

April 20, 2007

Dear Ms. Whitefeather:

I want to begin by saying thank you for your response and the information you have provided. I will follow up and make contact with the court and others however; there are several things in the letter that I feel that I have not communicated clearly by some of your responses so I will try to make the situation clearer as to what I am asking from you.

First of all I did not ask for court appointed assistance for my daughter as she does have a public defender representing her. What I am asking for is **court appointed legal assistance for myself and for my mother** as she does not want Raymond Miller to represent her.

I am aware what guardianship means. The problem in this case is that guardianship was given to Lutheran Services **without any notification by the agency or the court or anyone else in power to either my daughter or to me.** I was under the impression that my daughter was going to court to resolve the issue of the sale of the house as my mother's placement in Kensington Manor was to be a temporary situation. I had no prior knowledge that there would be a competency issues or that my mother was going to be turned over to an entity who would take sole control of her life when it is not necessary or warranted.

I am the next of kin in this situation and was never notified of the proceedings about to take place. I never imagined that a nightmare like this could happen. And when I did call to question the court appointed attorney Raymond Miller, **I was told that I have no rights and that I should get a lawyer.** I do not understand how and for no reason the state can give an entity custody of my mother without even asking if there were any other relatives or interested parties. **Also, neither my mother nor daughter had any legal representation at this hearing.** Attorney Miller approached my mother after the hearing and told her he was her attorney.

You say that Section 744.3215, Florida Statutes addresses the rights of persons determined to be incapacitated specifies the right to receive visitors and communicate with others, as well as the right to privacy. You say that the phone call restrictions from me and others were "based on a medical decision due to the volume and upsetting nature of calls made to your mother," and "that the court-appointed guardian asked me not to call because of abusive language." This is an outright and deliberate deception on the part of Lutheran Services. **The phone call restriction was put in place the evening of March 2, 2007 (as soon as the evening paper came out).** They didn't want my mother to see the article charging her granddaughter with exploitation of the elderly among the **other fabrications in the article.** These unsubstantiated charges were instituted behind my mother's back meaning without her knowledge or concurrence. And to this day I have not been able to get anyone in authority to go visit her and listen to her side of the

story. The “guardians” who fabricated and embellished the facts this story continue to get the benefit of the doubt while no one in authority from agencies has bothered to listen to exculpatory evidence from my mother, myself, or friends of the family.

My mother only receives calls from four people so that contradicts the argument of volume of calls. And secondly, if someone would take the time to ask my mother she will tell you that she wants the phone calls and contact with her family and friends and does not want to be held there. **No one speaks directly with her. Everything that has taken place thus far has been without her knowledge.** The “guardians” are the ones speaking for her without her concurrence or knowledge. Ann Ridings is using negative and critical comments about me and others to hide their unethical behavior in gaining guardianship and the restriction of phone calls are based on fraudulent determinations. This allegation of abusive language is in the same vein as the newspaper article...to defame. What is upsetting my mother is the deceitful way Ann Ridings and Denise (social worker from Kensington Manor) manufactured the charges against her granddaughter and took possession of her. All I have been doing is asking that someone outside of Lutheran Services hear what my mother has to say in regard to her financial situation and relationship with her granddaughter.

As far as written communication being accepted goes...I sent my mother a restricted delivery letter which she never received. I was told that the content of the letter would upset my mother (Sheila Gauday). This is another untruth as I can send the letter to you to prove that fact. The letter merely stated for her not to worry that everything would be worked out and that maybe the reporter did us a favor by bring this situation to public attention. I also enclosed with the letter a copy of the demonizing article that appeared in the Sarasota paper on March 2, 2007. My mother already knew that my daughter had been arrested. That happened on February 23, 2007. **The letter was held back from my mother because they were once again trying to hide from her what they are alleging in regard to the exploitation charges.** The article was published two days after she contacted Attorney Miller to tell him her side of the story and that the allegations are false and that she does not want to press charges. She still finds this situation unbelievable and wants to be heard. Why are her rights being overridden by Ann Ridings (guardian)?

There are a series of events which led to my mother being taken to Kensington Manor and my mother can articulate the facts quite well as we have had many discussions regarding the charges brought against my daughter. So their statement of protecting my mother is false. They are making her anxiety ridden by keeping her incommunicado. She wants to know what is going on and is frustrated because of not being able to speak for herself. She is not incompetent as they claim and anyone who has had contact with her by phone or in person will tell you she is quite lucid and able to recall the events in Kensington Manor and the way the police were called when my daughter went to pick her up to go to the police station to clear up the allegations. She did not try to remove my mother without authorization. She merely tried to clear up the situation which happens to be a normal response to a complicated situation such as this. Another competency test would prove that my mother is lucid. However, Attorney

Miller stated when my daughter had asked for another competency test that she had enough testing as if he is the expert in this area.

It seems that anything that comes from Lutheran Services is treated as gospel and anything I try to say is negated. And again you mention in your letter that my mother may communicate with me if she wants to. Well how can she when she is unable to make outgoing calls and how can I communicate by mail when her mail has to go through Sheila Gauday who can say the letter will be upsetting no matter what the content? The solution here is for someone outside of Lutheran Services to go talk to her and remedy the situation.

So once again, I am **asking that you investigate this situation by sending someone to Heron East to speak with my mother.** What Lutheran Services is telling you regarding family is false and what they are doing to this family is unconscionable. If I had any doubt that the allegations against my daughter were true I would be sitting in the State's Attorney's office helping him prosecute. In the **meantime I do need a court appointed assistant to make my way through the legalities and my mother needs representation** as she feels that Attorney Miller does not represent her interests. And since this is her right I would hope that your agency can assist in this matter.

Sincerely,

Pat Benabe