

COURT OF COMMON PLEAS



THIRTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA FRANKLIN AND FULTON COUNTY BRANCHES

SHAWN D. MEYERS
JUDGE

Franklin County Courthouse
157 Lincoln Way East
Chambersburg, Pennsylvania 17201
Telephone: (717) 261-3844
Telefax: (717) 261-3847

Fulton County Courthouse
201 North Second Street
McConnellsburg, Pennsylvania 17233
Telephone: (717) 485-3301
Telefax: (717) 485-5568

MEMORANDUM

To: Members of the Franklin and Fulton County Bar Associations and all licensed attorneys practicing before the 39th Judicial District Orphans' Court.

From: Honorable Shawn D. Meyers, ^{*SDM*}39th District Court of Common Pleas

RE: Additional language to be added to final decrees and orders appointing guardians for incapacitated persons pursuant to 20 Pa. C.S. § 5501 et seq.

Date: March 14, 2016

The Pennsylvania Supreme Court under programs led by Justice Todd is seeking to better ensure that individuals and corporate entities that are appointed as guardians of the person or the estate of incapacitated persons complete the inventories and reports required by statute.

To ensure that guardians are properly made aware of the statutory requirements to complete guardianship reports and inventories, the Board of Judges is requesting that all decrees appointing guardians of a person or estate include language in the orders requiring the guardians to comply with PEF Code provisions for the filing of inventories and annual reports. Sample language is being provided in Word format with this email and at the FCBA Website so counsel and their staff can easily "cut and paste" it into their decrees. Decrees that do not include the language will not be signed. At the time of the guardianship hearings, counsel for the proposed guardian(s) are also asked to review with the guardian(s) on the record the reporting requirements so that at the conclusion of the hearings the guardians will have an understanding of the importance of filing the necessary inventories and reports.

Should you have any general questions about the language or process to be followed at the hearing, please contact Judge Shawn D. Meyers. If you have questions about individual cases, please be advised the Court will not engage in ex parte communications but will agree to speak to counsel provided all counsel and interested parties can participate in the discussion.

Language to be added to Decrees/Orders appointing guardians for Incapacitated Persons:

Under 20 Pa.C.S.A. § 5521(b) , within 3 months of the date of this order or decree, the guardian shall file an inventory with the Clerk of Court's office. The report is to be completed on a standardized form available on the website of the Administrative Offices of the Pennsylvania Courts.

Under 20 Pa.C.S.A. § 5521(c) (1), the guardian of the person and/or estate shall file a report with the Clerk of Court's office regarding the status of the incapacitated person and their estate within 12 months of date of this order or decree and at least one additional report each year thereafter. The reports are to be completed on a standardized form available on the website of the Administrative Offices of the Pennsylvania Courts.

Under 20 Pa.C.S.A. § 5521(c)(2), within 60 days of death of the incapacitated person or if the incapacitated person regains capacity and no longer needs a guardian, the guardian of the person and /or estate is required to file a final report with the Clerk of Court's office. The report is to be completed on a standardized form available on the website of the Administrative Offices of the Pennsylvania Courts.