

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2106 Session of 2025

INTRODUCED BY SALISBURY, WAXMAN, WEBSTER, SANCHEZ, McNEILL, RIVERA, HILL-EVANS, INGLIS, FRANKEL, FREEMAN, CEPEDA-FREYTIZ AND NEILSON, DECEMBER 17, 2025

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 29, 2026

AN ACT

1 Amending Title 20 (Decedents, Estates and Fiduciaries) of the
2 Pennsylvania Consolidated Statutes, in incapacitated persons,
3 further providing for petition and hearing and independent
4 evaluation.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 5511(a) of Title 20 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 5511. Petition and hearing; independent evaluation.

10 (a) Resident.--The court, upon petition and hearing and upon
11 the presentation of clear and convincing evidence, may find a
12 person domiciled in the Commonwealth to be incapacitated and
13 appoint a guardian or guardians of his person or estate. The
14 following procedures apply:

15 (1) The petitioner may be any person interested in the
16 alleged incapacitated person's welfare.

17 (2) The court may dismiss a proceeding where it
18 determines that the proceeding has not been instituted to aid

1 or benefit the alleged incapacitated person or that the  
2 petition is incomplete or fails to provide sufficient facts  
3 to proceed.

4 (3) Written notice of the petition and hearing shall be  
5 given in large type and in simple language to the alleged  
6 incapacitated person. The following apply to the notice:

7 (i) The notice shall indicate the purpose and  
8 seriousness of the proceeding and the rights that can be  
9 lost as a result of the proceeding. [It]

10 (ii) The notice shall include the date, time and  
11 place of the hearing and an explanation of all rights.

12 (iii) The Supreme Court shall establish a uniform  
13 citation for [this purpose] the purpose of this  
14 paragraph.

15 (iv) A copy of the petition shall be attached to the  
16 notice.

17 (4) Personal service shall be made on the alleged  
18 incapacitated person, and the contents and terms of the  
19 petition shall be explained to the maximum extent possible in  
20 language and terms the individual is most likely to  
21 understand. The following apply to service UPON THE ALLEGED <--

22 INCAPACITATED PERSON and notice TO OTHER INTERESTED PARTIES: <--

23 (i) Service shall be no less than 20 days in advance  
24 of the hearing. [In addition, notice]

25 (ii) Notice of the petition and hearing shall be  
26 given in [such manner as the court shall direct] <--

27 ACCORDANCE WITH THE PENNSYLVANIA RULES OF ORPHANS' COURT  
28 PROCEDURE to [all]:

29 (A) All ADULT persons [residing within the] <--

30 Commonwealth who are sui juris and] WHO would be <--

1 entitled to share in the estate of the alleged  
2 incapacitated person if he died intestate at that  
3 time[, to the].

4 (B) The person or institution providing  
5 residential services to the alleged incapacitated  
6 person [and to such other].

7 (C) EACH PERSON WITH WHOM THE ALLEGED <--  
8 INCAPACITATED PERSON RESIDES.

9 (D) A PERSON NAMED AS AN AGENT UNDER A FINANCIAL  
10 POWER OF ATTORNEY, HEALTH CARE POWER OF ATTORNEY,  
11 ADVANCE HEALTH CARE DIRECTIVE OR MENTAL HEALTH CARE  
12 POWER OF ATTORNEY UNDER CHAPTER 54 (RELATING TO  
13 HEALTH CARE), 56 (RELATING TO POWERS OF ATTORNEY) OR  
14 58 (RELATING TO MENTAL HEALTH CARE), IF KNOWN TO THE  
15 PETITIONER AT THE TIME THE PETITION IS FILED, AND AN  
16 ATTORNEY KNOWN TO THE PETITIONER TO REPRESENT THE  
17 ALLEGED INCAPACITATED PERSON.

18 ~~(C)~~ (E) Other parties as the court may direct, <--  
19 including other service providers.

20 (iii) If notice cannot be given to any of the  
21 persons OR INSTITUTIONS listed under subparagraph (ii), <--  
22 notice of the petition and hearing shall be given in such <--  
23 manner as the court shall direct to:

24 ~~(A) Each person with whom the alleged~~  
25 ~~incapacitated person resides.~~

26 ~~(B) The following persons who are known to the~~  
27 ~~petitioner or whose existence and address can be~~  
28 ~~ascertained by the petitioner with reasonably~~  
29 ~~diligent efforts:~~

30 ~~(I) At least one, but not more than three,~~

1 ~~of the living relatives of the alleged~~  
2 ~~incapacitated person in the nearest degree of~~  
3 ~~kinship.~~

4 ~~(II) Any person or entity that has~~  
5 ~~demonstrated a genuine interest in promoting~~  
6 ACCORDANCE WITH THE PENNSYLVANIA RULES OF <--  
7 ORPHANS' COURT PROCEDURE TO A PERSON THAT THE  
8 COURT, UPON HEARING, IS SATISFIED HAS  
9 DEMONSTRATED A GENUINE INTEREST IN THE WELFARE OF  
10 THE ALLEGED INCAPACITATED PERSON AND PROMOTING  
11 the best interests of the alleged incapacitated  
12 person, such as by having a personal relationship  
13 with the person, regularly visiting the person or  
14 regularly communicating with the person.

15 (5) The hearing may be closed to the public and without  
16 a jury unless the alleged incapacitated person or his counsel  
17 objects.

18 (6) The hearing shall be closed and with or without a  
19 jury if the person alleged to be incapacitated or his counsel  
20 so requests.

21 (7) The hearing may be held at the residence of the  
22 alleged incapacitated person.

23 (8) The alleged incapacitated person shall be present at  
24 the hearing unless:

25 [(1) the court is satisfied, upon the deposition or  
26 testimony of or sworn statement by a physician or licensed  
27 psychologist, that his physical or mental condition would be  
28 harmed by his presence; or

29 (2) it is impossible for him to be present because of  
30 his absence from the Commonwealth. It shall not be necessary

1 for the alleged incapacitated person to be represented by a  
2 guardian ad litem in the proceeding.]

3 (i) the court is satisfied, upon the deposition or  
4 testimony of or sworn statement by a physician or  
5 licensed psychologist, that his physical or mental  
6 condition would be harmed by his presence; or

7 (ii) it is impossible for him to be present because  
8 of his absence from the Commonwealth. It shall not be  
9 necessary for the alleged incapacitated person to be  
10 represented by a guardian ad litem in the proceeding.

11 \* \* \*

12 Section 2. This act shall take effect in 60 days.