



Petrese B. Tucker  
*Administrative Judge*

## Letter from the Administrative Judge

Judges and employees of the Orphans' Court Division of the Court of Common Pleas work within the context of their perceived mandate to ensure that the rights of the less fortunate are vigilantly guarded. Together, they work to protect the interests and carry out the wishes of those who may be incapable of doing so themselves: decedents; minors; and incapacitated persons. In doing so, the judiciary, and staff of the Orphans' Court provide access for a very special population whose voice might not otherwise be heard.

In Pennsylvania, the Orphans' Courts date back more than 300 years to the days when William Penn himself held an Orphans' Court in 1683. Over the intervening centuries the Court's responsibilities have evolved drastically, but, the aim is still the same: provide access to justice for vulnerable individuals.

Having been established at the dawn of the American system of justice, thriving today as a champion of judicial access, and assuming the mantel of responsibility for guaranteeing the future of its myriad clients, the Orphans' Court Division of the Court of Common Pleas represents "Access to Justice: A Foundation for the Future".

---

### IN THIS SECTION

Orphans' Court Organization .....	94
Statistics .....	96



Senior Judge Frank X. O'Brien

## ORGANIZATION

The 1968 amendment to the Pennsylvania Constitution of 1874 that delineated the Trial and Family Divisions also established Orphans' Court as one of the three divisions of the Court of Common Pleas of the First Judicial District. The Court is led by Administrative Judge Petrese B. Tucker. Judge Edmund S. Pawelec and Senior Judge Frank X. O'Brien round out the judicial complement for the Orphans' Court Division.

## PURPOSE

The main purpose of the Orphans' Court is to protect the personal and property rights of people who cannot do so themselves. This situation might arise because the person is deceased, in which case the Court's role is to protect as much as possible the decedent's wishes regarding the disposition of their assets; including monitoring the use of assets that are left for charitable purposes, and to ensure to the greatest extent possible that the charitable intent of the testator is carried out. The Court also has jurisdiction to intervene if a person is temporarily or permanently not competent to make decisions in their own best interests. These cases often involve minors and people with certain disabilities. Under these circumstances, the role of the judges of the Orphans' Court is to ensure that the best interests of these individuals are protected.

*A basic tenant of American jurisprudence is the role of judges to exercise their authority to render decisions that are just, and that protect the rights of all parties before them. This is access to justice in its purest form*

## RESPONSIBILITIES

Operating from their location at City Hall, the judges and 12 employees of the Common Pleas Court Orphans' Court Division work together to adjudicate, dispose, and administer matters concerning the management and distribution of the property or estates of decedents, minors and incapacitated persons. In addition, the Division conducts proceedings involving the supervision and distribution of property in trust, both

testamentary and *inter vivos* (between the living) as well as the settlement of accounts of administrators, executors, guardians, and trustees. The Court also rules on matters relating to inheritance and estate

taxation. Appeals from decisions of the Register of Wills, including so-called "will contests", are also taken in the Orphans' Court Division. The Division has jurisdiction over issues involving the administration and proper application of property committed to charitable purposes and held or controlled by a non-profit corporation. Matters relating to inheritance and estate tax issues are handled by the division.

**Approach to Access:** A basic tenant of American jurisprudence is the role of judges to exercise their authority to render decisions that are just, and that protect the rights of *all* parties before them. This is access to justice in its purest form. The foundation of justice is



Judge Edmund S. Pawelec

that parties should have standing before the court based on merit — that no party should have an unfair edge simply because they are in some manner stronger or less disadvantaged than their opponent. The Orphans' Court Division embraces these ideals by securing access to justice for persons in dire need: those who may lack the capacity to pursue justice for themselves.

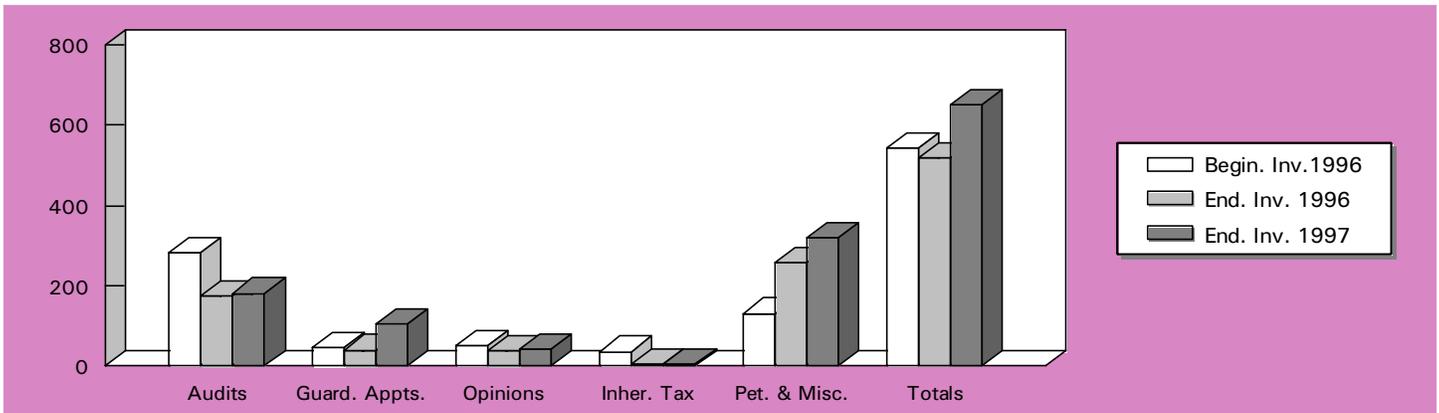
### ACHIEVEMENTS

Effective August 18, 1997, the Orphans' Court Division and the Trial Division entered into a Joint Regulation whereby Orphans' Court Judges will handle all petitions for compromises or wrongful death or survival where minors or incapacitated persons are involved. This regulation has had the effect of streamlining the process thereby resolving issues of court approval quicker and providing more efficient access to justice for parties and their attorneys.



City Hall facade.

**ORPHANS' COURT  
STATISTICAL SUMMARY**



	<i>Audits</i>	<i>Guard. Appts.</i>	<i>Opinions</i>	<i>Inher. Tax</i>	<i>Pet. &amp; Misc.</i>	<i>Totals</i>
Begin. Inv. 1996	284	45	49	36	131	545
End. Inv. 1996	175	40	38	6	259	518
End. Inv. 1997	181	105	41	6	319	652

