Electronically Filed - St Louis County - August 19, 2016 - 02:32 PM

IN THE PROBATE DIVISION, CIRCUIT COURT
ST. LOUIS COUNTY, MISSOURI

In the matter of:

Dawn Dziuba _____ No._____
Respondent

PETITION FOR APPOINTMENT OF GUARDIAN AND CONSERVATOR AND MOTION FOR AUTHORIZATION TO ADMIT WARD TO A MENTAL HEALTH FACILITY FOR MORE THAN 30 DAYS

Mark Stinger, Director of the Missouri Department of Mental Health, acting in his official capacity, by and though counsel, states that Respondent is a female person, age 39, who is domiciled in St. Louis County, Missouri, in that to the best knowledge and information of the Department of Mental Health, Respondent's last residence prior to placement in the mental health system and incarceration was at 12233 Creve Coeur Ridge Ct., Maryland Heights, MO 63043. The following is the Respondent's present residence and post office address: Metropolitan St. Louis Psychiatric Center, 5351 Delmar Blvd., St. Louis, MO 63112.

Most recent addresses for the three (3) years prior to the filing of this petition*:

1. Metropolitan St. Louis Psychiatric Center, 5351 Delmar Blvd., St. Louis, MO 63112 (March 2015 to present)

2. St. Louis County Jail, Buzz Westfall Justice Center, 100 South Central Avenue, Clayton, MO, 63105 (June, 2014 to March, 2015)

3. 12233 Creve Coeur Ridge Ct., Maryland Heights, MO 63043 (unknown to June, 2014)

*If unknown, please provide an explanation as to the efforts made to ascertain them.

Petitioner states that on or about March 25, 2016, the Circuit Court of St. Louis County entered an Order finding that Respondent lacks mental fitness to proceed and there is no substantial probability that she will be mentally fit in the foreseeable future on the charge of making a terrorist threat (a class A felony) in the matter entitled *State of Missouri v. Dawn Dziuba,* Cause Number 14SL-CR05229-01. *See* Exhibit G, attached hereto and incorporated herein by this reference.

Petitioner further states that Respondent is unable, by reason of delusional disorder, persecutory type:

☒ To receive and evaluate information or to communicate decisions to such an extent that Respondent fully lacks capacity to meet essential requirements for food, clothing, shelter, safety or other care such that serious physical injury, illness, or disease is likely to occur.

Electronically Filed - St Louis County - August 19, 2016 - 02:32 PM

☒ To receive and evaluate information to communicate decisions to such an extent that Respondent fully lacks the ability to manage her financial resources.

☒ To meet Respondent's essential daily needs of living and/or to manage her financial resources without supervision and that there are no less intrusive alternatives to a full guardianship and/or a full conservatorship available to provide for Respondent's care and financial needs.

If Respondent is alleged to be only partially incapacitated and/or disabled, the nature and extent of the Respondent's partial incapacity/ disability is: n/a _____.

Respondent's current least restrictive environment for treatment is the Metropolitan St. Louis Psychiatric Center, and it is appropriate that Respondent remain at this facility.

The nature, extent and estimated value of the Respondent's assets located in the State of Missouri, and any assets located outside the State of Missouri, as far as is known to Petitioner, is set forth in Exhibit A, Financial Statement, attached hereto and incorporated herein by this reference.

☐ The Respondent is the grantor, a qualified beneficiary or is / was the trustee or co-trustee of any trust for which the purpose is: _____. The name(s) and address(es) of the presently acting

Electronically Filed - St Louis County - August 19, 2016 - 02:32 PM

trustee(s) is / are set forth in Exhibit B attached hereto and incorporated herein by this reference.

☐ The Respondent has executed a durable power of attorney for the purpose of _____ _____. The name(s) and address(es) of any agent appointed in said durable power of attorney is/are set forth in Exhibit B attached hereto and incorporated herein by this reference.

The reasons why the appointment of a full guardian(s) and/or a full conservator(s) is sought are: Respondent is not able to receive and evaluate information or to communicate decisions to such an extent that (1) she fully lacks capacity to meet essential requirements for food, clothing, shelter, safety, or other care such that serious physical injury, illness or disease is likely to occur; and (2) she is unable to manage her financial resources.

Petitioner(s) request(s) that letters of guardianship and/or conservatorship be granted to:

Name(s):

Thomas Arras, Public Administrator

Address(es):

41 S. Central, Clayton, MO 63105

Electronically Filed - St Louis County - August 19, 2016 - 02:32 PM

The following information is set forth in Exhibit B attached hereto and incorporated herein by this reference:

☒ The names and addresses of Respondent's parents, and if one or both of them are deceased, their date of death;

☒ If Respondent is married/widowed, the name and address of the spouse and if deceased, his or her date of death;

☒ If Respondent has living children and their names, ages and addresses;

☒ The names, relationships, and addresses of Respondent's closest known relatives;

☒ The names and relationship, if known, of any adults living with Respondent;

☒ If Respondent has no spouse, living adult child or parent, the names and addresses of Respondent's siblings, and if any of them are deceased, their date of death and the names and addresses of the children of deceased siblings;

☒ If Respondent has a guardian and/or conservator appointed in this state or any other state, and if so, the guardian's name and address;

☒ The name and address of the person having custody of Respondent;

☒ The names and addresses of any others for whom the proposed guardian is the guardian and/or conservator.

Electronically Filed - St Louis County - August 19, 2016 - 02:32 PM

Attached hereto and incorporated herein by this reference as Exhibit E is a list of the names and addresses of the witnesses who may be called to testify in support of this petition.

The undersigned counsel respectfully requests that this Court order the Department of Mental Health to notify the prosecutor of the jurisdiction in which the criminal charges were originally filed of any proposed transfer or release of Respondent at least 20 days in advance of such transfer or release and to notify the prosecutor of the jurisdiction into which Respondent is to be transferred or released, if different from the jurisdiction in which the charges were filed, and that such notification(s) shall include complete identifying information of Respondent, the case number of the underlying criminal case in which Respondent was found not guilty by reason of mental disease or defect, the complete address of Respondent's present placement, and the complete address of the proposed transfer, or proposed residence if release is proposed.

Respondent is indigent and her estate is insufficient to pay the costs of this proceeding. Therefore, Petitioner requests that the cost of this proceeding be taxed to St. Louis County. *See* § 475.085, RSMo (2000).

The matters set forth in this Petition are true and correct to the best knowledge, information, and belief of the undersigned.

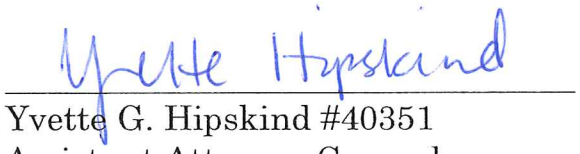
Electronically Filed - St Louis County - August 19, 2016 - 02:32 PM

WHEREFORE, Petitioner prays that a hearing be held and that the court (1) appoint the Public Administrator as the full guardian of the person and full conservator of the estate for the Respondent, (2) alternatively, appoint the Public Administrator as the full guardian of the person of Respondent and find that Respondent is totally disabled yet does not possess assets sufficient to require appointment of a conservator of Respondent's estate; (3) authorize the guardian to admit Respondent to a mental health facility for more than 30 days pursuant to § 475.121, RSMo (Cum. Supp. 2012); (4) tax the costs of this proceeding to St. Louis County pursuant to § 475.085, RSMo (2000); (5) order the Department of Mental Health to provide notice of transfer or release of Respondent as set forth above, and (6) grant such other and further relief that is just and proper.

Electronically Filed - St Louis County - August 19, 2016 - 02:32 PM

Respectfully submitted,

CHRIS KOSTER
Attorney General



Yvette G. Hipskind #40351
Assistant Attorney General

P.O. Box 861
St. Louis, Mo 63188
(314) 340-7544
(314) 340-7891 (facsimile)
yvette.hipskind@ago.mo.gov

ATTORNEYS FOR PETITIONER
MISSOURI DEPARTMENT OF
MENTAL HEALTH

Serve notice on Respondent at: Metropolitan St. Louis Psychiatric Center, 5351 Delmar, St. Louis, MO 63112

Electronically Filed - St Louis County - August 19, 2016 - 02:32 PM