
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 AND CEPEDA-
FREYTIZ, DECEMBER 17, 2025

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 17, 2025

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 and notice:

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

24 (ii) Notice of the petition and hearing shall be
25 given in such manner as the court shall direct to [all]:

26 (A) All persons residing within the Commonwealth
27 who are sui juris and would be entitled to share in
28 the estate of the alleged incapacitated person if he
29 died intestate at that time[, to the].

30 (B) The person or institution providing

1 residential services to the alleged incapacitated
2 person [and to such other].

3 (C) Other parties as the court may direct,
4 including other service providers.

5 (iii) If notice cannot be given to any of the
6 persons listed under subparagraph (ii), notice of the
7 petition and hearing shall be given in such manner as the
8 court shall direct to:

9 (A) Each person with whom the alleged
10 incapacitated person resides.

11 (B) The following persons who are known to the
12 petitioner or whose existence and address can be
13 ascertained by the petitioner with reasonably
14 diligent efforts:

15 (I) At least one, but not more than three,
16 of the living relatives of the alleged
17 incapacitated person in the nearest degree of
18 kinship.

19 (II) Any person or entity that has
20 demonstrated a genuine interest in promoting the
21 best interests of the alleged incapacitated
22 person, such as by having a personal relationship
23 with the person, regularly visiting the person or
24 regularly communicating with the person.

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

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

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

3 (8) The alleged incapacitated person shall be present at
4 the hearing unless:

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

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

13 (i) the court is satisfied, upon the deposition or
14 testimony of or sworn statement by a physician or
15 licensed psychologist, that his physical or mental
16 condition would be harmed by his presence; or

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

21 * * *

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