

# -SAMPLE "4"-

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA  
ORPHANS' COURT DIVISION

O. C. NO. \_\_\_\_AI of 20\_\_

Estate of \_\_\_\_\_,  
an alleged incapacitated person

PETITION FOR ADJUDICATION OF INCAPACITY AND APPOINTMENT OF PLENARY  
GUARDIAN OF THE ESTATE AND PERSON PURSUANT TO 20 PA.C.S. §5511

TO THE HONORABLE JUDGE OF SAID COURT:

1. Petitioner is the \_\_\_\_\_ (*state relationship*) of \_\_\_\_\_ (the "alleged incapacitated person").
2. The alleged incapacitated person was born on January 1, 1926, is 75 years of age and \_\_\_\_\_ (*marital status*), and resides at \_\_\_\_\_ (*mailing address*).  
*(If the alleged incapacitated person resides in a nursing home or other residential facility not located in the incapacitated person's county of domicile, advise the Court how long he/she has resided there and state the name of his/her state and/or county of domicile. Both the county of domicile and county of residence have jurisdiction to hear this matter.)*
3. The following persons, to the best of Petitioner's knowledge, information and belief, are the living next-of-kin of the alleged incapacitated person:  
*(State names, addresses, relationship of spouse, parents, heirs, etc.)*
4. The name and address of the person (or institution) providing residential services (or other

services providers) for the alleged incapacitated person is/are \_\_\_\_\_.

5. To the extent known by Petitioner, the assets of the alleged incapacitated person are valued at approximately \$\_\_\_\_\_, comprised of the following holdings: *(list any bank accounts, shares of stock, property, etc.)*
6. Petitioner estimates the alleged incapacitated person's annual income to be \$\_\_\_\_\_, including current monthly Social Security benefits of \$\_\_\_\_\_.
7. The alleged incapacitated person was/was not a member of the armed services of the United States and is/is not receiving benefits from the United States Veterans' Administration.
8. The alleged incapacitated person suffers \_\_\_\_\_ *(state in detail the physical and medical condition of the alleged incapacitated person)*.
9. Because of his mental and/or physical condition, the alleged incapacitated person is totally unable to manage his/her financial affairs, property and business and to make and communicate responsible decisions relating thereto, including the ability to communicate his/her need for assistance in these areas. *(State in detail, by way of example, the functional mental and/or physical impairments of the alleged incapacitated person, which impairments necessitate a plenary guardianship of his estate.)*
10. Because of his/her impaired mental and/or physical condition, the alleged incapacitated person lacks the capacity to make or communicate responsible decisions concerning his/her person and is unable to: \_\_\_\_\_. *(State in detail, by way of example, the functional mental and/or physical impairments of the alleged incapacitated person, which impairments necessitate a plenary guardianship of the person, such as an inability to keep properly nourished, hydrated, medicated, etc.)*

11. The following alternatives to the appointment of a guardian of the estate have been considered: (*state in detail*), but these alternatives are ineffective for the following reasons: (*state in detail*).
12. The severity of the alleged incapacitated person's mental and/or physical condition and the lack of viable, less restrictive alternatives necessitate that a plenary guardian of his/her estate be appointed to manage and handle all aspects of the alleged incapacitated persons's estate, specifically, but not limited to: all issues relating to cash, checks, bank savings, stocks, bonds, personal property, real property, insurance policies, government entitlements, taxes, execution of documents, entry in contracts and the payment of reasonable compensation for services provided to the person.
13. The following alternatives to the appointment of a guardian of the person have been considered: (*state in detail*), but these alternatives are ineffective for the following reasons: (*state in detail*).
14. The severity of the alleged incapacitated person's mental and/or physical condition and the lack of viable, less restrictive alternatives necessitate that a plenary guardian of his/her person be appointed to handle all issues relating to the person of the alleged incapacitated person, specifically, but not limited to: living arrangements, medical and psychiatric care, administration of medication, employment and discharge of physicians, and other medical decisions as may be required.
15. Petitioner is not aware that the alleged incapacitated person signed any powers of attorney or advance health directives or in any other way designated anyone to serve as his/her agent over any of his/her personal or financial affairs or as his/her surrogate over his/her medical

care, or that he/she designated in writing his/her wishes with regard to health care, including the use or refusal of life sustaining treatment. *(If such documentation does exist, it should be attached with an explanation).*

16. The proposed plenary guardian of the person and estate is *(name, relationship to alleged incapacitated person, residence)*.
17. The proposed plenary guardian of the person is *(age, employment, education, experience)*.
18. The proposed plenary guardians have no interest adverse to the alleged incapacitated person.
19. The consents of the proposed plenary guardian are attached as exhibits.
20. No other court has ever assumed jurisdiction in any proceeding to determine the capacity of the alleged incapacitated person.
21. No other guardian has been appointed for the estate or person of the alleged incapacitated person.

WHEREFORE, Petitioner respectfully requests that this Court issue a Citation, directed to the alleged incapacitated person, with notice thereof to be given to her next of kin and to such other persons as this Court may direct, to show cause why \_\_\_\_\_ should not be adjudged fully incapacitated and \_\_\_\_\_ should not be appointed plenary guardian of his/her estate and his/her person.

Respectfully submitted,