

Welcome and Orientation – Video 1

Welcome

(Introductory music and images)

Speaker appears in comfortable, neutral “home” setting. At times words and pictures will appear next to them or in place of them to support the dialogue.

Hello, and welcome to the guardianship training video series. This video series discusses guardianship of adults in Pennsylvania. Whether you have been appointed as a guardian, are considering becoming one, or just want to know more about guardianship, we hope that you will find this video series informative and beneficial.

For those of you who are already a guardian, thank you for your hard work and dedication to ensuring the safety and wellbeing of one or more incapacitated Pennsylvanians. It is through the efforts of guardians like you that those most at risk are cared for and protected.

This video training series was produced and supported by the Office of Elder Justice in the Courts and the Administrative Office of Pennsylvania Courts in consultation with the Advisory Council on Elder Justice in the Courts.

Though each video in this series can be watched independently, the videos have been organized into four courses, including Orientation, Guardianship Overview, Guardian of the Person, and Guardian of the Estate.

The Orientation Course includes videos on Alternatives to Guardianship and Elder Abuse and Financial Exploitation.

The Guardianship Overview Course consists of four videos meant to provide general information related to guardianships.

The final two courses provide more in-depth information specific to the roles of Guardian of the Person and Guardian of the Estate.

Once you complete a course, be sure to fill out the brief survey linked in the final video in each course. These surveys will only take a couple minutes to complete and will allow you to provide valuable feedback that will be considered for future trainings. Though they may be completed anonymously, you will have the option to provide your contact information if you would like to receive notification of future guardianship related videos and resources.

Before you view the video training series, let's consider why someone might need a guardian, how a guardian is chosen, and types of guardians appointed in Pennsylvania.

If a judge determines that an individual is incapacitated, they may appoint one or more guardians for that individual. First, the court must determine whether there is clear and convincing evidence that the alleged incapacitated person has a cognitive incapacity that makes them unable to understand information, make reasoned decisions, and manage their finances or personal well-being. The judge may also find that the alleged

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incapacitated person is partially incapacitated and capable of making certain types of decisions independently.

Guardianship should only be considered as a last resort if there are no appropriate, less restrictive alternatives available. It is crucial to utilize a less restrictive alternative when available. In fact, consideration of these alternatives is required by the court. When a guardian is appointed, they are given certain decision-making powers on behalf of the incapacitated person, meaning that the incapacitated person can no longer make their own decisions in these areas. Even when an individual may be incapacitated, their past and current wishes should be honored to the maximum extent possible.

Individuals can be appointed as Guardian of the Person, Guardian of the Estate, or both. One or more co-guardian may also be appointed on the case in the same roles.

A guardian of the person may make personal, medical, or residential decisions for the incapacitated person, while a guardian of the estate may make financial decisions on behalf of the incapacitated person and manage their income and assets such as their home and pay their expenses.

Guardianships are either limited or plenary. Plenary, often referred to as full, guardianships give the guardian the authority to make all decisions on behalf of the incapacitated person.

If the alleged incapacitated person still maintains the capacity to make certain decisions, a limited guardianship may be ordered. If a judge orders a limited guardianship, they must specify in the court order what decision-making powers the incapacitated person retains, and which are given to the guardian.

Additionally, the judge may order an emergency guardianship of the person, the estate, or both. Emergency guardianships allow a guardian only the specific decision-making powers specified in the court order, and only on a temporary basis.

Emergency guardianships can be ordered when there is an imminent risk of irreparable harm to a person's well-being or finances, and they are unable to make decisions.

According to Pennsylvania statute, an emergency guardian of the person may be appointed for no more than 72 hours initially, and the guardianship may be extended by up to 20 days after the initial appointment expires. An emergency guardian of the estate may be appointed for no more than 30 days.

This video provided a basic introduction to guardianship in Pennsylvania. I invite you to view the remaining videos in the guardianship training series to get a better understanding of your role and responsibilities as a guardian. The guardianship process can be complex. You are encouraged to consult an attorney if you have any questions about filing for guardianship or guardianship in general. Thank you.

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