

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 18

Session of
2025

INTRODUCED BY OLSOMMER, PICKETT AND ROWE, JANUARY 8, 2025

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 23, 2025

AN ACT

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

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

6 Section 1. Section 5512.2(a.1) of Title 20 of the
7 Pennsylvania Consolidated Statutes is amended to read:
8 § 5512.2. Review hearing.

9 * * *

10 ~~(a.1) Petition for review. At any time following the~~ <--

11 (A.1) PETITION FOR REVIEW.-- <--

12 (1) AT ANY TIME FOLLOWING THE issuance of the order
13 establishing guardianship, any interested person may file a
14 petition with the court to terminate or modify the
15 guardianship. [The court shall promptly schedule a hearing or
16 hold a review hearing at any time it shall direct.] ~~The court~~ <--
17 ~~shall, within 30 days of the filing of the petition to~~
18 ~~terminate or modify the guardianship, schedule a hearing or~~

1 ~~hold a review hearing. The~~

2 (2) THE COURT SHALL SCHEDULE THE REVIEW HEARING WITHIN <--
3 30 DAYS OF THE FILING OF THE PETITION TO TERMINATE OR MODIFY
4 THE GUARDIANSHIP AND THE REVIEW HEARING SHALL OCCUR NO LATER
5 THAN 60 DAYS AFTER THE FILING OF THE PETITION.

6 (3) THE COURT MAY CONTINUE THE DATE OF THE REVIEW
7 HEARING TO A DATE MORE THAN 60 DAYS FROM THE FILING OF THE
8 PETITION IF THE COURT MAKES A WRITTEN FINDING THAT
9 RESCHEDULING THE HEARING IS NECESSARY TO:

10 (I) PERMIT AN INTERESTED PARTY TO PARTICIPATE;

11 (II) PERMIT COUNSEL FOR THE INCAPACITATED PERSON TO
12 PARTICIPATE AND TO BE PREPARED;

13 (III) ALLOW FOR A CAPACITY EVALUATION OR A MEDICAL
14 REPORT TO BE COMPLETED OR OTHER MEDICAL PROCEDURE TO
15 OCCUR; OR

16 (IV) OTHERWISE ALLOW FOR ALL INTERESTED PARTIES TO
17 BE PREPARED FOR THE REVIEW HEARING.

18 (4) THE hearing shall be held in the presence of the
19 incapacitated person and the incapacitated person's attorney,
20 and the court shall adhere to the procedures and standards as
21 outlined in section 5512.1(a). If, following the presentation
22 of evidence and testimony from all parties, the court finds
23 that guardianship continues to be necessary and that no less
24 restrictive alternatives exist, the court may order that the
25 guardianship continue. If the court finds that guardianship
26 is no longer necessary or a less restrictive alternative
27 exists, the court shall discharge the guardianship.

28 (5) IN THE CASE OF A REQUEST FOR A REVIEW HEARING, IF <--
29 THE SAME INTERESTED PARTY HAS PREVIOUSLY REQUESTED A REVIEW
30 HEARING AND A HEARING HAS BEEN HELD UPON THE REQUEST WITHIN

1 THE PAST 180 DAYS, AND THE NEW REQUEST FOR A REVIEW HEARING
2 DOES NOT RAISE ANY NEW ISSUES OR FACTS, THE COURT MAY DECLINE
3 TO SCHEDULE AN ADDITIONAL REVIEW HEARING FOR A PERIOD OF 180
4 DAYS.

5 * * *

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