

IN THE COURT OF COMMON PLEAS, CHESTER COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION

IN RE: _____, : No. 15____ - _____
An Alleged Incapacitated Person

PETITION FOR EMERGENCY GUARDIAN

ORDER

AND NOW, this ____ of _____, 20____, upon oral agreement between the Petitioner(s) and Respondent, through their counsel, and: ____ after a hearing pursuant to 20 Pa. C.S. § 5513 *or* ____ after waiver of a hearing, it is stipulated to extend the appointment of the emergency guardianship of the person beyond the 72 hour (3-day) time period. Additionally it is agreed to extend the guardianship of the person 20 days beyond the expiration of the original 72 hour period.

FURTHERMORE, the parties recognize that: (i) the need for the appointment of an emergency guardian is likely to continue beyond the statutory time periods pursuant to 20 Pa.C.S. § 5513¹; and (ii) the filing of subsequent petitions for emergency guardianship would increase the costs and time to all parties and the court. The parties stipulate that the emergency guardianship shall remain in full force and effect so long as: (1) a petition for an adjudication of incapacity and appointment of guardianship² (“Plenary Petition”) is filed within 23 days of the date of this order; and (2) the Plenary Petition remains open and active. Pursuant to *Gavin v. Loeffelbein*, 205 A.3d 1209 (Pa. 2019), the parties waive any and all objections to the extension of the appointment of the emergency guardian without the additional filing of, or hearings on, subsequent emergency petitions.

The emergency guardianship shall automatically terminate without further order of Court after 23 days (ie the 24th day) from the date of this Order for a guardianship of the person and after 30 days (ie the 31st day) from the date of this Order for a guardianship of the estate unless before that day: (1) the court orders the appointment of a plenary guardian; (2) the court enters a finding of capacity on the part of Respondent; or (3) the Plenary Petition is withdrawn.

Notwithstanding the foregoing, both parties reserve and shall have the right to file a petition to modify or terminate the emergency guardianship.³

BY THE COURT:

J.

¹ Providing that the emergency guardian for the person may extend 23 days from the date of the original order for appointment of an emergency guardian of the person and 30 days from the date of the original order for appointment of an emergency guardian of the estate.

² Pursuant to 20 Pa. C.S. §5511 and Pa.O.C. Rule 14.2.

³ See 20 Pa. C.S. § 5512.1(h).