

3. **PLAN OF SUPPORTIVE SERVICE**

Where appropriate, you should assist in the development of a plan for supportive services for the Incapacitated Person, which will explain how these services will be obtained. This may not be necessary in every case, depending upon the circumstances of the Incapacitated Persons as you find them upon the commencement of your duties.

4. **ENCOURAGEMENT OF INCAPACITATED PERSON TO PARTICIPATE IN DECISIONS**

You must encourage the Incapacitated Person to participate to the maximum extent feasible within the limitations of his or her ability. You should further encourage the Incapacitated Person to act on his or her own behalf whenever he or she may be able to do so. You should further encourage the Incapacitated Person to develop or regain his or her capacity to manage his or her personal affairs insofar as may be possible under the circumstances.

5. **GENERAL CARE, MAINTENANCE and CUSTODY OF THE INCAPACITATED PERSON**

Where authorized by the terms of the Court Order, you shall have general responsibility for the care, maintenance and custody of the Incapacitated Person. Your attention to these duties may be limited by the terms of the Court Order, however, in exercising these duties you must not exceed that authority. Your primary guiding principle should be to follow what is in the best interests of the Incapacitated Person, even in situations that may conflict with you personal beliefs or your personal interest. If the best interests of the Incapacitated Person conflict irrevocably with your strongly held personal beliefs or personal interests, you may, and should apply to Court for guidance or for relief from your duties and transfer those duties to another person. You must avoid any conflict of interest, or even the appearance of a conflict of interest, in your pursuit of the best interests of the Incapacitated Person.

6. **UNIFORM FIREARMS ACT – RESTRICTIONS ON THE INCAPACITATED PERSON**

Sections 6105(a) and (c) of the Uniform Firearms Act, prohibit a person who has been adjudicated an incapacitated person from possessing, using, controlling, selling, transferring or manufacturing, or obtaining a license to possess, use, control, sell, transfer or manufacture a firearm in the Commonwealth of Pennsylvania. The Guardian should inquire about the ownership and/or possession of any firearms by the incapacitated person and, within 60 days of the Adjudication, should arrange for the sale or transfer of the incapacitated person's firearms to another eligible person who is not a member of the prohibited person's household. As well, an incapacitated person is not permitted to obtain a license to carry a firearm. Any existing license issued to the incapacitated person should be returned to the issuing authority.

7. **PLACE FOR INCAPACITATED PERSON TO LIVE**

If so provided by the Court Order appointing you, you may be empowered to select a place in which the Incapacitated Person will reside. Again, you must follow the standard of what is in the best interests of the Incapacitated Person, using your own independent judgment. You should attempt to discern the preferences as expressed by the Incapacitated Person and members of his or her family and to accommodate these with respect to the place in which the Incapacitated Person will be living, except in those instances where your independent judgment determines that this would conflict with the best interests of the Incapacitated Person.

8. **RESPONSIBILITY FOR TRAINING, EDUCATION, MEDICAL and PSYCHOLOGICAL SERVICES OF INCAPACITATED PERSON**

You also must refer to the Court Order to determine the extent of your authority in these regards. Where so provided by the Court Order, however, you may be given the responsibility to provide for the training, education, medical and psychological services, or for the social and vocational opportunities to be offered to the Incapacitated Person. You also may be authorized to assist the Incapacitated Person in the development of maximum self-reliance and independence. Again, your guiding principle should be what is in the best interests of the

Incapacitated Person and consideration of expressed wishes of the Incapacitated Person or family members would be appropriate where it does not conflict with this principle.

9. **CONSENTS / APPROVALS FOR INCAPACITATED PERSON**

The terms of the Court Order may also give you the authority to enter consents or approvals for various medical, surgical, psychological, or other treatment alternatives which may become available for the Incapacitated Person. As before, you should endeavor to follow the express wishes of the Incapacitated Person and family members to the extent that these do not conflict with the overriding principle of what is in the best interests of the Incapacitated Person. Your independent judgment on these issues, however, should not be overridden by family wishes.

10. **ANNUAL REPORT**

In addition to the overall duties set forth above, you are required to file an Annual Report on or before the first 12 month anniversary of your appointment and annually thereafter in which you describe the following in detail:

- (A) The current address and type of placement of the Incapacitated Person.
- (B) The major medical or mental problems of the Incapacitated Person.
- (C) A brief description of the Incapacitated Person's living arrangements, social, medical, psychological and other support services he or she is receiving.
- (D) Your opinion as to whether or not the guardianship of the Person should continue, be terminated, or modified, and your reason for this opinion.
- (E) The number and length of times in which you have visited the Incapacitated Person, during the last year.

Final Report -- Within sixty (60) days of the death of an Incapacitated Person, you are required to file a Final Report with the Court.

11. **POWERS WHICH MAY ONLY BE GRANTED BY COURT**

Unless specifically included within your guardianship Order, you shall not have power to:

- (A) Consent, on behalf of the Incapacitated Person, to abortion, sterilization, psychosurgery, electroconvulsive therapy, or the removal of a healthy body organ.
 - (B) Prohibit the marriage or consent to the divorce of the Incapacitated Person.
 - (C) Consent, on behalf of the Incapacitated Person, to the performance of any experimental biomedical behavioral medical procedure, or participation in any biomedical or behavioral experiment.
- or

12. **PARTIAL LIST**

This list of duties and responsibilities is partial and is by no means complete. If you are the individual Guardian of the Person and there is no institutional or corporate Co-Guardian, it is highly recommended that you consult with a qualified attorney concerning additional duties and responsibilities which cannot, for reasons of space, be set forth here.

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

In the Matter of _____, an Incapacitated Person

File Number: _____

GUARDIAN INVENTORY

(1) Real Estate:

(Location, by whom occupied and rental)

**Estimated
Value**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(2) Personal Property:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Continue on reverse side. Attach additional sheets if necessary)

Matter of _____, an Incapacitated Person

(3) Jointly Held Property:

**Estimated
Value**

(Set forth real and personal property owned by the Incapacitated person JOINTLY with any other person(s). State whether held as tenants by the entireties; if not, whether the right of survivorship exists.)

_____	_____
_____	_____
_____	_____
_____	_____

(4) Anticipated Assets:

(Set forth property of any kind expected to be acquired hereafter, together with anticipated date of acquisition.)

_____	_____
_____	_____

TOTAL OF ITEMS 1,2,3 & 4

=====

The Guardian certifies that a testamentary writing of the aforesaid Incapacitated Person has/has not been found and if found said writing has been submitted to the Clerk of the Orphans' Court, on _____, _____ to be impounded until further Order of the Court.

Commonwealth of Pennsylvania } ss.
County of Chester }

_____ being duly sworn says that the foregoing is a full, true and complete Inventory of the Estate of _____, the aforesaid Incapacitated Person; and that all of the information set forth herein is true and correct to the best of the affiant's knowledge and belief.

Sworn and subscribed before me this _____ day of _____, _____

Attorney for Guardian

Guardian

Attorney's Address

CHECKLIST FOR GUARDIANSHIP PROCEEDINGS

1. Forms:

- _____ Preliminary Decree
- _____ Citation with Notice
- _____ Final Order
- _____ Consent to Serve
- _____ Affidavit of Service
- _____ Notice of Retention/Non-Retention of Counsel by A.I.P.

2. Petition contains:**a. All of the following are required as per 20 Pa. C.S.A. § 5511(e):**

- _____ Name, age, residence, and P.O. address of A.I.P.
- _____ Names and addresses of spouse, parents and presumptive adult heirs of A.I.P.
- _____ Name and address of person or institution providing residential services to A.I.P.
- _____ Names and addresses of other services providers
- _____ Names and addresses of persons or entity whom petitioner seeks to have appointed guardian
- _____ Averment that proposed guardian has no interest adverse to A.I.P.
- _____ Reasons for seeking guardian
- _____ Description of functional limitations and physical and mental condition of A.I.P.
- _____ Steps taken to find LRA's (less restrictive alternatives)
- _____ Specific areas of incapacity for which guardian is to be assigned powers
- _____ Qualifications of proposed guardian
- _____ Gross value of estate and net income from all sources to the extent known (required if seeking a guardian of the estate)

b. Verification: (required)

_____ By Petitioner, not counsel (O.C. Rule L.3.4A(2))

c. Attorney Information (O.C. Rule L.3.4A(1))

_____ Petition, and any answer and reply must be endorsed with the name, address, zip code, telephone number, and identification number of the individual attorney representing the party filing the pleading.

3. Citation with Notice (§ 5511(a); Pa. O.C. Rule 14.5)

a. Form of Notice: (The following are all required)

_____ Proposed notice is in large type and simple language

_____ Notice states date, time, and place of hearing and rights of A.I.P., including right to counsel

_____ Notice sets forth purpose and seriousness of hearing and that rights may be lost

b. Service: (The following are all required)

_____ Personal service

_____ At least 20 days before hearing

_____ By qualified person (include qualifications on affidavit)

c. Additional Notice: (first two must be notified as matter of law [see § 5511 (a)])

_____ Next of kin or presumptive heirs (necessary)

_____ Person/institution providing residential services (if any)

_____ Others whom Court may direct, including other service providers _____ (as applicable)

4. Counsel for A.I.P. (Inform Judge at least 7 days before the hearing if no counsel has been retained by A.I.P.)

_____ Requested _____

_____ Appointed _____

5. Venue (§ 5512)

At least one of the first three; fourth necessary

_____ A.I.P. is resident of County, or of long-term facility within the County

_____ A.I.P. does not reside in County but is beneficiary of an estate or trust in the County

_____ A.I.P. does not reside in County but has assets in County

_____ No other guardian has been appointed

6. Proposed guardian (§ 5511(f)):

At least one of first three; fourth necessary

_____ Individuals _____

_____ Corporation _____

_____ Guardian Officer _____

_____ No adverse interest/adverse interest but no one else available (underline applicable alternative)