

Rule 14.8. Guardianship Reporting, Monitoring, Review, and Compliance.

- (a) **Reporting.** A guardian shall file the following reports with the clerk:
- (1) An inventory by the guardian of the estate within 90 days of such guardian's appointment;
 - (2) An annual report by the guardian of the estate of an incapacitated person one year after appointment and annually thereafter;
 - (3) An annual report by the guardian of the person one year after appointment and annually thereafter;
 - (4) A final report by the guardian of the person and the guardian of the estate within 60 days of the death of the incapacitated person, an adjudication of capacity, a change of guardian, or the expiration of an order of limited duration; and
 - (5) A final report from the guardian of the person and the guardian of the estate upon receipt of the provisional order from another state's court accepting transfer of a guardianship.

[Note: See Pa.R.J.A. No. 510 governing the filing of inventories and annual reports online using the Guardianship Tracking System.]

- (b) **Notice of Filing.** If, pursuant to Rule 14.7(a)(1)(iv), the order appointing the guardian identifies the person or persons entitled to receive notice of the filing of any report set forth in **[paragraph (a)] subdivision (a)**, the guardian shall serve a notice of filing within ten days after filing a report using the form provided in the Appendix to these Rules. Service shall be in accordance with Rule 4.3.
- (c) **Design of Forms.** The Court Administrator of Pennsylvania, in consultation with the Orphans' Court Procedural Rules Committee and the Advisory Council on Elder Justice in the Courts, shall design and publish forms necessary for the reporting requirements set forth in **[paragraph (a)] subdivision (a)**.
- (d) **Monitoring.** The clerk or the court's designee shall monitor the guardianship docket to confirm the guardian's compliance with the reporting requirements set forth in **[paragraph (a)] subdivision (a)**.
- (e) **Review.** The court or its designee shall review the filed reports.

- (f) **Compliance.** To ensure compliance with these reporting requirements:
- (1) If any report is deemed incomplete or is more than 20 days delinquent, then the clerk or the court's designee shall serve notice on the guardian directing compliance within 20 days, with a copy of the notice sent to the court and the guardian's counsel, if represented.
 - (2) If the guardian fails to comply with the reporting requirements within 20 days of service of the notice, then the clerk or the court's designee shall file and transmit a notice of deficiency to the adjudicating judge and serve a notice of deficiency on those persons named in the court's order pursuant to Rule 14.7(a)(1)(iv) as being entitled to receive a notice of filing.
 - (3) The court may thereafter take such enforcement procedures as are necessary to ensure compliance.
 - (4) After reasonable enforcement procedures by the court have been unsuccessful, the court shall enter an order that:**
 - (i) includes an explanation of the actions taken by the court to attempt enforcement of the filing requirements;**
 - (ii) includes clearly enumerated reasons why the guardian or former guardian has not been compelled to comply with any filing requirements; and either**
 - (A) directs that a successor guardian or designee of the court file the delinquent filing with the clerk and it shall be docketed as such by the clerk; or**
 - (B) directs the order issued by the court to be docketed by the clerk in lieu of the delinquent filing.**

[Explanatory] Comment: See Pa.R.J.A. 510 governing the filing of inventories and annual reports online using the Guardianship Tracking System.

The reporting forms are available at <http://www.pacourts.us/forms/for-the-public/orphans-court-forms>. This Rule is silent as to the manner of proceeding when reports are deficient or warrant further investigation, or when the guardian is recalcitrant

after being given notice by the clerk or the court's designee. In its discretion, the court may order further documentation, conduct a review hearing, or take further action as may be deemed necessary, including, but not limited to, removal of the guardian or contempt proceedings. **If those efforts are unsuccessful, the court shall proceed as set forth in subdivision (f)(4).**

As used in subdivision (f)(4)(ii)(A), a “designee of the court” is an individual who is: (1) knowledgeable about the incapacitated person and the contents of the report; and (2) appointed by the court for the sole purpose of filing the delinquent report that the guardian or successor guardian is unable or unwilling to file. An attorney, accountant, or agent of the guardian or former guardian may have the requisite knowledge to serve in this capacity.