

# -SAMPLE "2"-

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 IVAN INCAPACITATED,  
an alleged incapacitated person

## PRELIMINARY DECREE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, upon consideration of the annexed Petition for the Appointment of an Emergency Guardian, it is hereby ORDERED and DECREED that a citation is awarded, directed to Ivan Incapacitated to show cause emergency guardian of his/her person should not be appointed for the purpose of authorizing any surgical or other medical procedures necessary in his/her opinion for the health and welfare of Ivan Incapacitated. The hearing shall be held in Courtroom 414, City Hall, Philadelphia, Pennsylvania, on \_\_\_\_\_ at \_\_\_\_\_ .m.

Petitioner shall cause to be served (by personal service) the Citation with Notice and Petition, pursuant to the provisions of 20 Pa. C.S.A. §5511(a) upon the alleged incapacitated person at least \_\_\_\_\_ hours prior to the court hearing. The contents and terms of the Citation with Notice and Petition shall be explained to the maximum extent possible in language and terms of the alleged incapacitated person is most likely to understand in accordance with the provisions of 20 Pa. C.S.A.

§5511(a). An affidavit of service containing specific averments as to the above requirements shall be presented at the beginning of the court hearing.

If any next of kin can be located, at least \_\_\_\_\_ hours notice of the court hearing, together with a copy of the petition shall be given personally, by telegram, or, by overnight mail to all persons who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he died intestate, to the person or institution providing residential services to the alleged incapacitated person, in accord with the provisions of 20 Pa. C.S.A. §5511(a).

The alleged incapacitated person shall be present at the court hearing unless it is established by clear and convincing medical evidence that his physical and mental condition would be harmed by his presence in court in accordance with the provisions of 20 Pa.C.S.A. §5511(a).

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J.