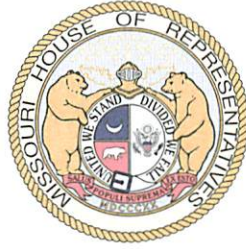


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MISSOURI HOUSE OF REPRESENTATIVES

Sarah Unsicker
State Representative
District 83

August 1, 2023

Valerie Huhn, Director
Missouri Department of Mental Health
Jefferson City, MO 65101

Dear Director Huhn:

I have received numerous emails from a campaign by MindFreedom International about Dawn Dziuba, a patient in the St. Louis Forensic Treatment Center South facility. They allege that she is being given psychiatric medication against her will and is being punished for filing a complaint against a staff member.

As you know, the state of Missouri has settled complaints in the past about overuse and unauthorized use of psychotropic medications. Specifically, in 2017, the state was sued for overuse of psychotropic medications for individuals in state care who were foster children. Missouri settled that case, with the Plaintiffs being listed as the prevailing party.¹ Ms. Dziuba has made complaints about her treatment and the treatment of other patients, specifically about the use of restraints and of medications used to sedate individuals against their will.

Upon further investigation, I have other concerns in addition to the concerns addressed by MindFreedom International. A Court determined in 2014 that she was Permanently Incompetent to Stand Trial (PIST).² Ms. Dziuba attempted to contest the issue of her competency and requested a hearing pursuant to 552.020.7 RSMo³. There was no hearing on this issue, and when

¹ Joint Settlement Agreement, *MB v. Tidball*, available at <https://dss.mo.gov/docs/settlement-2019/joint-settlement-agreement.pdf>

² 14SL-CR05229-01

³ RSMo 552.020.7 (2014) is available at:

<https://revisor.mo.gov/main/OneSection.aspx?section=552.020&bid=29020>

she filed a writ on this matter, it was summarily denied with no answer or hearing by both the Eastern District Appellate Court⁴ and the Missouri Supreme Court⁵ with no explanation given. I am unable to find the record on the criminal complaint; I presume that is because the security level on this case has been increased.

Ms. Dziuba has multiple graduate degrees and has authored and co-authored several research papers.⁶ She was licensed as an attorney with Missouri bar number 54174; according to the Missouri Attorney General's office in 2016, her license was suspended for failure to pay fees and meet CLE requirements.⁷ She has not been allowed to represent herself.

In 2022, pro se, Ms. Dziuba filed a Motion to Terminate Guardianship, requesting the guardianship be terminated or that her father replace the public administrator as her legal guardian. An attorney was appointed to the case, and the motion was eventually dismissed on an oral motion made by Ms. Dziuba or her attorney. Her attorney subsequently received legal fees that were paid by the state of Missouri.

It is long-standing law that individuals have a right to live within the community, and that it is unlawful to segregate people with disabilities unjustifiably.⁸ Ms. Dziuba clearly would like to live in the general community, as evidenced by her court file. She faces many barriers to this, and I'm sure some of these barriers are not reflected in the file. However, I ask that you take another look at her case and whether living within an IMD is an appropriate setting for her. In addition, I ask that you look at her allegations of individuals being improperly medicated and other allegations of improper treatment that she has made.

Sincerely,



Representative Sarah Unsicker
District 83

SU/nel

cc: Maddie Green, Missouri Attorney General
Angie Stuckenschneider, Legislation Liaison, Department of Mental Health
Sean Rapp, Court-appointed guardian
Sarah Smith, MindFreedom International

⁴ ED103219

⁵ SC95174

⁶ Kaburakis, Anastasios & Pierce, David & Fleming, Olivia & Clavio, Galen & Lawrence, Heather & Dziuba, Dawn. (2009). NCAA Student-Athletes' Rights of Publicity, EA Sports, and the Video-Game Industry. The Keller Forecast. Dziuba, Dawn, "The Potential for Conditional Cash Transfers to Influence Outcomes" (2010). All Theses and Dissertations (ETDs). 905. <https://openscholarship.wustl.edu/etd/905>

⁷ *Petitioner's Response to Respondent's Entry of Appearance and Motion for Release on Recognizance*, 16SL-PR02645, filed on October 18, 2016.

⁸ *Olmstead v. L.C.*, 527 US 581 (1999).