

AIP MUST APPEAR IN COURT

One of the tricks the guardian mafia uses to keep a AIP out of court so they cannot speak for themselves and prove they do not need any guardians is to try to claim if the AIP comes to court, they will become extremely upset.

BS!. Under PA law, they must appear or there will be serious problems for everyone. There are exemptions.

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be in court

Yes, under Pennsylvania law, an **Alleged Incapacitated Person (AIP)** is **legally required to attend their own guardianship hearing**. Because a guardianship removes significant civil rights, the law strictly enforces the individual's right to be present. [1, 2, 3, 4, 5]

However, Pennsylvania statute (20 Pa. C.S. § 5511) allows for **two specific exceptions** where a hearing may proceed without them: [1, 2, 3]

1. Medical Harm Exception

The individual may be excused if a qualified medical professional explicitly certifies that **attending the hearing would cause them physical or psychological harm**. [1]

- **Requirement:** The petitioner must present a formal, sworn medical statement or expert report from a physician or psychologist detailing exactly how the individual's welfare would be compromised by coming to court.

[1]

- **Common Use:** This is frequently applied to individuals in advanced stages of dementia, those who are comatose, or those with severe, fragile medical conditions where transportation poses a direct health crisis. [1]

2. Absence from the Commonwealth

The individual is not required to be physically in the courtroom if they are **not currently residing or present in the state of Pennsylvania**. [[1](#), [2](#), [3](#)]

- **Requirement:** If they are a non-resident who simply owns property or assets inside Pennsylvania that require management, the court can hold the hearing without them, provided proper legal notice was served. []

Mandatory Safeguards

If the AIP *is* excused from attending, the court applies strict oversight measures to protect their due process rights: [[1](#), [2](#), [3](#)]

- **Legal Counsel:** The court will appoint independent legal counsel to represent the AIP's interests and voice their wishes, regardless of their ability to pay. [[1](#)]
- **Independent Evaluation:** The judge has the right to order an independent evaluation by a court-appointed expert if the medical evidence of incapacity or harm is disputed. [[1](#), [2](#), [3](#), [4](#)]

Are you trying to figure out if a **loved one can be excused** from a hearing due to a medical condition, or do you believe someone's **rights are being bypassed** without their presence? Let me know so I can provide the right context or forms.

All responses may include mistakes. For legal advice, consult a professional. [Learn more](#)

- Chapter 55. - Title 20 - Pennsylvania General Assembly

Petition and hearing; independent evaluation. (a) Resident.--The court, upon petition and hearing and upon the presentation of cle...



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#3

If an attorney for an Alleged Incapacitated Person (AIP) refuses to allow them in court and fails to consult with or ask them about their wishes, **this constitutes a severe breach of Pennsylvania law and standard professional ethics.**

Under PA statutory and court rules, a guardianship lawyer cannot simply act based on what *they* think is best. They are strictly bound by the following mandates: [1]

1. Mandatory Legal Duties of AIP Counsel

Under Pennsylvania's updated guardianship laws (20 Pa.C.S. § 5511(a.1)(3)) and PA Orphans' Court Rule 14.4, an attorney appointed or retained for an AIP **must**: [1]

- **Interview the Client:** The attorney is required by law to meet with the AIP as soon as possible after appointment. [1]
- **File a Certification:** Within 5 days of that initial meeting, the lawyer must file a formal certification with the court confirming they met with the

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