

RULE 14. ESTATES OF INCAPACITATED PERSONS

14.1 LOCAL RULES

14.2 ADJUDICATION OF INCAPACITY AND APPOINTMENT OF A GUARDIAN OF THE ESTATE OF AN INCAPACITATED PERSON

Rule 14.2(1) Testamentary Writings.

All testamentary writings of an incapacitated person found by the guardian or in the possession of any other person shall at the time of filing of the inventory be submitted by the guardian or such other person to the Court for its inspection, together with a photographic type copy to be retained by the judge for his private file.

Neither the will nor a copy thereof nor any description of its provisions should be permitted to become part of a file available for public inspection.

Rule 14.2(2) Petitions and Notice.

(a) The content and form of any petition to adjudicate a person incapacitated and of the written notice of the petition and hearing shall conform to the requirements of 20 Pa. C.S.A. §5511(a) and (e), the rules of the Supreme Court, and these rules.

(b) Notice of a petition and hearing shall be provided no less than twenty (20) days in advance of the hearing to all persons required by 20 Pa. C.S.A. §5511(a), by the rules of the Supreme Court, and these rules.

Rule 14.2(3) Withdrawals from An Incapacitated Person's Estate.

(a) Petitions

Petitions for withdrawals from an incapacitated person's estate or for the payment of counsel fees shall be governed by the appropriate provisions of Monroe Co. O.C.R. 12.5(4) and shall set forth:

(1) the name of the guardian, the date of his appointment; if the petitioner is not the guardian, his relationship to the incapacitated person; and, if not related, the nature of his interest whether or not the guardian is a paid employee who serves as guardian;

(2) a summary of the inventory, the date filed, and the nature and present value of the estate;

(3) the address and the occupation, if any, of the incapacitated person;

(4) the names and addresses of the incapacitated person's dependents, if any;

(5) a statement of all claims of the incapacitated person's creditors known to petitioner; and,

(6) a statement of the requested distribution and the reasons therefor, and a statement of all previous distributions allowed by the Court.

(b) Notice to Veterans' Administration

If any portion of the incapacitated person's estate is received from the United States Veterans' Administration or its successor, notice of the request for withdrawal shall be given that agency.

(c) Notice to Commonwealth

If the incapacitated person is maintained by any agency of the Commonwealth, notice shall be given to the appropriate representative of the Commonwealth.

Rule 14.2(4) Special Master.

When a special master is appointed to conduct a hearing on a petition for appointment of a guardian of an alleged incapacitated person residing in a state mental hospital or state center for the mentally retarded, forms approved by the Court Administrator of Pennsylvania shall be utilized, if available, and, if not available, in accordance with Monroe Co. O.C.R. 14.2(2).

Rule 14.2(5) Accounts and Distribution.

The practice and procedure with respect to the filing and Confirmation Nisi of accounts, as well as the distribution of the assets comprising the estate, shall conform with the practice and procedure governing the accounts of guardians of minors.

14.3 ADJUDICATION OF CAPACITY

14.4 PROCEEDINGS RELATING TO REAL ESTATE