

IN RE: : IN THE COURT OF COMMON PLEAS
: OF ERIE COUNTY, PENNSYLVANIA

a Minor : ORPHANS' COURT DIVISION
:
: NO.

COVER PAGE WITH INSTRUCTIONS – PLEASE READ CAREFULLY

1. If you are seeking emergency guardianship in Motion Court, you must complete the attached Family / Orphans' Division Motion Cover Sheet and Notice stating whether and in what manner you provided notice to all interested parties of your intention to appear in Motion Court.
2. If you are seeking emergency guardianship, you must complete Part A of the attached petition stating in detail the emergency basis for your request. To constitute an emergency, you must set forth sufficient facts to show that failure to appoint an emergency guardian is likely to result in immediate and irreparable harm to the person and/or estate of the minor. **NOTE:** Most cases are not emergencies. Non-emergency petitions must be taken to Court Administration to schedule a hearing date and time.
3. All pages must be filled out completely. Incomplete petitions may be rejected by the Court or Court Staff. Separate petitions must be filed for each minor. Be sure to print legibly.
4. See attachments to this form for exhibits that must be attached to the petition when it is filed.
5. If there is more than one petitioner and/or proposed guardian, you must provide complete information for each of them.
6. Minors age 14 years and older must be present at guardianship hearings.
7. You must provide a working telephone number and keep the Court apprised of any changes in address and/or telephone number.

IN RE: _____ : IN THE COURT OF COMMON PLEAS
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**PETITION FOR APPOINTMENT OF GUARDIAN(S)
 OF THE PERSON AND/OR ESTATE OF A MINOR**

PART A – EMERGENCY PETITIONS ONLY
<p>1. <u>REASON FOR EMERGENCY GUARDIANSHIP.</u> State in detail the immediate and irreparable harm likely to occur to the person or estate of the MINOR unless an emergency guardian is appointed. If you are not seeking emergency guardianship, leave this part blank and proceed to Part B.</p> <p>_____</p> <p>_____</p> <p>_____</p>

PART B – All PETITIONS
<p>2. <u>MINOR'S INFORMATION</u> (You must complete separate Petitions for each Minor)</p> <p>a. Name: _____</p> <p>Age: _____ DOB: _____ Religion: _____</p> <p>Complete Address: _____</p>

3. PROPOSED GUARDIAN INFORMATION			
a. Name (Guardian 1): _____			
Age:	DOB:	Religion:	Marital Status:

Complete Address: _____			

Telephone Number: _____			

Place of Employment: _____			

Relationship to Minor (Example: Maternal / Paternal Grandparent, Aunt or Uncle; for Other Relationship – Please Describe): _____			

b. Name (Guardian 2): _____			
Age:	DOB:	Religion:	Marital Status:

Complete Address: _____			

Telephone Number: _____			

Place of Employment: _____			

Relationship to Minor (Example: Maternal / Paternal Grandparent, Aunt or Uncle; for Other Relationship – Please Describe): _____			

4. PROPOSED GUARDIAN HOUSEHOLD INFORMATION	
a. Other adults living in Proposed Guardian's household:	
Name: _____	DOB: _____
Name: _____	DOB: _____
Name: _____	DOB: _____
Name: _____	DOB: _____

5. PETITIONER INFORMATION – Complete only if Petitioner(s) is/are not the Proposed Guardian(s)	
a. Name (s): _____	
Complete Address: _____	

Telephone Number: _____	

Relationship to Minor: _____	

6. MINOR'S PARENT INFORMATION	
a. Mother / Parent 1 Name: _____	DOD (If Deceased): _____
Complete Address: _____	
b. Father / Parent 2 Name: _____	DOD (If Deceased): _____
Complete Address: _____	

7. MINOR'S FINANCIAL INFORMATION		
a. Does Minor have any assets (other than clothing or small personal items)?:	Yes _____	No _____
b. Does Minor have income of any type:	Yes _____	No _____
c. Does Minor receive Social Security benefits of any type?:	Yes _____	No _____
d. Does Minor receive Veterans benefits of any type?:	Yes _____	No _____
e. Is Minor entitled to funds from an estate, civil action or any other claim?:	Yes _____	No _____
If you answered yes to any of the above, provide <u>specific information</u> as to each such asset, income, benefit, and/or claim below:		
<u>Type of asset, income, benefits or claim:</u>	<u>Current Value:</u>	<u>Account Number or Location:</u>
<u>Type of asset, income, benefits or claim:</u>	<u>Current Value:</u>	<u>Account Number or Location:</u>
<u>Type of asset, income, benefits or claim:</u>	<u>Current Value:</u>	<u>Account Number or Location:</u>
<u>Type of asset, income, benefits or claim:</u>	<u>Current Value:</u>	<u>Account Number or Location:</u>
f. If the Minor is entitled to Veterans benefits, was notice of this Petition given to the United States Veterans' Administration, or its successor:	Yes _____	No _____
If no , explain why notice was not given.		

8. REASON FOR GUARDIANSHIP
<p>a. Describe how and when Minor was placed in Proposed Guardian's care:</p> <hr/> <hr/> <hr/>
<p>b. Explain why appointment of a guardian for the Minor is necessary:</p> <hr/> <hr/> <hr/> <hr/>

9. CONSENTS
<p>a. Does Mother / Parent 1 consent to this Petition?: Yes _____ No _____ If yes, a signed Consent of Parent must be attached to this Petition.</p>
<p>b. Does Father / Parent 2 consent to this Petition?: Yes _____ No _____ If yes, a signed Consent of Parent must be attached to this Petition.</p>
<p>c. Does Proposed Guardian(s) consent to this Petition?: Yes _____ No _____ If Proposed Guardian(s) is/are not the Petitioner(s), their signed Consent(s) of Proposed Guardian must be attached to this Petition.</p>
<p>d. Is the Minor age 14 years or older?: Yes _____ No _____ If yes, a signed Consent of Minor must be attached to this Petition and the minor must appear in court at the time of the guardianship hearing.</p>

10. OTHER PROCEEDINGS
<p>a. Has there ever been a child custody action involving the Minor?: Yes _____ No _____ If yes, state the court and jurisdiction, and attach a copy of the custody order.</p> <hr/> <hr/>

10. (CONTINUED) OTHER PROCEEDINGS

b. Has there been any other guardianship action involving the Minor? Yes ___ No ___
If yes, provide the date of death, discharge or removal of the prior guardian and attach a copy of the court order terminating the guardianship.

c. If you are filing this Petition due to the death of the Minor's parent or legal guardian, or if the Minor is to receive property under a Will or similar written instrument, do you know whether the deceased person named a guardian for the Minor in his or her Will or other written instrument? Yes ___ No ___

If yes, state the name of the person or entity appointed guardian and attach a copy of the Will or other written instrument:

11. AGENCY INVOLVEMENT

a. Has any Children's Services / OCY Agency ever been involved with the Minor? Yes ___ No ___

If yes, provide details of that involvement, including the location of the investigation, and indicate whether the case is open or closed:

b. Has any Children's Services / OCY Agency ever been involved with the proposed Guardian(s)? Yes ___ No ___

If yes, provide details of that involvement, including the location of the investigation, and indicate whether the case is open or closed:

12. ATTACHMENTS / EXHIBITS

a. Is Mother's / Parent 1's signed Consent of Parent attached to this Petition?: Yes ____ No ____

If not, explain why:

b. Is Father's / Parent 2's signed Consent of Parent attached to this Petition?: Yes ____ No ____

If not, explain why:

c. If Petitioner(s) is/are not the proposed guardian's(s'), are signed Consent(s) of Proposed Guardian attached to this Petition?: Yes ____ No ____

If not, explain why:

d. Is a copy of the Will or other written instrument referenced in **Section 10(c)** above, if any, attached this Petition?: Yes ____ No ____

If not, explain why:

WHEREFORE, your PETITIONER(S) request(s) entry of the attached Order appointing the proposed GUARDIAN(S) as guardian(s) of the MINOR'S person and/or estate.

Date: _____
 Print Name – Petitioner 1 Signature - Petitioner 1

Date: _____
 Print Name – Petitioner 2 Signature - Petitioner 2

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VERIFICATION

I/We hereby acknowledge reading the foregoing Petition for Appointment of Guardian(s) of the Person and/or Estate of a Minor and hereby verify that the facts stated therein are true and correct to the best of my/our knowledge, information and belief.

I/We understand that any false statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

Date: _____
Print Name – Petitioner 1 Signature - Petitioner 1

Date: _____
Print Name – Petitioner 2 Signature - Petitioner 2

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CONSENT OF MOTHER / PARENT 1

I, _____, Mother / Parent 1 of the
(Print Name of Mother / Parent 1)
above above-captioned Minor, hereby consent to the appointment of:

(Print Name of Proposed Guardian 1)

(Print Name of Proposed Guardian 2)

as Guardian(s) of his / her Person and/or Estate, until the above-captioned Minor reaches the age of 18 years or until further Order of Court.

Date: _____
Print Name – Mother / Parent 1 Signature - Mother / Parent 1

CONSENT OF FATHER / PARENT 2

I, _____, Father / Parent 1 of the
(Print Name of Father / Parent 1)
above above-captioned Minor, hereby consent to the appointment of:

(Print Name of Proposed Guardian 1)

(Print Name of Proposed Guardian 2)

as Guardian(s) of his / her Person and/or Estate, until the above-captioned Minor reaches the age of 18 years or until further Order of Court.

Date: _____
Print Name – Father / Parent 2 Signature - Father / Parent 2

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CONSENT OF PROPOSED GUARDIAN 1
(If Proposed Guardian is not the Petitioner)

I, _____, hereby consent to serve as
(Print Name of Proposed Guardian 1)

Guardian for the above above-captioned Minor until he / she reaches the age of 18 years or until further Order of Court.

Date: _____
Print Name – Proposed Guardian 1 Signature - Proposed Guardian 1

CONSENT OF PROPOSED GUARDIAN 2
(If Proposed Guardian is not the Petitioner)

I, _____, hereby consent to serve as
(Print Name of Proposed Guardian 2)

Guardian for the above above-captioned Minor until he / she reaches the age of 18 years or until further Order of Court.

Date: _____
Print Name – Proposed Guardian 2 Signature - Proposed Guardian 2

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_____ a Minor

CONSENT OF MINOR

I, _____, as a minor age 14 years or
(Print Name of Minor)

older, do hereby consent to the appointment of:

(Print Name of Proposed Guardian 1)

(Print Name of Proposed Guardian 2)

as Guardian(s) of my Person and/or Estate, until I reach the age of 18 years or until further Order of Court.

Date: _____

Print Name – Minor

Signature - Minor

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SCHEDULING ORDER
AND NOTICE OF HEARING

AND NOW, to-wit, this ____ day of _____, 20____, upon review of the foregoing **Petition for Appointment of Guardian(s) of the Person and/or Estate of a Minor** ("Petition"), it is hereby **ORDERED** that an evidentiary hearing is scheduled before:

The Honorable _____ on _____, 20____
at ____ o'clock a.m./p.m. in Courtroom # _____, Erie County Courthouse, Erie, PA. All interested parties must be present, including the minor child if age 14 years or older.

Before or at the time of the hearing, Petitioner(s) **SHALL** provide a Certificate of Service certifying that the Petition and this Scheduling Order and Notice of Hearing were given to all interested parties, including the Minor's parents, any current custodians of the Minor, the Erie County Office of Children and Youth, if that Agency is involved with the Minor or the Proposed Guardian(s), and any other party in interest to the Minor. **THE HEARING MAY NOT PROCEED IF THE PETITION AND THIS SCHEDULING ORDER AND NOTICE OF HEARING WERE NOT SERVED ON ALL INTERESTED PARTIES.**

BY THE COURT:

Judge

NOTICE: AMERICANS WITH DISABILITIES ACT OF 1990 - The Court of Common Pleas of Erie County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the court, please contact the Court's ADA Coordinator at Erie County Court of Common Pleas, 140 West Sixth Street, Room 205, Erie, PA 16501-1030, Phone (814) 451-6308, TDD (814) 451-6237, E-mail: courtadacoordinator@eriecountypa.gov. Requests should be made as soon as possible or at least three business days prior to any hearing or business before the court.

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GUARDIANSHIP ORDER (TEMPORARY)

AND NOW, this _____ day of _____, 20____ upon consideration of the foregoing Emergency Petition for Appointment of Guardian(s) of the Person and/or Estate of a Minor, it is hereby **ORDERED** as follows:

1. The following person(s) is / are appointed as Temporary Guardian(s) of the Person and Estate of the above-captioned Minor:

(Print Name of Guardian 1)

(Print Name of Guardian 2)

2. Petitioner(s) shall immediately take their Petition for Appointment of Guardian(s) of the Person and/or Estate of a Minor to Erie County Court Administration to schedule a hearing date for permanent guardianship.

3. Absent further order of court, the above-identified Guardian's(s') powers under this Order shall be valid for **sixty (60) days** from the date of this Order or until a permanent guardianship is granted or denied, whichever is first to occur.

BY THE COURT:

JUDGE

IN RE: : IN THE COURT OF COMMON PLEAS
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GUARDIANSHIP ORDER (PERMANENT)

AND NOW, this _____ day of _____, 20____ upon review of the foregoing Petition for Appointment of Guardian(s) of the Person and/or Estate of a Minor and after an evidentiary hearing held this date upon proper notice to all interested parties, and after careful consideration of the testimony and other evidence provided at the hearing, it is hereby **ORDERED, ADJUDGED** and **DECREED**:

1. The following person(s) is / are appointed as Guardian(s) of the Person and Estate of the above-captioned Minor:

(Print Name of Guardian 1)

2. Within ninety (90) days of the date of this Order, the Guardian(s) shall file an Inventory listing all of the assets and income of the Minor with the Clerk of the Orphans' Court.

3. Within sixty (60) days after the Minor attains the age of eighteen (18) years, the Guardian(s) shall file a Final Accounting with the Clerk of the Orphans' Court, pursuant to 20 Pa. C.S.A. §5319(c).

BY THE COURT:

JUDGE

IN RE: _____ : IN THE COURT OF COMMON PLEAS
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CERTIFICATE OF SERVICE

Petitioner(s) hereby certify that a copy of the Petition for Appointment of Guardian(s) of the Person and/or Estate of a Minor **AND** the Scheduling Order and Notice of Hearing were served on the following persons:

Name of Person Served:	Address where Served:	Date of Service:

Manner of Service (ex. personal service or certified mail): _____		

Name of Person Served:	Address where Served:	Date of Service:

Manner of Service (ex. personal service or certified mail): _____		

Name of Person Served:	Address where Served:	Date of Service:

Manner of Service (ex. personal service or certified mail): _____		

All Proofs of Service (ex. certified mail receipts, constable affidavit, statement of adult who provided personal service) are attached to this Certificate of Service.

I hereby verify that the facts stated herein are true and correct to the best of my knowledge, information and belief. I understand that any false statements made herein are subject to the penalties of 18 Pa.C.S.A. §4904, relating to unsworn falsification to authorities.

Date: _____

(signature - Petitioner 1)

Date: _____

(signature - Petitioner 2)

Date: _____

(signature of adult who completed personal service, if personal service used instead of mail)

**FAMILY / ORPHANS' DIVISION
MOTION COVER SHEET AND NOTICE**

DATE: _____

MOTIONS JUDGE: _____

CAPTION: _____

vs.

DOCKET NO: _____

NOTICE

You are hereby notified that the attached motion/petition will be presented by me in

Motion Court on: _____, at 9:00 a.m.
(Date)

CERTIFICATION OF SERVICE

A. CONTESTED MOTIONS / EMERGENCY GUARDIANSHIPS

The undersigned represents that a copy of this motion and proposed order have been served upon all parties or their counsel of record on _____, _____, in accordance with Local Rule No. 440 (Civil Procedure) or Orphans' Court Local Rule No. 3.0 (Orphans' Court Procedure), hereby providing:

- Two full business days' prior notice by hand delivery, fax; or
- Five full business days' prior notice by mail.

By: _____
(Signature of Attorney for: Plaintiff Defendant or Signature of unrepresented party)

Print Name: _____

(OR)

B. UNCONTESTED MOTIONS / EMERGENCY GUARDIANSHIPS

The undersigned represents that all counsel and unrepresented parties have consented to the motion and consents are attached to the motion.

By: _____
(Signature of Attorney for: Plaintiff Defendant or Signature of unrepresented party)

Print Name: _____

C. INDICATE MOTION TYPE ON BACK OF THIS PAGE (OVER)

MOTION TYPE

FAMILY COURT MOTIONS

CUSTODY: Petition/Motion relating to:

- Temporary custody
- Approval of custody agreement
- Waive attendance at seminar
- Custody Other:_____

- In Forma Pauperis
- Special relief (Cust)
- Cust Contempt
- Continuance (Cust)
- Counsel fees & expenses (Cust)

DIVORCE: Petition/Motion relating to:

- Exclusive possession of property
- Bifurcation
- Filing Inventory/Pre-Trial Stmt
- Waive Attendance at seminar
- Alimony Pendente Lite
- Divorce Other:_____

- In Forma Pauperis
- Approve QDRO
- Divorce Contempt
- Divorce, Special Relief
- Amend pleadings divorce
- Counsel fees & expenses (Div)

SUPPORT: Petition/Motion relating to:

- Cont conf/de novo hrg (support)
- Support Other:_____

- In Forma Pauperis
- Paternity/Blood tests
- Support Contempt

ORPHANS' COURT MOTIONS

DECEDENTS' ESTATES: Petition/Motion relating to:

- Inheritance Tax Return
- Family Exemption
- Settlement of Small Estate
- Approval of sale of property
- App settlement/Wrongful Death
- Decedents' Estates Other:_____

ADOPTIONS: Petition for:

- Adoption
- Voluntary Relinquishment
- Involuntary Termination
- Confirm Consent Adoption
- Adoption Other:_____

MINOR'S ESTATES: Petition for:

- Appr Settlement of Minor's Claim
- Auth to Release Funds
Minor's Account
- Minor's Estates Other:_____

GUARDIANSHIPS: Petition for:

- Emergency guardianship (Minor)
- Emergency guardianship (AIP)
- Discharge/Sub/Guardian
- Guardianship Other:_____

ORPHANS' COURT OTHER:_____