

# Erie County Orphans' Court

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## **COURT NOTICE - PROCEDURAL INFORMATION ONLY**

This document is provided for general informational purposes to describe filing procedures in guardianship matters. It is not legal advice, does not create any rights, and does not replace the Pennsylvania Orphans' Court Rules, Erie County Orphans' Court Local Rules, or orders of court. Court staff and Orphans' Court Investigators are not permitted to assist in preparing pleadings or advising parties on legal strategy. Parties are responsible for ensuring that all filings comply with applicable law and rules.

**IF YOU WANT TO OBTAIN THE SERVICES OF AN ATTORNEY BUT DO NOT KNOW WHOM TO CONTACT, YOU MAY CALL THE ERIE COUNTY LAWYER REFERRAL SERVICE AT (814) 459-4411.**

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Guardianship Proceedings - Information for Pro Se Filers

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Court staff and Orphans' Court Investigators cannot assist in preparing filings or advising on legal strategy.

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## **Filing a Petition to Appoint Guardianship of an Incapacitated Person (Pro Se)**

In Erie County, a request for guardianship must be initiated by filing a Petition for Adjudication of Incapacity and Appointment of Guardian with the Clerk of the Orphans' Court. Guardianship proceedings are governed by Title 20 of the Pennsylvania Consolidated Statutes 5501 and applicable Erie County Orphans' Court Rules.

Filing a petition does not guarantee that a guardian will be appointed. All guardianship matters are subject to court review and hearing.

# **Required Contents of the Petition**

WHILE YOU ARE PERMITTED TO FILE LEGAL PAPERS AND REPRESENT YOURSELF IN COURT, IT IS STRONGLY RECOMMENDED THAT YOU SEEK THE ADVICE OF AN ATTORNEY.

**PLEASE COMPLETE EACH PARAGRAPH OF THE PETITION AND WRITE NEATLY.**

*At a minimum, the petition must include the following:*

## **1. Caption and Identifying Information**

- Full legal name of the alleged incapacitated person (AIP)
- Date of birth and current address of the AIP
- Proper Orphans' Court caption for Erie County

## **2. Petitioner Information and Standing**

- Name, address, and contact information of the petitioner
- Relationship of the petitioner to the AIP
- Basis for the petitioner's standing to seek guardianship

## **3. Allegations of Incapacity**

- A statement describing the nature and extent of the alleged incapacity.
- Specific facts demonstrating how the AIP is unable to manage: Personal needs (health, safety, or self-care), and/or financial affairs or property.

## **4. Type and Scope of Guardianship Requested**

The petition must clearly state whether the petitioner seeks:

- Guardianship of the person
- Guardianship of the estate
- Limited guardianship or plenary guardianship

## **5. Independent Evaluation - Expert Report Required**

Reference to an independent evaluation by a qualified professional addressing capacity, completed within the period required by statute, unless otherwise permitted by the Court. Form can be located at the following:

<https://www.pacourts.us/forms/for-the-public/orphans-court-forms>

## **6. Criminal History and Clearances**

- Disclosure of the petitioner's criminal history, if any, as required by the Court
- Submission of a Pennsylvania State Police Criminal History Record Check and any additional background checks or clearances required by statute, local practice, or court order. The report must be dated no later than six (6) months prior to the date you file the petition. If you have not resided within the Commonwealth for at least five (5) years, you must also attach the criminal record check for each state you have resided in.
- The Court may require supplemental background information prior to appointment

## **7. Interested Parties**

Identification of all required interested parties entitled to notice, which may include:

- Spouse
- Adult children
- Parents
- Other individuals as required by law

## **8. Notice and Service**

- The alleged incapacitated person must be personally served
- All required parties must receive notice of the proceeding
- Proof of service must be filed with the Clerk of the Orphans' Court

## **8. Verification**

The petition must be verified, meaning it is signed and affirmed as true and correct by the petitioner

## **9. Confidential Information**

Personal identifiers and sensitive information must be handled in accordance with court rules and confidentiality requirements

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### **Filing Location and Fees**

Petitions are filed with the Clerk of the Orphans' Court of Erie County, 140 West 6<sup>th</sup> Street, Room 122, Erie, PA 16501. Filing fees apply unless waived by court order. The current filing fee is \$146.25. You should also have a copy for your record and a copy to serve on all persons entitled to service.

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## **Important Reminders**

Guardianship affects fundamental rights and is closely reviewed by the Court.

The Court may appoint counsel, require additional evaluations, or schedule hearings as necessary.

Parties are encouraged to consult with an attorney regarding rights, obligations, and procedural requirements.

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### **COURT DISCLAIMER**

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Issued for informational purposes in accordance with Erie County Orphans' Court practice.