

First Judicial District of Pennsylvania

Court of Common Pleas of Philadelphia County

Orphans' Court Division



2012 Year End Report

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Administrative Judge
Orphans' Court Division

First Judicial District – Orphans’ Court Division

2012

A Year in Review

In 2012, the Orphans’ Court Division of the First Judicial District successfully continued the principals and traditions of protecting the rights and properties of those unable to do so themselves that began in 1683. In his first General Assembly of the Province of Pennsylvania in 1682, William Penn enacted the 77th Law which created the Orphans’ Court. The Orphans’ Court was officially organized in Pennsylvania’s 1674 Constitution and became part of the Court of Common Pleas of Philadelphia County on January 1, 1969, by a Constitutional Amendment.

Along with myself, Judge John W. Herron and Judge Matthew D. Carrafiello, we bring to the Orphans’ Court over 70 years of judicial experience to help ensure that the ideals set forth over 300 years ago, that those who can protect themselves the least must be protected, continue to be upheld. Along with all of our staff, I am happy and proud to discuss the updates and changes made to one of our country’s oldest courts and discuss what new changes are needed going forward.

The Philadelphia Orphans’ Court is charged with adjudicating matters involving the personal and property rights of minors and incapacitated persons; decedents’ estates; marriage license disputes; non-profit corporations including

mergers and dissolutions of hospitals and museums; and, appeals from the Register of Wills including will contests.¹ In addition, the Orphans' Court is tasked with adjudicating matters involving trusts both inter vivos and testamentary. When I began my position as Administrative Judge, I instituted several changes that enabled the Orphans' Court Division to be the first court in Philadelphia's First Judicial District to receive electronic filings. This ensures that those seeking our assistance receive it as quickly and efficiently as possible.

One reason that we must continually try to improve the way we provide services is because South-Eastern Pennsylvania has one of the largest percentages of people over 65 in the country. The Commonwealth of Pennsylvania continues to have one of the oldest populations and this is certainly reflected in Philadelphia. Members of the baby boomer generation have started aging into senior citizens, and Philadelphia is experiencing this shift. With a constantly aging population in Philadelphia, we take our work in elder care cases very seriously, carefully monitoring the management of estates and overseeing those fiduciaries whose job is to protect our seniors who need extra help.

The City of Philadelphia, the fifth largest city in the United States, is experiencing its first population expansion since the 1990s attributed primarily to the migration of "empty-nesters" from surrounding suburbs into the urban Center City as well as a marked increase in Asian and Hispanic populations. The most recent statistics indicate a population in Philadelphia of over 1.5 million residents and rising.

In addition to that, the percentage of people under 18 is larger in Philadelphia than in the rest of the state. These increases in the very populations that the Orphans' Court was created to service can tax the resources of our Court

¹ 20 Pa. C.S. § 711.

and its staff. That is why I am very happy with the technological upgrades we have integrated to streamline the processes of the filing and notice of petitions as well as the required guardianship reports.

The Orphans' Court has made it a priority to provide public access to the court system as this is an essential goal of our system. Our Electronic Filing System came online on January 1, 2005, and, since then, 15,025 attorneys have been assigned a username and password, enabling them to access our online system. Once granted access to our system, parties to a case and their attorneys are able to view and file pleadings in their case. In 2012, there were 2,108 new cases filed and a total of 4,738 pleadings e-filed through our system.

To assist users of the Orphans' Court E-Filing system, a training video and user manual are available online at the Court's website: <http://courts.phila.gov>. Our website contains forms and guidelines that we believe are quite helpful to attorneys and parties who appear in Orphans' Court. We continue to update and maintain our website to keep the public informed about the Court.

One of the important methods that the Orphans' Court relies on to provide oversight into the quality of administration provided by fiduciaries appointed by the Court is the use of Annual Reports. These Reports are mandated by Title 20 of the Pennsylvania Consolidated Statutes, and must be filed at least once within the first 12 months of an appointment and at least annually thereafter.² Guardianship reports are vital to the Orphans' Court's ability to monitor the incapacitated people under its care. These reports are, effectively, the eyes and ears of the Court and are used to ensure the physical and financial wellbeing of those under our care.

² 20 Pa. C.S. § 5521(c)(1).

A guardian of the estate of an incapacitated person must report current amounts of principal and income, and how money has been used during the last 12 months. They must also describe the current needs of the incapacitated person and how their situation may have changed since they were adjudicated. A guardian of the person must inform the Court where their ward resides, what their living arrangements are and what medical or psychological problems they may be experiencing. They must also offer their opinion as to whether the guardianship should continue and list how often they have visited their ward in the last year.

In 2012, we received over 1500 annual and final reports that were electronically filed. This was an increase of over 25% from 2011, and we expect that number to keep going up. Making it easier to file by providing our online services can only help in attaining the highest percentage of filing compliance possible and the increase in filing numbers bears out this idea.

In order to ensure that high percentage of compliance with the reporting requirements, we have tried to make it as easy as possible to file the reports. We now accept electronic filings of the reports. We also alert guardians who have not filed their reports by automatically sending out a letter when they fail to timely file. Our electronic filing system, BANNER Case Management System, has been programmed to locate non-compliant guardians. Once the system determines that Annual Reports have yet to be filed in a given case, our system will automatically generate letters that are sent directly to the guardians, requesting that they file the appropriate reports. If, despite the letters, the guardian continues to fail to file, the case is brought to the attention of the Judge assigned to the case, who may schedule a hearing on the matter to decide if a new guardian needs to be appointed.

Allowing electronic filing and alerting guardians who have not filed is especially helpful with non-attorney guardians who file on a *pro se* basis. With the

changes in the economy, the country has seen an explosion of *pro se* litigants and the Philadelphia Orphans' Court is no stranger to this phenomenon. In 2012, almost 2200 *pro se* litigants were assigned user names and passwords through our filing system, bringing our total of *pro se* litigants since 2005 to almost 12,000. Another 250 filings were done in person in the Orphans' Court Clerk's Office which also provides information, instructions and blank forms to those unfamiliar with the process. To further assist those with financial problems, the Orphans' Court granted *in forma pauperis* status to 417 people in 2012 alone. This is a 111% increase from the 376 granted this status in the previous six years combined.

If a *pro se* litigant calls for advice or assistance with filing, our updates to the City website allow us to direct them to several websites that are Orphans' Court specific. These sites provide both instructions as well as the forms that they need to file every type of petition that Orphans' Court processes and all of the instructions and forms that they will need to meet their filing requirements as a guardian, at <http://www.courts.phila.gov/forms/index.asp#oc>. Whenever a non-attorney is appointed as a guardian of either the person or the estate of an incapacitated person, in court, we give them a manual that contains instructions and copies of the blank forms that they will need to file. In addition, this manual has been made available online at <http://www.courts.phila.gov/common-pleas/orphans/>. If a *pro se* litigant does not have access to the internet, there are three computers available in the Clerk's Office that are dedicated solely to electronic filing by members of the public.

We are always pursuing new avenues to improve our systems, leading to greater efficiency and accessibility. Several times a year, members of Orphans' Court judicial and filing staff meet with the Deputy Court Administrator of Legal Systems for the First Judicial District and a representative from our electronic case management system to discuss what is working and to suggest solutions to the

things that are not. I also hold a small brownbag lunch with several members of the probate and trust law section of the Philadelphia Bar Association to discuss any concerns they may be having and to suggest possible changes to Orphans' Court rules.

During this last year we have dramatically improved our electronic case management system's functionality by allowing the electronic service of notices of filings subsequent to an initial pleading on all parties through our filing system. Parties entitled to notice will receive it immediately by electronic means, rather than having to wait to receive it through the mail. This was already being employed by the Civil Trial Division and we are happy with the amount of work and uncertainty that this improvement has erased.

Also, with our view towards increasing our efficiency, we have been continuing to work on a way to grant access to all Minor's Compromises and Wrongful Death and Survival Action Settlement Petitions, adjudicated by Judges of the Orphans' Court Division, to the Pennsylvania Department of Public Welfare. The Department must review each Petition for the possible existence of any claims or liens. Thus far, review through the Orphans' Court has been performed strictly in hard copy, and we are looking forward to the prospect of electronic review, which would speed up our ability to review motions ripe for disposition. In the coming year, we will also work on creating the functionality through our electronic case management system that will allow judges to file their orders and adjudications electronically rather than in a paper format which then needs to be scanned. This will not only reduce the obvious paper and printer costs it but will also help us achieve our goals of streamlining our system and add to the overall efficiency of Orphans' Courts by reducing the time needed to inform the attorneys involved of the court's decisions.

Finally, revenue generated from filing fees during the 2012 calendar year indicates that we have a very robust and busy Orphans' Court practice in Philadelphia. In 2012 alone the Clerk's Office processed \$799,878.16 in fees. The vast majority of payments were made with a credit card, through our electronic filing system. These funds are distributed to the General Fund of the City of Philadelphia, Jenkins Law Library, the Family Court Facility Fund, and to a fund which supports the Orphans' Court electronic filing system operations. Additionally, through the combined efforts of the Orphans' Court and the Pennsylvania Department of Revenue, the amount of funds collected in inheritance tax in 2012 totaled \$11,200,000.00. This is a remarkable achievement, given that this money directly benefits the state. We are proud that we can make such contributions to the City of Philadelphia and the Commonwealth of Pennsylvania and we will continue to expend efforts to improve the means by which we serve our community.

The Orphans' Court Division processed the following during calendar year 2012:

Type of Filing	Carry-Over from 2011	New Filings in 2012	Total Disposed of in CY 2012	Total Open Matters as of 06-Jan-2013
Accounts (for all case types)	101	127	129	99
Exceptions to Adjudications	8	9	14	3
Schedule of Distribution	3	16	13	6
Appeal from Register of Wills	12	18	21	9
Petitions to Appoint Guardians:				
Incapacitated Persons	49	399	393	55
Minors	5	75	65	15
Annual Reports, Guardian's Inventories and Final Reports	0	1503	1503	0
Minors' Compromises				
Orphans' Court	43	497	481	59
Civil Division	68	690	711	47
WD/SA Compromises				
Orphans' Court	1	32	29	4
Civil Division	39	225	493	0
Petitions for Allowances: Minors & Incapacitated Persons	41	348	337	52
Scheduling Orders*	0	3824	3824	0
Inheritance Tax Matters	18	56	58	16
Citations	0	762	762	0
Petitions to Buy/Sell Real Estate	20	83	72	31
Corporate Fiduciaries	2	41	40	3
"Other" Petitions†	251	2264	2144	371
Re-Exam of Trust Assets Ordered	0	2	2	0
Report of Exams & Termination of Trust Assets	0	18	18	0
Marriage License Matters	0	139	139	0
Report of Cemetery Assets	0	927	927	0
Miscellaneous Matters‡	0	1144	1144	0
TOTAL	661	13199	13319	770

* Scheduling Orders are Orders scheduling hearings and conferences.

† "Other Petitions" include Petitions for the Grant of Letters After 21 Years, Petitions for Default and Petitions filed on behalf of Nonprofit Corporations, i.e., Petitions to Approve the Sale of Assets.

‡ "Miscellaneous Matters" include Forms for Exemplifying Records and Wills, and Examinations of Safety Deposit Boxes.

Total Inheritance Tax Collections

Fiscal Year	Collection Amount
2004	\$12,423,553
2005	\$12,848,922
2006	\$16,589,003
2007	\$15,280,423
2008	\$14,839,155
2009	\$10,819,995
2010	\$11,882,749
2011	\$18,793,315
2012	\$11,200,000