

SEPTEMBER 2025 NEWSLETTER

**POZZUOLO RODDEN, P.C.
COUNSELORS AT LAW
2033 WALNUT STREET
PHILADELPHIA, PA 19103
215-977-8200/ FAX 215-977-9663
www.pozzuolo.com**



PHILADELPHIA COUNTY GUARDIANSHIP RULES UPDATES

The Honorable Sheila Woods-Skipper, an administrative Judge of the Orphan's Court Division for the Philadelphia Court of Common Pleas, First Judicial District, wrote the following article on the guardianship updates for the August 2025 Probate And Trust Law Newsletter of the Philadelphia Bar Association.

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1. Appointment of Counsel in Orphans' Court Guardianship Cases & Eligibility

- A. Regardless of the ability of the alleged incapacitated person to pay, the court shall appoint counsel to represent the alleged incapacitated person in any matter for which counsel has not been retained by the alleged incapacitated person, including in all proceedings under 20 Pa.C.S. §§ 5511 et seq. and in any

subsequent proceedings to consider, modify or terminate a guardianship.

B. To be eligible for appointment as court-appointed counsel for the alleged incapacitated person, counsel must comply with the following requirements:

1. Counsel has had within the last fiscal year an active law practice in Philadelphia County;
2. Counsel or their firm maintains a current Commercial Activity License issued by the City of Philadelphia;
3. Counsel must complete and submit to Orphans' Court an Application for Orphans' Court Guardianship Certification;
4. Counsel must be a member in good standing of the Pennsylvania Bar;
5. Counsel must obtain a Certificate of Attendance at a Court Approved Continuing Legal Education seminar on guardianship or provide the Court with evidence of equivalent experience;
6. After the initial year of eligibility, to remain on the Court Approved Counsel Appointment List, counsel must obtain a Certificate of Attendance at a Court Approved Continuing Legal Education seminar on guardianship by the end of the calendar year; and,
7. Counsel must have Professional Liability Insurance of at least \$100,000 per occurrence and \$300,000 in the aggregate per year and certify, upon filing the required Petition for Allowance, that they maintain Professional Liability Insurance required by this Rule.

2. **Responsibilities of Court Appointed Counsel in Orphans' Court Guardianship Cases**

- A. Shortly after the Petition for Citation to Appoint a Guardian is filed, the Court will issue a Decree appointing counsel to represent the alleged incapacitated person and serve a copy of this Decree on court-appointed counsel.
- B. Upon appointment, counsel shall fully and completely review the petition for guardianship and supporting documentation.
- C. Counsel shall comply with the Rules of Professional Conduct and advocate for the client's expressed wishes consistent with the client's instructions, to the extent the client is able to express wishes and provide instruction.
- D. Court-appointed counsel shall meet with the alleged incapacitated person as soon

as reasonably possible after the appointment but no later than ten days after the appointment. Within five days of the initial meeting, appointed counsel shall file with the court a certification of the time and place that the meeting occurred.

- E. Upon review of the expert report, court appointed counsel should determine if an independent expert is needed and if so, make an appropriate timely request to the assigned judge within five days of receipt of the expert report, and,
 - F. Court-appointed counsel must appear in all court proceedings to represent the client. Representation shall continue for the duration of the matter including subsequent proceedings and review hearings. See 20 Pa.C.S. § 5511(a.1)(2).
3. **FILING CODES.** We have been working with the Orphans' Court clerk's filing office to update all codes eliminating those that are not used and adding other necessary ones so that practitioners will use the more specific code as opposed to the general "other petition" code. This will assist with our data collection and tracking of the different types of matters that are being filed.
4. **First Judicial District Elder Justice & Civil Resource Center (VOLUNTEERS NEEDED).** The Elder Justice & Civil Resource Center is a court-operated office under the First Judicial District of Pennsylvania. The Center's purpose is to respond to the needs of individuals from the aging community who are impacted by civil cases. The Center provides self-represented litigants with information and resources to help them participate in their court proceedings more effectively. The Center also offers referrals for seniors to legal service organizations, as well as educational workshops designed to inform Judges, court staff, and members of the public on issues of aging, capacity, elder abuse, prominent legal issues affecting seniors, and available resources for seniors. The Center seeks to provide legal information which can often be difficult for the elderly to access and utilize. In addition to legal services, resources, and education, the Center continues to facilitate access to the courts by making available equipment to aid any hearing, vision and mobility challenges of seniors who are navigating the court system. Additionally, interpreter services are provided to address language barriers. Please consider volunteering a few hours of your time to the Center. Volunteers can offer one-time consultation sessions with court users via telephone, video, or in-person and provide advice on estate administration, guardianship, and alternatives. Other practice areas are also appreciated especially property, quiet title, or housing cases. Additionally, volunteers may also opt to draft petitions and estate planning documents following their consultation/advice session. The average time commitment for volunteer engagement is 1 – 4 hours. If you are interested, please complete the form at the following:

https://docs.google.com/forms/d/e/1FAIpQLSdIB_1TJaZuDuaCmDeQZQvKINXys-IwfJevYXlaVqSUzElW3Q/viewform

5. Finally, we look forward to the assignment of an additional commissioned judge to the Orphans' Court Division to assist with the increased workload because of the many requirements and mandates. The Orphans' Court continues to recognize that the many individuals who appear before us in many different types of proceedings must be treated with dignity, respect, autonomy and the right to be heard. We are a unique court with a unique purpose. The Orphans' Court Division will continue to work on improving and updating our website, developing processes and fee structures for Orphans' Court appointed counsel, increasing training, and providing education for potential guardians. We will also remain focused on our efforts to ensure access to justice and due process by increasing staff and judicial training, language access, and ensuring appropriate accommodations. We will continue to grow as a team as we strive to work together, building partnerships and relationships that assist us in protecting those who cannot protect themselves.

We hope this information is helpful. If you would like more details about these areas or any other aspect of employment or family law, please do not hesitate to [contact us](#).

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