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# I-Team Update: Broken System, Call to Action

*Published: Tuesday, November 22nd 2016, 4:09 pm EST**Updated: Tuesday, November 22nd 2016, 4:22 pm EST*Written by Kathy Sweeney, Anchor [CONNECT](#)

SIKESTON, MO (KFVS) - "I'm hopeful to still get her released, but I'm not deceiving myself either."

Teala Mainzer realized the clock was ticking for her elderly mom, but now she has some powerful allies in her battle to get her out of a guardianship and bring her home.

We've been following the tale of Pauline Williams' guardianship for more than two years.

Two of her family members petitioned a Scott County court to make her a ward of the state and since then three of her daughters have been working to get it terminated.

But now, Williams' story and others like it have a pair of local lawmakers ready to help.

Mainzer and other concerned family members recently sat down with State Senator Wayne Wallingford and State Representative Holly Rehder.

"They were both very interested, very shocked at what they learned. And both said that they were willing to talk together and see what the pathway was", Mainzer said.

"There are so many families in Missouri that are experiencing these same problems," Representative Rehder said during a recent interview on her meeting with Mainzer and efforts to reform Missouri's Guardianship system.

Rehder and Wallingford will both pre-file bills in December that aim to improve the process. The measures would start by bringing in the Health Department on home screenings.

"It requires the Department to also have the Health Department come and present another signature," Rehder explained. "So, instead of just one signature, just one person making that decision making that call to remove someone from a home, it also takes the Health Department to also come in, do an inspection, and say yes this home is unfit or unhealthy, or to say no it isn't."

The bills also put the wishes of the ward first.

"So, if I'm being removed from my home and I'm elderly and I say, well I want my daughter to take care of me, then the court has to allow that if the daughter is willing."

Rehder also questioned the process that has family members face the same judge each time they petition to have a loved one removed from a guardianship.

"I find it very concerning that family members who have the means to take care of their parent and are petitioning the court and getting it denied by the same judge. It seems to me there should be another path, another look, another set of eyes on that previous case," Rehder said.

In the meantime, Mainzer continues documenting her mom's condition in photos and videos and facing more accusations of invading her mother's privacy.

It happened at the Sikeston Convalescent Center last month.

"I had been taking video of her and I was approached by four staff," Mainzer recalled. "And one of them had a piece of paper in their hand and said we have a report that you're videotaping. And we're going to have to report that because that's a form of mental abuse. And you're not allowed to do that in this facility."

Mainzer then showed me a copy of the notice staffers gave her. It is a notice posted for staff members, not for visitors.

"Each resident must be free from all types of abuse, including mental abuse," it reads. "Mental abuse included, but is not limited to, abuse that is facilitated or caused by nursing home staff taking or using photographs or recordings in any manner that would demean or humiliate a resident."

Mainzer believes staffers gave her a copy of their own video policy for one reason.

"To intimidate me, to tell me to stop."

We went to the Sikeston Convalescent Center to find out what the actual picture and video policy is.

We met with the administrator, who asked us not to use his name.

He showed us a framed notice just inside the front door.

It was the same staff notice given to Mainzer.

When we questioned him on this, he then gave us a printout from the home's policy manual.

It reads as follows:

*// "Written consent must be obtained from the resident or representative prior to photographing the resident for all purposes except abuse, neglect or emergencies, and photography obtained for personal/family use." //*

The administrator said, since Mainzer has posted pictures and videos of her mom online, he believed she must have signed consent from her mom's guardian, Public Administrator Paula Scobey.

His staff, he said, should have given Mainzer a copy of this policy. He said they are doing their best to maintain Ms. Williams' right to privacy.

"She's been terribly abused. My opinion, as an advocate, she's been terribly abused," Carole Herman said of Pauline Williams.

Out in California, Herman's Foundation Aiding the Elderly filed a second complaint against the nursing home on Williams' after dehydration and other medical issues led to two more hospital stays. Herman said Scobey should be doing what she's doing.

"Absolutely! She is responsible for Ms. Williams' care. I'm concerned about the state, and I'm also concerned about the guardianship and how Ms. Scobey is not living up to her duties."

Teala Mainzer's not giving up.

She's hoping interest in Jefferson City can lead to needed changes in a broken system.

But, she wonders if those changes will come in time for her 87-year-old mother.

"Time is not on her side. Time is not on my side. Time is on the court's side because if things are delayed, if things continue, then she will languish in guardianship until she dies."

We sent a list of questions to Public Administrator Paula Scobey the week prior to this report.

Does she believe Pauline Williams is getting proper care?

Does Williams tell her she wants to be with her family?

We received a letter from her attorney in response. You can read it below:

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By Appointment Only

November 17, 2016

VIA Fax 573-335-6303  
Kathy Sweeney  
KFVS 12  
310 Broadway  
Cape Girardeau, MO 63701

Dear Ms. Sweeney:

This letter is being written on behalf of my client, Paula Scobey, who serves as the Public Administrator of New Madrid County. I have discussed this matter in detail with my client and have cautioned her not to divulge any information to the general public which might violate her relationship with her wards.

Paula would like to make the following statement: "I cannot talk about the details of a case. I simply can't; I have to protect the privacy rights of the individuals (wards) whom I am serving. I can state how the system works to my knowledge; the Judge makes the determination on whether or not a person is incapacitated and/or disabled; who is suitable and qualified to serve as guardian and/or conservator and the Least Restrictive Environment for that individual based upon the facts presented to him/her in Court. Judges make extremely tough decisions, life-changing decisions and they take great pains in making sure the process is as fair as possible and according to law.

Once appointed by a Court of law, a guardian takes charge of the individual's care, treatment, habilitation, education, support and maintenance. The guardian promotes and protects the care, comfort, safety, health and welfare of the ward. They make decisions that are in the best interest of the ward.

Public Administrators, as guardians, take their duties very seriously, also making very tough decisions as to what is in the best interest of their wards.

There are extreme safe-guards in place regulating facilities caring for individuals and if anyone believes that a regulation is being violated by a facility, they have the right and in the guardian's case, the obligation to file a complaint with the appropriate Department. However, filing a complaint does not mean there was wrong doing and you cannot assume the worst. There are spurious complaints that have no merit."

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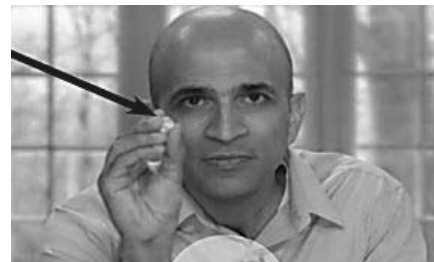
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