating to contents of the Petition) are not feasible under the circumstances and are waived for the purpose of the hearing on appointment of an emergency guardian of the alleged incapacitated person.

The Court further finds that strict compliance with 20 Pa.C.S.A. 5511(a) (relating to notification concerning the right to counsel and the appointment of counsel for the alleged incapacitated person) are not feasible under the circumstances and are waived for the purpose of the hearing on appointment of an emergency guardian of the alleged incapacitated person.

The time and place of the hearing on the Petition for appointment of a permanent \*plenary/limited guardian of the person and estate of the alleged incapacitated person are fixed for \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o'clock, \_\_\_\_\_ .M., prevailing time, in the Orphans' Court Division, 17th Floor, Frick Building, 437 Grant Street, Pittsburgh, PA 15219.

At least twenty (20) days written notice of the hearing on appointment of a permanent guardian of his/her person and estate shall be given to \* \_\_\_\_\_, the alleged incapacitated person, by serving \*him/her personally with a copy of the Petition, the Citation and a copy of this Order of Court, together with an explanation of their contents and terms of the Petition. Additionally, at least \_\_\_\_\_ days written notice of the Petition and hearing on the appointment of a permanent guardian shall also be given either personally or by registered or certified mail to the following: all persons residing within the Commonwealth of Pennsylvania who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if \*he/she were to die intestate; to the person or institution providing residential services to the alleged incapacitated person; to the United States Department of Veterans' Affairs V.A. Regional Office (271), Attention: Chief, Fiduciary Unit, 1000 Liberty Avenue, Pittsburgh, PA 15222, if the alleged incapacitated person is receiving benefits from the United States Veterans' Administration, and to the following other parties in interest: \_\_\_\_\_ .

PER CURIAM:

\_\_\_\_\_, J.

\* Sections marked by an asterisk (\*) must be completed by counsel before Court presentation.

Appendix C

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

IN RE:

No.

An alleged incapacitated person

FINAL ORDER OF COURT DETERMINING PARTIAL INCAPACITY AND
APPOINTING LIMITED PERMANENT GUARDIAN OF PERSON AND/OR ESTATE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a hearing having been held on \_\_\_\_\_, and it appearing to the Court that \_\_\_\_\_ was served with a Citation and Notice of this 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 partially 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 to 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 limited Guardian.
3. That based on the partial incapacity of \_\_\_\_\_ to receive and evaluate information and to make or communicate decisions, a limited Guardian of the Person and a limited Guardian of the Estate are 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 is hereby adjudged a partially incapacitated person and \_\_\_\_\_ is appointed Limited Permanent Guardian of the Person and \_\_\_\_\_ is appointed Limited Permanent Guardian of the Estate. The Limited Guardian of the Person shall have full authority to consent to the general care, maintenance and custody of \_\_\_\_\_, except as follows: \_\_\_\_\_.

The Guardian shall assure that \_\_\_\_\_ receives appropriate services and shall assist him/her in developing self-reliance and independence.

The Limited Guardian of the Estate shall have the authority to marshal all of \_\_\_\_\_'s income and assets except that \_\_\_\_\_, the incapacitated person, shall retain the following power and authority to act on his/her own behalf: \_\_\_\_\_.

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 or 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. The representative shall be reimbursed for all expenses incurred payable from the estate of the incapacitated person.

If the safe deposit box is jointly owned, the Guardian shall give five (5) days notice of the proposed entry to the other owners.

An Inventory must be filed within ninety (90) days. A report by the Guardian of the Person and Estate shall be filed within \_\_\_\_\_ days and annually thereafter.

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 accounting.

The Guardian of the Estate shall present a Surety Bond in the amount of \_\_\_\_\_ for approval within five (5) days of the date of this Order.

\_\_\_\_\_, an incapacitated person, has the right to appeal this Order of Court by filing a Notice of Appeal with the Clerk of the Orphans' Court Division within thirty (30) days of the date of this Order. At any time, the incapacitated person or any other interested party may petition this Court for a hearing to review, modify or terminate the adjudication of incapacity and guardianship herein established.

If \_\_\_\_\_ was not present at the hearing on the appointment of a guardian, then the petitioner shall serve upon and read to \_\_\_\_\_ the Statement of Rights, a copy of which is attached to this Order and marked as Exhibit "A" and shall file proof of such service with this Court within ten (10) days.

BY THE COURT:

\_\_\_\_\_ J.

Appendix D

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

IN RE:

No.

\_\_\_\_\_   
 An alleged incapacitated person

FINAL ORDER OF COURT DETERMINING INCAPACITY  
AND APPOINTING PLENARY GUARDIAN OF THE PERSON AND/OR ESTATE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a hearing having been held on \_\_\_\_\_, and it appearing to the Court that \_\_\_\_\_ was served with a Citation and Notice of this 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 totally 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 to 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 other than the appointment of a plenary Guardian.
3. That based on the total incapacity of \_\_\_\_\_ to receive and evaluate information and to make or communicate decisions, a Plenary Guardian of the Person and a Plenary Guardian of the Estate are 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 is hereby adjudged an incapacitated person and \_\_\_\_\_ is appointed Permanent Plenary Guardian of the Person and \_\_\_\_\_ is appointed Permanent Plenary Guardian of the Estate.

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

The Permanent Plenary Guardian of the Person shall assure that \_\_\_\_\_ receives appropriate services and shall assist him/her in developing self-reliance and independence.

The Permanent 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 or 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. The representative shall be reimbursed for all expenses incurred payable from the estate of the incapacitated person.

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 no later than \_\_\_\_\_. A report by the Guardian of the Person and Estate shall be filed by \_\_\_\_\_ and annually thereafter.

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 report with the Court in the form prescribed for accounts and shall cover the period from the date of the appointment of the Guardian of the Estate to the date of death of the incapacitated person or the adjudication of capacity.

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 a Notice of Appeal with the Clerk of the Orphans' Court Division within thirty (30) days of the date of this Order. At any time the incapacitated person or any other interested party may petition this Court for a hearing to review, modify or terminate the adjudication of incapacity and guardianship herein established.

If \_\_\_\_\_ was not present at this hearing on appointment of a guardian, then the petitioner shall serve upon and read to \_\_\_\_\_ the Statement of Rights, a copy of which is attached to this Order and marked as Exhibit "A," and file proof of such service with this Court within ten (10) days.

PER CURIAM:

\_\_\_\_\_ J.

Appendix E

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

IN RE:

No.

\_\_\_\_\_  
An alleged incapacitated person

ORDER OF COURT DETERMINING INCAPACITY AND APPOINTING EMERGENCY  
LIMITED 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 Notice of this 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 partially 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 of his/her physical health and safety.
2. That there is insufficient support available to assist \_\_\_\_\_ in overcoming such limitations and that there exists no less restrictive alternative mechanism for decisions making other than the appointment of a Limited Guardian.
3. That based on the partial incapacity of \_\_\_\_\_ to receive and evaluate information effectively, and to make or communicate decisions, a Limited Guardian of the Person and a Limited Guardian of the Estate are 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 hereby is adjudged a partially incapacitated person. \_\_\_\_\_ is appointed Emergency Limited Guardian of the Person of \_\_\_\_\_ and \_\_\_\_\_ is appointed Emergency Limited Guardian of the Estate of \_\_\_\_\_.

The Emergency Limited Guardian of the Person shall have authority to consent to the general care, maintenance and custody of \_\_\_\_\_ with the exception of: \_\_\_\_\_.

The Emergency Limited Guardian of the Person shall assure that \_\_\_\_\_ receives appropriate services and shall assist him/her in developing self-reliance and independence.

The Emergency Limited Guardian of the Estate shall have authority to marshal all of \_\_\_\_\_'s income and assets except that \_\_\_\_\_, the incapacitated person, shall retain the following power and authority to act on his/her own behalf regarding his/her estate: \_\_\_\_\_.

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 or 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. The representative shall be reimbursed for all expenses incurred payable from the estate of the incapacitated person.

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.

THERE IS NO BOND REQUIRED ON THE EMERGENCY LIMITED GUARDIAN.

\_\_\_\_\_, an incapacitated person, has the right to appeal this Order of Court by filing a Notice of Appeal with the Clerk of the Orphans' Court Division within thirty (30) days of the date of this Order. At any time, the incapacitated person or any other interested party may petition this Court for a hearing to review, modify or terminate the adjudication of incapacity and guardianship herein established.

If \_\_\_\_\_ was not present at this hearing on the appointment of a guardian, then the petitioner shall serve upon and read to \_\_\_\_\_ the Statement of Rights, a copy of which is attached to this Order and marked as Exhibit "A" and file proof of such service with this Court within ten (10) days.

PER CURIAM:

\_\_\_\_\_, J.

**Appendix F**

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

IN RE:

No.

\_\_\_\_\_  
An alleged incapacitated person

**ORDER OF COURT DETERMINING INCAPACITY  
AND APPOINTING EMERGENCY  
PLENARY GUARDIAN OF THE PERSON AND ESTATE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, a hearing having been held on \_\_\_\_\_, and it appearing to the Court that \_\_\_\_\_ was served with a Citation and Notice of this 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 totally 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 to 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 an Emergency Plenary Guardian.
3. That based on the total incapacity of \_\_\_\_\_ to receive and evaluate information and to make or communicate decisions, an Emergency Plenary Guardian of the Person and an Emergency Plenary Guardian of the Estate are 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 and \_\_\_\_\_ is appointed Emergency Plenary Guardian of the Estate.

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 be 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 or 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. The representative shall be reimbursed for all expenses incurred payable from the estate of the incapacitated person.

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.

The appointment of the Emergency Plenary Guardian of the Person and Estate shall remain in effect until further Order of Court.

Bond is waived pending confirmation of asset information.

\_\_\_\_\_, an incapacitated person, has the right to appeal this Order of Court by filing a Notice of Appeal with the Clerk of the Orphans' Court Division within thirty (30) days of the date of this Order. At any time, the incapacitated person or any other interested party may petition this Court for a hearing to review, modify or terminate the adjudication of incapacity and guardianship herein established.



If \_\_\_\_\_ was not present at this hearing on the appointment of a guardian, then the petitioner shall serve upon and read to \_\_\_\_\_ the Statement of Rights, a copy of which is attached to this Order of Court and marked as Exhibit "A" and file proof of such service with this Court within ten (10) days of the date of this Order.

PER CURIAM:

\_\_\_\_\_, J.

**STATEMENT OF RIGHTS**

An order has been entered by a Judge of the Court of Common Pleas of Allegheny County, Orphans' Court Division, whereby you have been adjudicated an incapacitated person and unable to care for yourself and/or manage your personal affairs. You have the right to file an appeal within thirty (30) days of the date of the court's order with the Superior Court.

In addition, you may petition the court at any future time to modify or to terminate the guardianship if there is a change in your capacity or if your guardian fails to perform his/her duties in accordance with the court's order.

If you wish to appeal the order or to petition the court to modify or terminate the guardianship, you are entitled to be represented by an attorney. If you do not have an attorney, the court may appoint one to represent you. If you cannot afford an attorney, the services of an attorney whom the court may appoint for you will be provided at no cost to you.

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

IN RE: \_\_\_\_\_  
AN INCAPACITATED PERSON

CASE NO. \_\_\_\_\_

ORDER OF COURT APPOINTING  
SUCCESSOR GUARDIAN(S) OF THE  
PERSON AND ESTATE

Copy to:

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

IN RE: \_\_\_\_\_  
AN INCAPACITATED PERSON

NO.: \_\_\_\_\_

**ORDER OF COURT APPOINTING SUCCESSOR GUARDIAN(S)**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, it is Ordered as follows:

1. A Petition was filed seeking the appointment of a successor guardian. Notice was provided to the incapacitated person and all interested parties.

2. A hearing was held on the following date: \_\_\_\_\_. OR  
No hearing was held at this time, as the Court found from the record that a hearing was not required.

3. The Court finds that the incapacitated person continues to need a guardian, of the type previously appointed (specify: plenary or limited, of the person and/or of the estate).

4. The current guardian, \_\_\_\_\_, is relieved of their duties. They shall file an accounting within sixty (60) days, with copies to be provided to all counsel of record and the successor guardian.

5. \_\_\_\_\_ is hereby appointed as the successor plenary/limited guardian of the person and/or estate.

6. The successor guardian shall file annual reports using the forms provided by the Court.

7. The successor guardian is subject to the same conditions as the original guardian, and the successor guardian is responsible for reviewing all prior Court docket entries and Court Orders to be aware of their responsibilities and the history of the case.

8. The successor guardian shall obtain a bond in the following amount and provide proof thereof to the Court's Guardianship Department prior to having access to any of the incapacitated person's funds. Bond amount:

9. The successor guardian shall be responsible to insure that the incapacitated person participates to the greatest extent possible in all matters affecting the incapacitated person's day to day and ongoing personal and financial affairs.

10. The successor guardian of the estate shall not expend or transfer any of the incapacitated person's funds without obtaining the prior permission of the Court by way of petition and Court Order.

BY THE COURT:

\_\_\_\_\_, J.

[Pa.B. Doc. No. 19-1670. Filed for public inspection November 8, 2019, 9:00 a.m.]

### Title 255—LOCAL COURT RULES

#### CLINTON COUNTY

#### Crime Victim's Compensation Fund, Victim Witness Services; No. AD-4-2018

##### Order

And Now, this 8th day of October, 2019, this Court previously having entered an Order on November 15, 2018 approving an increase in the assessment of the Crime Victim's Compensation Fund and the Victim Witness Services Fund to a total of One Hundred and 00/100 (\$100.00) Dollars unless otherwise ordered by the Court; however, said Order not being appropriately distributed nor published in the *Pennsylvania Bulletin*, It Is Hereby Ordered as follows:

1. This cost shall be imposed at both the Magisterial District Courts and the Court of Common Pleas of this Judicial District notwithstanding any statutory provision to the contrary.

2. Pursuant to 18 P.S. § 11.1101(b), disposition of this assessment shall be as follows:

(a) Thirty-five and 00/100 (\$35.00) Dollars of the costs imposed where a defendant has pled guilty or nolo contendere, or was placed in a diversionary program, plus 30% of the costs imposed which exceed Sixty and 00/100 (\$60.00) Dollars (i.e. a total of Forty-seven and 00/100 (\$47.00) Dollars) shall be paid into the Crime Victim's Compensation Fund;

(b) Twenty-five and 00/100 (\$25.00) Dollars of the costs imposed where a defendant has pled guilty or nolo contendere, or was placed in a diversionary program, plus 70% of the costs imposed which exceed Sixty and 00/100 (\$60.00) Dollars (i.e. a total of Fifty-three and 00/100 (\$53.00) Dollars) shall be paid into the Victim Witness Services Fund; and

(c) The costs paid under Paragraph 2(b) of this Order that exceed Sixty and 00/100 (\$60.00) Dollars shall be returned by the Pennsylvania Commission on Crime and Delinquency to the Court of Common Pleas of Clinton County for Victim Witness Services.

3. This Administrative Order shall be effective thirty (30) days after the date of publication thereof in the *Pennsylvania Bulletin*, and shall govern all matters.

4. The Judicial Law Clerk in accordance with Pa.R.Crim.P. 105 shall:

1. File one (1) copy of this Order and Statement of Policy with the Administrative Office of Pennsylvania (AOPC) via email to adminrules@pacourts.us.

2. File with the Legislative Bureau for publication in *The Pennsylvania Bulletin*.

3. Publish a copy of this Administrative Order and Statement of Policy on the Clinton County Court website.

By the Court

CRAIG P. MILLER,  
*President Judge*

[Pa.B. Doc. No. 19-1671. Filed for public inspection November 8, 2019, 9:00 a.m.]