

PETITION FOR GUARDIANSHIP CAN BE DENIED

The petition can be denied if various criteria has been left out to prove there is a need for guardianship of person and/or estate, including an example of a problem by the AIP and the failure of a attempt to correct that problem.

In PA, a IME (independent medical evaluation) must be given as evidence that a guardianship might be needed. But, usually there is no IME, only a series of "tests" by a psychologist, not by a medical doctor. There are many problems to that. First, those "tests" can be downloaded off of the internet for free by anyone. None of those tests have any independent proof of accuracy. There is no time limit that is required for that IME, it can be 1 hour or 5 hours. Usually, the psychologist or court demands the IME be done only with the AIP and the psychologist. The problem is that the psychologist never records the IME, so there is no proof of what was said by the psychologist and the AIP. There is no proof of what the AIP said or did not say and how they said it. Therefore, the final "evaluation" written by the psychologist cannot be disputed. That is extremely bad if there is a indication the guardianship is based on fraud only for the AIP's money.

Those "tests" have no credibility for indicating if the person is incapacitated. A far more accurate way is to use questions that cover areas if the the person knows right from wrong and do they have common sense.

If a psychologist was used, no matter what his title or website says of his "expertise" pertaining to memory, if there is a indication that the guardianship will be based on fraud only for the AIP's money, then a psychiatrist, who is a MD, should be hired and who is board certified in memory knowledge, to counter the psychologist. But, a psychiatrist is very expensive, maybe about \$10,000 - \$15,000.

petition can be dismissed

This proves that because no problems were given [REDACTED] in the petition and no body that mother dealt with during the year were ever brought in to testify, both jaskowiak, especially jasko as mother's lawyer and weilheimer had to dismiss the petition because it had no merit.

§ 5511. Petition and hearing; independent evaluation.

(a) Resident.--The court, upon petition and hearing and upon the presentation of clear and convincing evidence, may find a person domiciled in the Commonwealth to be incapacitated and appoint a guardian or guardians of his person or estate. The petitioner may be any person interested in the alleged incapacitated person's welfare. The court may dismiss a proceeding where it determines that the proceeding has not been instituted to aid or benefit the alleged incapacitated person or that the petition is incomplete or fails to provide sufficient facts to proceed. Written notice of the petition and hearing shall be given in large type and in simple language to the alleged incapacitated person. The notice shall indicate the purpose and seriousness of the proceeding and the rights that can be lost as a result of the proceeding. It shall include the date, time and place of the hearing and an explanation of all rights. The Supreme Court shall establish a uniform citation for this purpose. A copy of the petition shall be attached. Personal service shall be made on the alleged incapacitated person, and the contents and terms of the petition shall be explained to the maximum extent possible in language and terms the individual is most likely to understand. Service shall be no less than 20 days in advance of the hearing. In addition, notice of the petition and hearing shall be given in such manner as the court shall direct to all persons residing within the

Commonwealth who are sui juris and would be entitled to share in the estate of the alleged incapacitated person if he died intestate at that time, to the person or institution providing residential services to the alleged incapacitated person and to such other parties as the court may direct, including other service providers. The hearing may be closed to the public and without a jury unless the alleged incapacitated person or his counsel objects. The hearing shall be closed and with or without a jury if the person alleged to be incapacitated or his counsel so requests. The hearing may be held at the residence of the alleged incapacitated person. The alleged incapacitated person shall be present at the hearing unless:

--

Secured with Tuta Mail:

<https://tuta.com/free-email>