

MONTGOMERY COUNTY COURT OF COMMON PLEAS  
ORPHANS' COURT DIVISION

**CHECKLIST FOR GUARDIANSHIP PROCEEDINGS**

Alleged Incapacitated Person's (AIP's) Name:

Petitioner's Name:

Attorney:

Attorney/Pet. Phone Number:

Case # 20 -X

Attorney's/Petitioner's Email:

1. Petition for Adjudication of Incapacity must contain:

a. All of the following are required per 20 PA C.S.A. 5511(e) & PA O.C. Rule 14.2:

- Name, age, residence and mailing address of AIP
- Name and address of spouse, parents and adult heirs of AIP
- Name and address of residential facility
- Name and address of Proposed Guardian(s)
- Statement that Proposed Guardian(s) has/have no interest adverse to AIP
- Name and address of any individual appointed under a Power of Attorney or Health Care Power of Attorney
- Description of functional limitations and physical and mental condition of AIP
- Steps taken to consider less restrictive alternatives to guardianship
- Specific areas of incapacity for which Guardian is to be assigned powers
- Any areas of capacity for which AIP should retain authority
- Qualifications of Proposed Guardian
- Gross Value of Estate (*assets*) of AIP and monthly income of AIP
- Information about whether a pre-paid Burial Account exists
- Statement that no other Guardian has been appointed and no other Court has assumed jurisdiction over this AIP

b. Verification signed by Petitioner

c. Consent signed by Proposed Guardian(s)

d. Pennsylvania State Police criminal record check

e. Out-of-state criminal record check if guardian has lived outside of Pennsylvania in last 5 years

f. Guardianship Certification (required for professional guardians only)

g. Attorney entry of appearance if applicable

h. Forms:

- Completed Expert Report
- Doctor's Affidavit if AIP cannot attend hearing
- Form SP-4-131 (*Notice of no firearms*)
- Proposed Orders

2. Venue (20 PA C.S.A. §5512):

- AIP is domiciled in or resides in Montgomery County or resides in a long-term care facility within Montgomery County.
- AIP is not a resident of Montgomery County, but is a beneficiary of an Estate or Trust in Montgomery County or has Real Property in Montgomery County.

3. Other items due at least 7 days before scheduled Plenary Hearing:

Forms:

- Affidavit of Service upon Alleged Incapacitated Person  
Service of the Petition, Citation and Notice must be made by Personal Service upon the Alleged Incapacitated Person, at least 20 days before the scheduled hearing, and the contents of the Petition must be explained to the maximum extent possible in terms the person is most likely to understand.
- Affidavit of Service upon adult heirs, care providers and agents under any Power of Attorney (*as the Court may direct, generally by first class mail at least 20 days before hearing*)
- Notice of Retention/Non-Retention of Counsel for AIP