

IN RE: AMENDMENTS TO LOCAL RULES : IN THE COURT OF COMMON PLEAS  
 : OF BERKS COUNTY, PENNSYLVANIA  
 :  
 : No. 26- 11  
 : Prothonotary  
 :  
 : Orphans' No. 60539

**ORDER**

AND NOW, this 2nd day of March, 2026, it is hereby Ordered the rescission of Berks County Orphans' Court Local Rules 14.3A and 14.4A, shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

The District Court Administrator is ORDERED and DIRECTED to:

1. Submit one (1) copy of this Order, including the amended rule, to the appropriate Rules Committee of the Supreme Court of Pennsylvania for review.
2. Distribute two (2) copies of this Order, including the amended rule, and one (1) disk copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) copy of this Order, including the amended rules, with the Administrative Office of Pennsylvania Courts contemporaneously with publishing the local rules in the *Pennsylvania Bulletin*.
4. Compile the local rules within the complete set of local rules available on the Berks County Court website no later than 30 days following publication in the *Pennsylvania Bulletin*.
5. Distribute one (1) copy of this Order, including the amended rule to the Berks County Prothonotary's Office and Register of Wills Office so they can keep them continuously available for public inspection and copying.



\_\_\_\_\_  
 M. Theresa Johnson, *President Judge*

REGISTER OF WILLS  
 2026 MAR -5 AM 10: 26  
 BERKS COUNTY, PA

Order 26-11  
 Berks County Prothonotary Office



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## CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

### Rule 14.1A Allowances From an Incapacitated Person's Estate.

(a) In General. Petitions for allowances from an incapacitated person's estate, when necessary, shall be governed by the appropriate provisions of B.C.O.C.R. 5.6A, and as hereinafter provided.

(b) Contents of Petition. The petition shall set forth the following:

- (1) the name of the guardian, the date of the guardian's appointment, if the petitioner is not the guardian, petitioner's relationship to the incapacitated person, and, if not related, the nature of the petitioner's interest;
- (2) a summary of the inventory, the date it was filed and the nature and present value of the estate;
- (3) the address and the occupation, if any, of the incapacitated person;
- (4) the names and addresses of the incapacitated person's dependents, if any;
- (5) a statement of all claims of the incapacitated person's creditors, known to the petitioner;
- (6) a statement of the requested distribution and the reasons therefor; and
- (7) a statement of all previous distributions allowed by the court.

(c) Restrictions Governing Allowance. If any portion of the incapacitated person's estate is received from the United States Veterans Administration or its successor, notice of the request for allowance shall be given to this agency.

### Rule 14.3A Evaluation

~~If a petition to adjudicate an individual as an incapacitated person is filed with a request that the alleged incapacitated person be directed to submit to an evaluation of his or her capacity, the petitioner shall propose a specific expert to conduct the evaluation. No evaluator shall be proposed without first obtaining the proposed evaluator's consent to serve.~~

### Rule 14.4A Representation of alleged incapacitated person

~~No petitioner or person alleged to have been acting against the best interests of the alleged incapacitated person shall attempt to obtain counsel for an alleged incapacitated person, except that a petitioner may contact an attorney who is known to the petitioner to have a previous professional relationship with the alleged incapacitated person. The Area Agency on Aging is exempt from the restriction of seeking counsel for the alleged incapacitated person to the extent such practice is required by statute or regulation. If the alleged incapacitated person or non-petitioning next of kin do not obtain counsel for the alleged incapacitated person, the court shall appoint counsel in its discretion upon receipt of the notification required by 20 Pa. C.S.A. § 5511(a).~~

### Rule 14.8A Mental Health Commitment Form

Promptly upon appointment, a court-appointed guardian shall submit a completed Commonwealth of Pennsylvania Notification of Mental Health Commitment (Form SP 4-131) to the court.

Rule 14.8B Guardian Acknowledgment

Promptly upon appointment, a court-appointed guardian shall initial, sign and file a Guardian Acknowledgment of Duties and Liabilities form, as follows:

IN RE:	:	IN THE COURT OF COMMON PLEAS
	:	OF BERKS COUNTY, PENNSYLVANIA
	:	ORPHANS' COURT DIVISION
<hr style="width: 250px; margin-left: 0;"/>	:	NO. <hr style="width: 150px; margin-left: 0;"/>
an incapacitated person	:	

GUARDIAN ACKNOWLEDGMENT OF DUTIES AND LIABILITIES

I, the undersigned court-appointed guardian, acknowledge that as guardian I have broad, but not unlimited powers, duties, and liabilities as set forth generally in 20 Pa. C.S.A. §5501 *et seq.* and more specifically acknowledge my duties and liabilities under 20 Pa. C.S.A. §5521 and as follows:

As Guardian of the Person, I shall:

- Assert the rights and best interests of my ward.
- Respect to the greatest possible extent my ward's expressed wishes and preferences.
- Where appropriate, develop a plan of supportive services to meet my ward's needs.
- Encourage my ward to participate in all decisions which affect my ward, to act on his or her own behalf whenever he or she is able to do so, and to develop or regain, to the maximum extent possible, capacity to manage his or her personal affairs.

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As Guardian of the Estate, I shall:

- Take possession of, maintain, and administer each asset of my ward, and make all reasonable expenditures and efforts to preserve the estate.
- Within three months, file an inventory of my ward's real and personal property and a statement of any property that I expect to acquire thereafter. (Electronically through the Guardianship Tracking System, or in paper form through the Register of Wills office, along with the appropriate filing fee.)

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In addition to the above duties, as Guardian (either of the person or the estate), I shall:

- Exercise my powers for the benefit of my ward.
- Keep the ward's assets separate from my assets.
- Exercise reasonable caution and prudence.
- Keep a full and accurate record of all actions, receipts, and disbursements on behalf of the ward.
- File an annual report electronically through the Guardianship Tracking System or, on forms available in the Register of Wills/Clerk of the Orphans' Court office attesting to the information required by 20 Pa.C.S.A. §5521(c). (Filing fee will be charged for paper filings.)
- I shall file a final report within 60 days of my ward's death or adjudication of capacity.
- Report any change of my address to the Court within ten (10) days.

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- I have been made aware of the Guardianship Tracking System (GTS). \_\_\_\_\_

As Guardian of the person and/or the estate, I understand and acknowledge that any breach of my duty to my ward, such as but not limited to asset misappropriation, may result in civil and even criminal liability. \_\_\_\_\_

Date: \_\_\_\_\_

Guardian's Signature: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

Unified Judicial System of Pennsylvania Web Portal – <https://ujportal.pacourts.us>

# CERTIFICATE *of* SIGNATURE

REF. NUMBER  
BN5BA-NRB97-LD8A6-7SKVN

DOCUMENT COMPLETED BY ALL PARTIES ON  
03 MAR 2026 17:35:32  
UTC

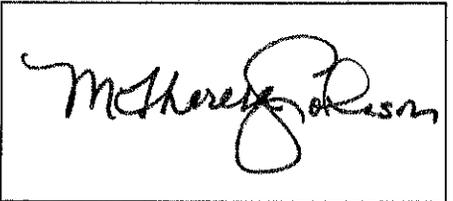
## SIGNER

**JUDGE JOHNSON**  
EMAIL  
JOHNSONESIGN@BERKSPA.GOV

## TIMESTAMP

SENT  
02 MAR 2026 19:06:07  
VIEWED  
03 MAR 2026 17:35:20  
SIGNED  
03 MAR 2026 17:35:32

## SIGNATURE



IP ADDRESS  
192.81.167.5

LOCATION  
READING, UNITED STATES

## RECIPIENT VERIFICATION

EMAIL VERIFIED  
03 MAR 2026 17:35:20

