

NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

IN RE: A.L.B., AN ALLEGED
INCAPACITATED PERSON

: IN THE SUPERIOR COURT OF
: PENNSYLVANIA

APPEAL OF: W.B.

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: No. 167 WDA 2026

Appeal from the Order Entered December 31, 2025
In the Court of Common Pleas of Beaver County Orphans' Court at
No(s): 312 of 2025

BEFORE: PANELLA, P.J.E., KING, J., and LANE, J.

MEMORANDUM BY KING, J.:

FILED: October 16, 2026

Appellant, W.B., appeals *pro se* from the order of the Orphans' Court of Beaver County, which denied the petition filed by P.G. for guardianship of A.L.B., nullified a previous power of attorney executed by A.L.B, and appointed a third-party plenary guardian for A.L.B. We affirm.

The relevant facts and procedural history of this case are as follows. A.L.B. is an adult woman who has been diagnosed with Down's syndrome as well as several personality disorders, GERD, diabetes mellitis, and a thyroid disorder. A.L.B. has three siblings: a sister, P.G., and two brothers, W.B. and S.B. W.B. has been responsible for the care and welfare of A.L.B. since the passing of their mother in early 2025, acting under a durable power of attorney executed by A.L.B. in 2016, which set forth W.B. and their mother as joint agents.

As the Orphans' Court explained:

Ongoing negative family dynamics have caused a rift between the siblings in this case. Based on the testimony and evidence, the impetus of the breakdown was the initiation of a criminal investigation relating to offenses committed towards [P.G.]’s minor daughter by [S.B]. The siblings’ mother cut off contact with [P.G.] and kept [A.L.B.] from being able to see her, [P.G.]’s relationship with her brothers likewise deteriorated. Since their mother’s passing, [W.B.] has still kept [A.L.B.] from [P.G.], only allowing visitation after being mandated to do so by [the Orphans’] Court.

(Orphans’ Court Order, filed 12/31/25, at 2).

On March 18, 2025, P.G. filed a petition for appointment of guardian of A.L.B., seeking appointment of herself as plenary guardian of A.L.B.’s person and estate. In the petition, P.G. claimed that she was concerned about W.B.’s fitness to care for A.L.B. based on W.B.’s recent criminal convictions for corruption of minors, endangering the welfare of children, and furnishing alcohol to minors, and also concerned that A.L.B. was not involved in any care or social programs through which her safety could be monitored. P.G. alleged that A.L.B. was an incapacitated person and asked the court to adjudicate her as such.

The court appointed counsel to represent A.L.B. and ordered an independent evaluation of A.L.B. by Dr. Tod Marion, Ph.D., M.P.H., to assess her capacity and the necessity of guardianship. On May 29, 2025, the court entered an order directing that supervised weekly visits start between P.G. and A.L.B.

On June 18, 2025, W.B. filed a petition to intervene, which the court

granted, and thereafter, W.B. filed a response in opposition to the petition, offering himself as a preferred guardian for A.L.B.'s person and estate.

On October 9, 2025, P.G. filed a petition to set aside the durable power of attorney executed by A.L.B. in 2016, alleging that at the time of execution, A.L.B. lacked the requisite capacity to understand the nature, scope, and effect of granting such authority, rendering the power of attorney invalid and void *ab initio*.

The Orphans' Court conducted a two-day hearing on October 24, 2025 and November 20, 2025, concerning P.G.'s petition for appointment of guardian and P.G.'s petition to set aside the power of attorney. At the hearing, the court first heard from P.G. She testified that she is the eldest of the four siblings and is a special education teacher residing in East Palestine, Ohio. P.G. testified that A.L.B.'s diagnosis requires 24-hour care and assistance with dietary needs.

P.G. explained that she had a close childhood relationship with A.L.B. that continued until contact was severed in 2015 following the family dispute concerning S.B.'s conviction of corruption of minors. At the time, the siblings' mother restricted P.G.'s access to A.L.B. Since their mother's death, P.G. testified that W.B. has blocked her access to A.L.B. by refusing informal visitation and returning Christmas gifts. P.G. testified that she filed the petition out of concern for A.L.B. after W.B. had been convicted of corruption of minors, furnishing alcohol to minors, and endangering the welfare of

children.

P.G. opined that she would be a qualified guardian for A.L.B. She holds a master's degree in special education, is licensed as a professional intervention specialist in Ohio, is certified in nonviolent crisis intervention and adult/pediatric first aid, and is a licensed foster caregiver with no criminal record in Pennsylvania or Ohio. P.G. explained that she planned to enroll A.L.B. in day programming and would facilitate family contact with all siblings and accommodate weekend visits with W.B. if A.L.B. wanted such contact.

On cross-examination, P.G. acknowledged that she did not pursue guardianship earlier because she trusted her mother to care for and protect A.L.B. P.G. stated that she had monitored A.L.B.'s welfare indirectly through other family members during the estrangement. P.G. denied discussing the possibility of relocation with A.L.B. to avoid causing her unnecessary stress.

Dr. Marion testified as an expert witness based on his clinical evaluation of A.L.B. on April 10, 2025. Dr. Marion testified that A.L.B. presented with apparent Down's syndrome and obesity, and through clinical interview and testing he determined she required assistance with daily living. He opined that the power of attorney then in place was sufficient and that A.L.B. was well cared for in W.B.'s care. Dr. Marion further testified that a person with Down syndrome could possibly enter into legal agreements, but that he could not opine on A.L.B.'s capacity to do so ten years prior to his evaluation. Dr. Marion equated A.L.B.'s mental age to approximately that of a seven-year-

old, stating she could evidence preferences but could not understand the risks or consequences of her choices, was vulnerable to manipulation, and would likely not have been able to understand or appreciate the significance of an eleven-page legal document appointing an agent. He also testified that A.L.B. presently lacks the capacity to designate a new agent.

The court next heard testimony from Angela Young, a case aide who supervised all court-ordered visitations between P.G. and A.L.B. She testified that A.L.B. was nervous but excited at the first visit, that all visits displayed warmth and affection, and that she never observed A.L.B. in distress or displaying a desire to stop the visits. Ms. Young described A.L.B. as carefree, loving, and happy during visits, and described P.G. as consistently organized and prepared. Ms. Young testified that the only time she saw A.L.B. upset was briefly during the first visit when the siblings discussed their deceased mother, and that P.G. helped A.L.B. process that emotion. Ms. Young testified that A.L.B. spontaneously expressed a hope to return to day programming during the visits, and that A.L.B. remained unenrolled in any such programming at the time. Ms. Young denied observing any negative comments from P.G. regarding W.B., and denied seeing any evidence of a diabetic episode during the visits.

Ms. Young described W.B.'s demeanor toward her as aggressive, noting he consistently implied A.L.B. did not wish to attend visits and repeatedly asked whether visits could be discontinued. Ms. Young testified that she did

not ever observe behavior from A.L.B. consistent with those representations, and she did not believe W.B. would voluntarily permit visitation without a court order.

W.B. testified that he resides in Monaca, Pennsylvania, with his wife and their three children, and that A.L.B. has lived in his household since his mother's death in early 2025 when, based on the power of attorney executed by A.L.B., he assumed primary responsibility for A.L.B.'s care. W.B. testified that A.L.B.'s physical health had significantly improved under his care, including weight loss and reduced A1c levels. He testified that approximately fifteen individuals were currently working with A.L.B., including her primary care physician Dr. Priola, an Adult Protective Services worker, a support coordinator, and therapists at UPMC Lemieux Sports Center; and that A.L.B. is enrolled in occupational, physical, and speech therapy. W.B. acknowledged that A.L.B. had not been enrolled in a day program, attributing this to waiting lists and the need for a prior evaluation, while characterizing any future day programming as auxiliary to what the family was already doing at home.

W.B. testified that two witnesses and an attorney were present at the execution of the power of attorney. On cross-examination, he acknowledged that the attorney who drafted the document was his mother's attorney, and that A.L.B. had no independent legal counsel. W.B. also admitted that he had rejected P.G.'s requests for informal visitation, and that he would not commit to continuing court-scheduled sibling visits absent a court order. W.B. testified

that A.L.B. had expressed a hope to stay with him. W.B. testified that A.L.B. did not have a mental health provider and he did not think that A.L.B. needed such care.

On cross-examination, W.B. testified that there had been a fire at his home, which he attributed to a gas leak. However, W.B. could not explain a Monaca Fire Department report indicating the fire resulted from someone cooking soup and igniting a can of pressurized cooking spray, with no reference to a gas leak.

W.B. called Dr. James Priola, M.D., A.L.B.'s primary care provider as a witness. Dr. Priola has treated A.L.B. for ten years and testified that A.L.B.'s overall health had improved since coming into W.B.'s care. He acknowledged that A.L.B. had not seen a psychiatrist in at least two years and was not currently enrolled in community services or engagement programming. Dr. Priola testified that he believed W.B. was otherwise providing appropriate care. Dr. Priola testified that A.L.B.'s mental acuity had neither improved nor worsened over the ten years he had treated her, that she is an average Down's syndrome patient, that she lacks capacity to enter into a contract, and that she is susceptible to manipulation. He agreed that her cognitive abilities would decline normally with age.

Finally, the court heard testimony from T.B., W.B.'s wife, who provides paid in-home caretaking services for A.L.B. T.B. earns \$10 per hour for approximately 63 hours per week based on A.L.B.'s enrollment in the Adult

Protective Services Waiver program. T.B. testified that A.L.B.'s care takes first priority in her daily schedule and described A.L.B. as increasingly self-sufficient and fond of independence. T.B. stated that A.L.B. is currently receiving physical, occupational, and speech therapy through UPMC Community Health Choices, and that an appointment with a Down's syndrome specialist was pending. T.B. acknowledged that A.L.B. missed therapy for approximately three weeks because of displacement from the house fire. T.B. noted that backup caretaking coverage is available through the supervising agency if she is unable to provide care.

After taking the matter under advisement, the Orphans' Court entered an order dated December 29, 2025, and filed December 31, 2025, which denied P.G.'s petition for guardianship of A.L.B., revoked and rendered null and void the Power of Attorney executed by A.L.B., appointed Rivers Community Fiduciary Services as plenary guardian ("Plenary Guardian") of A.L.B., and set forth the scope and responsibilities of such guardianship, including that the Plenary Guardian shall keep A.L.B. housed with W.B. and his family, that T.B. shall continue to provide in home care for A.L.B., and that the Plenary Guardian shall make A.L.B. available for visitation with P.G. at least two days a week. The court scheduled a review hearing after six months of Plenary Guardian guardianship to evaluate the status of A.L.B. and determine whether the appointment of a third-party guardianship service, as opposed to a co-guardianship between P.G. and W.B., is still appropriate. On

January 23, 2026, W.B. filed a timely *pro se* notice of appeal.¹

W.B. raises the following issues on appeal:

1. Whether the Orphans' Court erred by nullifying a valid Power of Attorney without clear and convincing evidence of incapacity at the time of execution.
2. Whether the court failed to apply the statutory presumption of validity under 20 Pa.C.S. § 5601.
3. Whether the court relied on speculative or non-contemporaneous evidence instead of competent medical evidence.
4. Whether the court failed to consider less restrictive remedies under 20 Pa.C.S. § 5608.1.
5. Whether the court erred by granting plenary guardianship without clear and convincing evidence of total incapacity.
6. Whether the court failed to consider less restrictive alternatives under 20 Pa.C.S. § 5512.1.
7. Whether the court imposed a drastic remedy without necessity.
8. Whether the court failed to make specific findings.

(W.B.'s Brief at 6).²

¹ W.B. was represented by counsel during the guardianship hearing; however, counsel filed a motion to withdraw on January 26, 2026, explaining that W.B. had not been compliant with the terms of the engagement letter retaining counsel's services. The court granted counsel's request and W.B. is proceeding *pro se* in this appeal.

² Initially, we note that the argument section of W.B.'s brief does not directly match the questions presented. The issues discussed in the argument portion are all represented in the statement of questions presented, and for purposes of discussion, we adopt the numbering in the argument portion of W.B.'s brief.

In his first issue, W.B. contends that the Orphans' Court erred when it found the durable power of attorney executed by A.L.B. to be null and void *ab initio*. W.B. insists that the record contains no competent medical evidence addressing A.L.B.'s capacity at the time that the power of attorney was executed and suggests that the court erred in relying on Dr. Priola's opinion that A.L.B. would not have had the capacity to execute the power of attorney. W.B. further argues that the Orphans' Court failed to consider less restrictive remedies such as supervision, modification, or partial limitation of the power of attorney, and that the court's imposition of the most extreme measure, nullification, was not justified. W.B. concludes that the Orphans' Court erred in finding the power of attorney null and void *ab initio*, and that this Court must reverse that decision. We disagree.

Our standard of review of an Orphans' Court's decision is well settled:

When an appellant challenges a decree entered by the [O]rphans' [C]ourt, our standard of review requires that we be deferential to the findings of the [O]rphans' [C]ourt.

[We] must determine whether the record is free from legal error and the court's factual findings are supported by the evidence. Because the [O]rphans' [C]ourt sits as the fact-finder, it determines the credibility of the witnesses and, on review, we will not reverse its credibility determinations absent an abuse of that discretion. However, we are not constrained to give the same deference to any resulting legal conclusions. Where the rules of law on which the court relied are palpably wrong or clearly inapplicable, we will reverse the court's decree.

In re S.C., ___ A.3d. ___, ___, 2026 WL 1889388 (Pa.Super. filed July 1, 2026) (quoting ***In re Estate of Schwartz***, 275 A.3d 1032, 1033-34

(Pa.Super. 2022)).

Under Pennsylvania law, powers of attorney must comply with Chapter 56 of the Probate, Estates and Fiduciaries Code ("PEF Code"), 20 Pa.C.S.A. § 5601-5614. Section 5601 of the PEF Code provides:

§ 5601. General provisions

(a) General rule.--In addition to all other powers that may be delegated to an agent, any or all of the powers referred to in section 5602(a) (relating to form of power of attorney) may lawfully be granted in writing to an agent and, unless the power of attorney expressly directs to the contrary, shall be construed in accordance with the provisions of this chapter.

(b) Execution.--

(1) A power of attorney shall be dated, and it shall be signed by the principal by signature or mark, or by another individual on behalf of and at the direction of the principal if the principal is unable to sign but specifically directs another individual to sign the power of attorney.

(2) If the power of attorney is executed by mark or by another individual, then it shall be witnessed by two individuals, each of whom is 18 years of age or older. A witness shall not be the individual who signed the power of attorney on behalf of and at the direction of the principal.

(3) For a power of attorney executed on or after the effective date of this paragraph, the signature or mark of the principal, or the signature of another individual signing a power of attorney on behalf of and at the direction of the principal, shall be:

(i) Acknowledged before a notary public or other individual authorized by law to take acknowledgments. The notary public or other individual authorized by law to take acknowledgments

shall not be the agent designated in the power of attorney.

(ii) Witnessed by two individuals, each of whom is 18 years of age or older. A witness shall not be the individual who signed the power of attorney on behalf of and at the direction of the principal, the agent designated in the power of attorney or the notary public or other person authorized by law to take acknowledgments before whom the power of attorney is acknowledged. Nothing in this section shall prohibit an acknowledgment of a power of attorney before a member of the bar of the Pennsylvania Supreme Court in the manner authorized by 42 Pa.C.S. § 327(a) (relating to oaths and acknowledgments) certified in the manner provided by 57 Pa.C.S. § 316(2.1) (relating to short form certificates) provided the attorney taking the acknowledgment does not act as one of the two witnesses required by this paragraph.

20 Pa.C.S.A. § 5601(a)-(b) (footnote omitted).

In addition to the specific requirements set forth in Section 5601, powers of attorney are also subject to the requirement that the principal have the mental capacity to execute the power of attorney. ***Cardinal v. Kindred Healthcare, Inc.***, 155 A.3d 46, 52 n.4 (Pa.Super. 2017) (stating: "To be valid, a power of attorney must be executed by one possessing the capacity to do so"). "[I]t is presumed that an adult is competent to enter into an agreement, and a signed document gives rise to the presumption that it accurately expresses the state of mind of the signing party." ***Id.*** at 50 (citing ***Estate of McGovern v. Com. State Employees' Ret. Bd.***, 512 Pa. 377, 384, 517 A.2d 523, 526 (1986)). "To rebut this presumption, the challenger must present evidence of mental incompetency which is clear, precise and

convincing.” ***Id.***

It is well-settled that:

[W]here mental capacity to execute an instrument is at issue, the real question is the condition of the person at the very time [she] executed the instrument ... in question[. A] person’s mental capacity is best determined by [her] spoken words and [her] conduct, and ... the testimony of persons who observed such conduct on the date in question outranks testimony as to observations made prior to and subsequent to that date.

Id. at 50.

Instantly, the Orphans’ Court explained that it carefully considered the facts of the record, the best interest of A.L.B., and A.L.B.’s wishes when it nullified the power of attorney. Specifically, the court found credible the testimony of Dr. Priola and Dr. Marion, that A.L.B. has the mental capacity of a seven-year-old, that she has had the same mental capacity since at least 2016, when the power of attorney was executed, and that she lacks the ability to appreciate and properly execute legal contracts. (***See*** Orphans’ Court Opinion at 24). The court explained that the attorney who drafted the power of attorney was the siblings’ mother’s attorney and A.L.B. did not have independent counsel. The court stated that this was particularly concerning given A.L.B.’s vulnerability to manipulation and “people pleasing.” The court concluded that “[g]iven the clear and convincing evidence of her mental capacity and vulnerability to manipulation, it seems disingenuous to argue that A.L.B. could have possibly knowingly and voluntarily entered into a valid [p]ower of [a]ttorney.” (***Id.***)

In addition, the court found that nullifying the power of attorney was in A.L.B.'s best interest, explaining that W.B. had involved A.L.B. in the family feud, and had failed to adequately pursue social and community engagement for A.L.B. despite her wishes. The court stated:

[A] power of attorney can be nullified by the court both because of incapacity at the time of signing, as seen above, or due to a failure of the agent to fulfill their duties as outlined under 20 Pa.C.S. § 5601.3. Here, the court found that [A.L.B.] lacked capacity at the time the power of attorney was executed and that even if it had been a valid power of attorney, [W.B.] had failed in his fiduciary duty to [A.L.B.] and thus the power of attorney should be revoked.

For both these reasons, the court believes it was not only correct, but also in [A.L.B.'s] best interests, to nullify the power of attorney. Furthermore, having determined that [A.L.B.] was presently incapacitated and that no lesser restrictive means were appropriate, the court was within its rightful discretion to revoke the previous power of attorney when it created the guardianship.

(Orphans' Court Opinion at 25) (unnecessary capitalization omitted). The Orphans' Court further explained that it properly relied on the testimony from the two medical experts who opined as to A.L.B.'s capacity at the time she executed the power of attorney. The court explained that it

considered the testimony of Dr. Marion, who performed a single, recent evaluation of [A.L.B.] in [W.B.'s] home, and Dr. Priola, who proffered an opinion based on his treatment of [A.L.B.] for ten years. The court believes that Dr. Priola's statements regarding [A.L.B.'s] mental capacity remaining the same for the time that he has been treating her, along with his belief that she lacks the capacity to enter into legal contracts are credible and persuasive. These statements are supported by Dr. Marion's evaluation of [A.L.B.] as having the mental capacity of roughly a seven-year-old and being vulnerable to manipulation.

(***Id.*** at 25-26) (record citations omitted)

Our review of the record supports the court's findings that A.L.B. presently has the mental capacity of a seven-year-old. The only testimony from a witness as to the execution of the power of attorney came from W.B. and the court considered that in addition to the credible testimony of Dr. Priola and Dr. Marion who concluded that A.L.B. had the mental capacity of a seven-year-old at that time. Dr. Marion further testified that A.L.B. lacked the ability to execute legal agreements and that she was vulnerable to manipulation. Furthermore, we note that the fact that A.L.B. did not have her own attorney, and was instead represented by her mother's attorney, raises concerns of undue influence in execution of the power of attorney. In sum, the record contains clear and convincing evidence that A.L.B. lacked the capacity to execute the power of attorney in 2016. ***See Cardinal, supra.*** Therefore, we conclude that the trial court did not abuse its discretion in nullifying the power of attorney. ***See In re S.C., supra.*** W.B.'s first issue merits no relief.

In his second, third and fourth issues, W.B. claims that the Orphans' Court erred in finding that A.L.B. was incapacitated and by appointing a plenary guardian for A.L.B. W.B. maintains that A.L.B. was not fully incapacitated, but was partially incapacitated based on her community engagement, independent reading and writing, and her ability to follow directions. W.B. argues that plenary guardianship is a drastic remedy and that the Orphans' Court erred in appointing Plenary Guardian without

explaining why a lesser restriction, such as permitting A.L.B. to execute a new power of attorney, would not suffice. W.B. insists that the Orphans' Court should have considered his performance in acting as A.L.B.'s representative payee for her social security benefits as evidence of the possibility of imposing less restrictive alternatives. W.B. concludes that this Court should reverse the Orphans' Court's order appointing a plenary guardian for A.L.B. We disagree.

This Court has explained the law concerning finding an individual incapacitated and appointing a guardian as follows:

Under the [PEF Code,] an individual may be adjudicated incapacitated and a guardian of the person and estate may be appointed if the petitioner seeking this adjudication and appointment shows by clear and convincing evidence that the individual is "unable to manage [her] financial resources [and] meet essential requirements for [her] physical health and safety." 20 Pa.C.S.A. § 5501; **see** 20 Pa.C.S.A. § 5511(a).

Section 5512.1(a) of the [PEF] Code requires the court, when making a determination of incapacity, to consider and make specific findings of fact regarding certain specified areas. Those areas include: (1) the "nature of any condition or disability which impairs the individual's capacity to make and communicate decisions[;]" (2) the "extent of the individual's capacity to make and communicate decisions[;]" (3) the "need for guardianship services, if any, in light of such factors as the availability of family, friends and other supports to assist the individual in making decisions" and "the existence, if any, of less restrictive alternatives" such as, *inter alia*, "[a]dvance directives[;]" (4) the "type of guardian, limited or plenary, of the person or estate needed based on the nature of any condition or disability and the capacity to make and communicate decisions[;]" and (5) the "duration of the guardianship." 20 Pa.C.S.A. § 5512.1(a)(1)-(5).

Once a court determines an individual is incapacitated and

in need of a guardian, it becomes the court's responsibility to appoint a person or entity to serve as guardian. **See *Estate of Haertsch***, [649 A.2d 719, 720 (Pa.Super. 1994)]. There are two classes of guardian: (1) guardian of the person, who assumes primary physical responsibility for the care and custody of the incapacitated individual and (2) guardian of the estate, who is entrusted with the control of the property of the incapacitated individual. **See *Rock v. Pyle***, 720 A.2d 137, 141 (Pa.Super. 1998). "The spheres of authority of a guardian of the person and of a guardian of the estate are distinct and mutually exclusive." ***Id.*** (citations omitted).

When deciding who shall serve as guardian of the person, the court may consider the preference of the incapacitated person. **See *Estate of Haertsch***[, *supra* at] 720. The selection of a guardian is within the sound discretion of the [O]rphans' [C]ourt, and this Court will not disturb that selection absent an abuse of discretion. **See *id.*** The [O]rphans' [C]ourt may not, however, appoint a person whose interests conflict with those of the incapacitated person unless no other alternative exists. **See** 20 Pa.C.S.A. § 5511(f). "Any family relationship to such individual, shall not, by itself, be considered an interest adverse to the alleged incapacitated person." ***Id.***

In re C.A.J., 319 A.3d 564, 571–72 (Pa.Super. 2024) (some brackets in original).

Here, the Orphans' Court explained its finding that A.L.B. was incapacitated and its decision to appoint a plenary guardian as follows:

The court relied on testimony from Dr. Marion which indicated that [A.L.B.] had the mental capacity of a seven-year-old, needed assistance with her daily living, was vulnerable to manipulation, could not properly evaluate risk, and presently lacked capacity to choose a new agent via Power of Attorney. The court framed this expert testimony through the testimony of [A.L.B.'s] long-time physician, Dr. Priola, who testified that [A.L.B.] lacked capacity and needed a guardian. The court found that the evidence was clearly sufficient to support a finding of incapacity and that

no lesser restrictive means of support were sufficient or appropriate, therefore a guardianship was the proper solution.

(Orphans' Court Opinion at 28). The Court continued that it

considered [W.B.] being in place as [A.L.B.'s] Power of Attorney and as her Representative Payee, however based on the testimony and evidence provided at the hearing, the court determined that such lesser restrictive means were not appropriate. Specifically, while there is no doubt that [W.B.] is taking good care of [A.L.B.'s] physical well-being, he and his family have struggled to make the most of the services and programs available to her. The court is unconvinced by, and did not find credible, [W.B.'s] testimony regarding his many excuses for the delay in acquiring services for [A.L.B.] The court is specifically concerned about [W.B.'s] downplay of the importance of social and community programming, especially in light of [A.L.B.'s] desire to be enrolled. Moreover, [W.B.] has clearly embroiled [A.L.B.] into the ongoing family feud and separated her from her siblings against her wishes. The court believes that [W.B.] would continue to make excuses to separate [A.L.B.] from her siblings without intervention by the [c]ourts and as such, cannot in good conscience allow him to remain as the arbitrator of [A.L.B.'s] fate. The court has found that [W.B.] has failed to act in the best interests of [A.L.B.] and has therefore violated the fiduciary duty he owed to [A.L.B.] as her Power of Attorney. However, for similar reasons, the court was not comfortable in turning guardianship over to another family member, given the ongoing dynamics, and determined that the best opportunity for [A.L.B.] would be to have a professional guardianship company involved to make sure that her best interests are being served and that she is getting the most out of the programs available to her.

(*Id.* at 27-28).

On this record, we discern no abuse of discretion or error of law in the Orphans' Court's finding of A.L.B. to be an incapacitated individual and appointment of Plenary Guardian as her guardian. The Orphans' Court found,

and the record supports, that A.L.B. is in need of daily care and support and that while W.B. is able to provide physical care for A.L.B., he has not facilitated her engagement with necessary social and community services and programming. The record further supports the court's finding that W.B. is not likely to support A.L.B.'s continued relationships with her siblings; as he did not facilitate any visitation between A.L.B. and P.G. until the court ordered him to do so. Furthermore, given the ongoing family dynamic and feud between A.L.B.'s siblings, the court's conclusion that having a professional guardianship company involved is neither an abuse of discretion nor error of law where the goal of such arrangement is to ensure that A.L.B.'s best interests are being served and she is able to benefit from the programs available to her. Therefore, we conclude that the Orphans' Court did not err in finding A.L.B. incapacitated and in appointing Plenary Guardian as her guardian. ***See In re S.C., supra; In re C.A.J., supra.*** W.B.'s second through fourth issues merit no relief.

Before addressing the merits of W.B.'s remaining issues on appeal, we must consider whether he preserved them for our review. Appellate briefs are required to conform to the Rules of Appellate Procedure. Pa.R.A.P. 2101. Pennsylvania Rule of Appellate Procedure 2119(a) requires that the argument section of an appellate brief include "discussion and citation of authorities as are deemed pertinent." Pa.R.A.P. 2119(a). "This Court will not consider an argument where an appellant fails to cite to any legal authority or otherwise

develop the issue.” ***In re C.R.***, 113 A.3d 328, 336 (Pa.Super. 2015), *appeal denied*, 633 Pa. 760, 125 A.3d 1197 (2015) (citation omitted). “Where an appellate brief fails to provide any discussion of a claim with citation to relevant authority or fails to develop the issue in any other meaningful fashion capable of review, that claim is waived. It is not the obligation of an appellate court ... to formulate appellant’s arguments for him.” ***Wirth v. Commonwealth***, 626 Pa. 124, 149–50, 95 A.3d 822, 837 (2014) (brackets omitted; ellipsis in original). ***See also Banfield v. Cortes***, 631 Pa. 229, 250, 110 A.3d 155, 168 (2015) (stating: “Where an appellate brief fails to provide any discussion of a claim with citation to relevant authority or fails to develop the issue in any other meaningful fashion capable of review, that claim is waived”) (citation omitted).

Instantly, in his fifth issue, asserting that the family conflict does not establish incapacity, W.B.’s three sentence argument fails to cite pertinent legal authority in support of this issue in circumvention of Rule 2119. Hence, we deem this issue waived. ***See Wirth, supra.***

In his sixth issue, W.B. asserts that the Orphans’ Court erred by failing to make specific findings. However, his entire argument on this point states: “Courts must make individualized findings explaining the nature of incapacity and the necessity of the chosen remedy. ***In re Milton***, 202 A.3d 1207, 1214 (Pa.Super. 2019)” and “[t]he order contains conclusory language without such findings (R.R. 98a-100a), violating statutory requirements and due process.”

(W.B.'s Brief at 24). This underdeveloped argument is woefully inadequate to meet our requirements on appeal, and we deem it waived. **See Wirth, supra.**

W.B.'s seventh issue argument section consists of one two-sentence paragraph alleging that the power of attorney was sufficient and that A.L.B.'s physician had no concern with W.B. providing her care. It contains no citation to or discussion of pertinent legal authority in contravention of Rule 2119. Therefore, we deem this issue waived as well. **See** Pa.R.A.P. 2119; **Wirth, supra.**

W.B.'s one sentence argument in support of his eighth issue similarly contains no citation to or discussion of legal authority and is also waived. **See id.** W.B.'s ninth issue, which provides in full: "Adults are presumed competent. **Estate of Haertsch**, 609 A.2d 1384 (Pa.Super. 1992). The court failed to properly apply this presumption" (W.B.'s Brief at 25), is also waived for failing to develop his claim. **See Wirth, supra.**

Finally, W.B.'s final claim consists of the following two sentence conclusory argument: "The court imposed the most restrictive remedy despite contrary evidence and without legal justification. This constitutes reversible error." (W.B.'s Brief at 25). Again, we deem this issue waived for failing to cite and discuss pertinent legal authority and failing to develop his argument. **See** Pa.R.A.P. 2119(a), **Wirth, supra.** Accordingly, W.B.'s claims on appeal are either waived or merit no relief, and we affirm.

Order affirmed.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

10/16/2026