

IN RE: \_\_\_\_\_, : IN THE COURT OF COMMON PLEAS  
AN ALLEGED : OF BERKS COUNTY, PENNSYLVANIA  
INCAPACITATED PERSON :  
: ORPHANS' COURT DIVISION  
:  
: No.  
: Assigned to: \_\_\_\_\_, J.

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**PRELIMINARY DECREE**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, is it hereby ordered and decreed that:

1. A hearing on the attached petition is scheduled for \_\_\_\_\_ at \_\_\_\_\_ .M. in Courtroom No. \_\_\_\_\_, Berks County Courthouse/Services Center, 633 Court Street, Reading, PA 19601.

2. The Clerk shall issue a citation upon the alleged incapacitated person to show cause why he or she should not be adjudged an incapacitated person and why the Court should not appoint a guardian of his or her estate and/or a guardian of his or her person.

3. At least 20 days prior to the hearing, personal service of the citation and copies of the petition and this preliminary decree shall be made upon the alleged incapacitated person. The contents and terms of the petition shall be explained to the alleged incapacitated person to the maximum extent possible in language and terms the alleged incapacitated person is most likely to understand. An Affidavit of Service shall be filed before the hearing or offered as an exhibit at the beginning of the hearing.

4. At least 20 days prior to the hearing, notice of the petition and hearing shall be given to (i) all persons residing within the Commonwealth who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he died intestate at that time, (ii) to the person or institution providing residential services to the alleged incapacitated person, if any, and (iii) to the parties designated below, if any:

Such notice shall be given by means of personal service or certified mail. An Affidavit of Service shall be filed before the hearing or offered as an exhibit at the beginning of the hearing.

5. At least 7 days prior to the hearing, the Petitioner shall notify the Court, in Writing, if counsel has not been retained by or on behalf of the alleged incapacitated person. If counsel has not been retained by or on behalf of the alleged incapacitated person, such notice shall contain any pertinent information that may indicate the Court should appoint counsel to represent the alleged incapacitated person.

6. The alleged incapacitated person shall be present at the hearing unless (i) the Court is satisfied, upon deposition or sworn statement by a physician or licensed psychologist, that his or her physical or mental condition would be harmed by his presence, or (ii) it is impossible for him or her to be present because of his or her absence from the Commonwealth.

BY THE COURT:

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J.