

**MISSOURI CIRCUIT COURT, TWENTY-SECOND JUDICIAL CIRCUIT
PROBATE DIVISION, CITY OF ST. LOUIS**

In the Matter of Dawn Dziuba, Respondent	: : : :	No. 1722-PR00058
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**Affidavit In Support of Motion for
Termination of Guardianship**

State of New Mexico :
:ss.
County of Socorro :

My current legal name is Yulia Mikhailova, and my current occupation is Associate Professor of History at the New Mexico Institute of Mining and Technology. I am presently 59 years old, and my current address of residence is 804 Sunset St., Socorro, NM, 87801.

I make this statement and General Affidavit in support of Dawn Anastacia Dzuiba’s Motion for Termination of Guardianship upon oath and affirmation of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of my knowledge:

1. That, while talking and corresponding with me, Ms. Dziuba has consistently demonstrated her ability to make her own medical decisions and her dedication to safety of herself and others;

2. That my interactions with Ms. Dziuba, her friends and family members, and with the staff of the St. Louis Psychiatric Rehabilitation Center led me to conclude that being placed in the Rehabilitation Center is not in Ms. Dziuba’s best interests and that her guardian does not perform his duty to ensure that the ward is placed in the “least restrictive environment” and that “there shall be imposed on the personal liberty of the ward only such restraint as is necessary to prevent the ward from injuring himself or herself and others.”

Supporting evidence for Item 1:

After Ms. Dziuba was prohibited from making purchases and leaving the ward, but was still allowed to have phone calls, she repeatedly expressed her concern that the hospital cafeteria's unhealthy food and lack of exercise were affecting her health negatively. She asked me to send her sources of protein, such as nuts and nutrition bars, and we brainstormed the kinds of physical exercise possible to do in a small room, to which she was confined most of the time. Subsequently, she often mentioned that she did yoga, stretches, push-ups and other exercises.

I sent to Ms. Dziuba a collection of pretty rocks to alleviate her sensory deprivation. Worried that the package was lost, I called the hospital and was allowed to talk with her briefly so that she could

confirm that she received it. She said that she could not keep the rocks, because some people on the ward were in such conditions that they might swallow a small object. She was very understanding of the need to keep these people out of harm's way, and, although regretful of not being able to keep the rocks, showed no resentment and demonstrated that other people's safety was her priority.

Ms. Dziuba differentiates between the effects that the medication Abilify has on her, depending on whether it is taken orally or injected. She mentioned that she tolerated Abilify pills reasonably well, but Abilify injections had made her agitated, irritable, sleepless, and created in her "juvenile impulses" that were hard to control. Concerned about the possibility of being injected with Abilify (which came to pass), she discussed a safety plan with me, aimed at not acting on Abilify-induced impulses. She planned to stay in her room, to minimize interactions with other people, and to concentrate on reading and making art.

Since I am on mailing lists that include mental health providers, she requested that I asked around about the ways to counter negative effects of Abilify. I made inquiries; the opinion of professionals was that, depending on the individual's metabolism, Abilify injection may create extreme agitation, hostility, and risky behaviors, which are hard to control without tranquilizing medications. When I passed this information to Ms. Dziuba, she decided that she would request the tranquilizing medication Seroquel in case she feels negative effects of Abilify. She is thus very attuned to her mental state and her medical needs.

Supporting evidence for Item 2.

Restraints currently imposed on Ms. Dziuba's personal liberty, such as the prohibition to use the library, to go to the hospital courtyard, to buy snacks, to keep books in her room, and to make and receive phone calls, are in no way "necessary to prevent the ward from injuring himself or herself and others." Hospital workers have consistently demonstrated uncaring and unprofessional behavior and extreme insensitivity to Ms. Dziuba's physical and emotional needs.

Ms. Dziuba informed me that there was no point in sending her more books and snacks, as I planned to do. The social worker took the contents of the first package that I sent to Ms. Dziuba, telling her that she would keep them in a storage room, to which patients do not have access. She planned to give out to Ms. Dziuba small portions of the snacks and one book at a time, but then she misplaced them. The last time I heard from Ms. Dziuba, the social worker could not locate the items I sent, and Ms. Dziuba did not have access to them.

Misplacing the books is especially concerning, given the fact that Ms. Dziuba is denied library and internet access. Being confined to a small space with nothing to do is not good for anyone's mental health, but for an intellectual like Ms. Dziuba, who has four degrees and who published academic articles, the absence of intellectual stimulation is a particularly severe deprivation.

Judging from the USPS tracking dates for registered and certified mail, after the letter is delivered to the hospital, it can take the hospital employees as long as ten days to give it to the addressee, making communication very difficult.

When Ms. Dziuba was still allowed phone calls, her friends were systematically subjected to rudeness and inexplicable long waits. The staff members picking up my calls often pretended that they did not

understand me, saying nothing but “Whaaa?” in a mocking voice and audibly sniggering. They repeatedly hung up on me, sometimes after making me wait a considerable amount of time. I had to dial the number again and again until Ms. Dziuba was finally called to the phone.

Other times, they called to the phone some other patient, typically somebody who was confused, incoherent, and/or hard of hearing. When I was eventually able to talk with Ms. Dziuba, I asked her if the patient mistakenly invited to the phone was a namesake, or had a similar name, and she said no.

My calls with her were often interrupted by the phone being hung up in the middle of a sentence. Ms. Dziuba said that this was done by staff members, who claimed that she “used too much phone time.” Often, a staff member used 20 minutes of phone time making fun of my accent or calling wrong people to the phone, and then ended my phone call after I talked with Ms. Dziuba for a few minutes. During these interactions, the hospital employees came across as either extremely incompetent, or deliberately malicious.

According to Ms. Dziuba, she was denied access to the hospital courtyard after hospital employees found out that she filed complaints about their unprofessional behavior. As of now, she has no regular outdoor time. Occasionally, she and other patients are allowed to go to a small patio enclosed with a spiked-off fence, too crowded to exercise or to walk much. She can see some grass and bushes, but no trees and no flowers, and what can be seen behind the fence are other fenced-off enclosures with spiked bars. I asked her if she could at least see the sky, and she replied, “Yes, you are right, I will concentrate on the sky.” This response shows how she desperately tries to find anything positive in an extremely bleak and confined environment which cannot be conducive to mental health recovery.

I, Yulia Mikhailova, hereby state that the information above is true, to the best of my knowledge. I also confirm that the information here is both accurate and complete, and relevant information has not been omitted.

Dated this 5 day of October, 2023

Yulia Mikhailova
Yulia Mikhailova

State of New Mexico
County of Socorro

Signed and affirmed before me on October 5, 2023, by Yulia Mikhailova.

Angela C. Gonzales
Title (and Rank) Notary Public
Expires: 2-11-2026

