

IN THE PROBATE COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

MARK STAINGER, DIRECTOR OF THE )  
DEPARTMENT OF MENTAL HEALTH, )  
Petitioner )

v. )  
DAWN DZLUBA, )  
Respondent )

Cause No. 16SL-PA02645

**FILED**

NOV 09 2016

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

MOTION FOR CHANGE OF VENUE

I Respondent hereby petitions this court for a change of venue pursuant to RSMo. 475.035, and also asks this Honorable Court to consider dismissal for lack of jurisdiction under Missouri Court Rule 55.27.

A. In support of this motion, Respondent states,

1. RSMo. 475.035.2 provides that, "If the alleged incapacitated or disabled person has resided in a county other than the county of his or her domicile for more than one year, the court of that county may assume venue for the purpose of appointment of a guardian or conservator."

2. As applied to the instant case, Respondent Dawn Dziuba has been involuntarily detained and has resided in St. Louis City since March 17, 2016. She resided at 5351 Delmar Avenue in St. Louis City from March 17, 2015 to October 12, 2016. She has been involuntarily detained and resided at 5300 Arsenal Avenue in St. Louis City from October 12, 2016 to present. Thus she has resided in St. Louis City for more than one year, making St. Louis City the appropriate county under RSMo. 475.035.2.

3. RSMo. 475.035.1(3) provides that venue for the appointment of a guardian or conservator shall be, "In the county or on any federal reservation within a county wherein the minor or the alleged incapacitated or disabled person or his or her property is found."

4. As applied to the instant case, Respondent Dawn Dziuba or her property "is found" at 5300 Arsenal Avenue within St. Louis City, where she has been involuntarily detained since October 12, 2016, making St. Louis City the appropriate county under RSMo. 475.035.1(3).

5. The Respondent also raises the defenses in Missouri Court Rule 55.27, which permit this court to dismiss for lack of jurisdiction,

B, Whereby, Respondent requests,

1. That the Court grant Respondent a change of venue from St. Louis County to St. Louis City,
2. That the Court dismiss the guardianship petition for lack of jurisdiction or for any other reason,
3. That the Respondent be discharged or released on her own recognizance,
4. Any other relief deemed proper.

Respectfully submitted,

*Dawn Dzia*

DAWN DZIA

Mo. Bar. No. 54174

### CERTIFICATE OF SERVICE

This motion was served this \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_.