

CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

Rule 14.5 Forms

The following forms located in the Appendix shall be used exclusively:

- (a) Important Notice – Citation with Notice;
- (b) Annual Report of Guardian of the Estate;
- (c) Annual Report of Guardian of the Person; **[and]**
- (d) Guardian's Inventory[.]; **and**

(e) Deposition by Written Interrogatories.

Explanatory Comment: In accordance with Rule 1.8, these forms must be used exclusively and cannot be replaced or supplanted by a local form.

[This is an entirely new rule.]

Rule 14.6 Deposition by Written Interrogatories

Evidence of incapacity may be admissible through a deposition by written interrogatories using the form provided in the Appendix to these rules under the following circumstances:

- (a) The deponent is qualified by training and experience in evaluating individuals with incapacities for the type alleged in the petition;
- (b) The deponent signs, dates, and verifies the response to the written interrogatories; and
- (c) Incapacity is uncontested.

Explanatory Comment: This rule and referenced form are intended to permit the admission of expert testimony by written deposition rather than live testimony. See 20 Pa.C.S § 5518. The rule is permissive; whether a

deposition is admitted in lieu of testimony is at the discretion of the court. Nothing in this rule is intended to preclude the court from requiring the deponent to appear or requiring supplementation if the court is not satisfied with the response contained within the deposition. With the necessity of cross-examination, when capacity is contested, the use of a deposition by written interrogatories pursuant to this rule is not permitted.

APPENDIX OF FORMS

**INDEX TO APPENDIX
ORPHANS' COURT AND REGISTER OF WILLS FORMS
ADOPTED BY SUPREME COURT
PURSUANT TO Pa. O.C. Rule [1.3] 1.8**

**Available as Fill-in Forms on Website
of Administrative Office of Pennsylvania Courts
<http://www.pacourts.us/Forms/OrphansCourtForms.htm>**

Orphans' Court and Administration Forms

B. Guardianship Forms

1. Important Notice - Citation with Notice (Pa. O.C. Rule 14.5)	G-01
2. Annual Report - Guardian of Estate	G-02
3. Annual Report - Guardian of Person	G-03
4. Guardian's Inventory	G-04
5. Petition for Adjudication - Guardian of Estate of Incapacitated Person	OC-03
6. Petition for Adjudication - Guardian of Estate of Minor	OC-04
<u>7. Deposition by Written Interrogatories</u>	<u>G-05</u>