



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 978		DATE: 2/24/2021	
COMMITTEE: Judiciary			
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES			
WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: ARNIE C. AC "HONEST-ABE" DIENOFF-STATE PUBLIC ADVO		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: arniedienoff@yahoo.com	ATTENDANCE: Written		SUBMIT DATE: 2/24/2021 11:42 PM

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I am Support of this Bill.



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WITNESS NAME			
REGISTERED LOBBYIST:			
WITNESS NAME: D. SCOTT PENMAN		PHONE NUMBER: 573-690-6772	
REPRESENTING: MISSOURI ASSOCIATION OF PUBLIC ADMINISTRATORS		TITLE:	
ADDRESS: PO BOX 684			
CITY: JEFFERSON CITY		STATE: MO	ZIP: 65101
EMAIL: scott@penman.group	ATTENDANCE: In-Person		SUBMIT DATE: 2/24/2021 5:33 PM
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: CHRISTOPHER CROSS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL: Legal_Guardian77@yahoo.com	ATTENDANCE: Written		SUBMIT DATE: 2/21/2021 11:05 PM
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February 21, 2021 Chairman David Evans Missouri House of Representatives 201 West Capitol Avenue Room 114-C Jefferson City, MO 65102 Re: Representative Roger Reedy's House Bill 978

Chairman David Evans, I am submitting my written testimony because I am unaware if in-person testimony is being permitted by you, moreover, because of House COVID-19 protocols. As such, I respectfully request that my written testimony be entered into official record, in opposition to (2021) H.B. 978. I also extend the invitation to you and all members of the Judiciary Committee to call or e-mail me directly with any question, dissent, or support to what I share. Prior to taking guardianship of my ward, he had an extensive criminal history. Since I took guardianship, my ward is going on his eleventh year of being crime free. And I guarantee you that being in prison does not, in any way, shape, form, or reason mean, that a person is prevented from committing criminal acts in prison itself. Please think about this as you read what I share below. The summary of (2021) H.B. 978 describes the bill "one of the general duties of a guardian of an incapacitated person is to provide for the ward's care. this bill changes that duty to making decisions regarding the ward's care." As such, H.B. 978 seeks to deregulate the duties and authority of guardians, with guaranteed dangerous outcomes to public safety, ward's, and guardians. The bill operates on the premise that every person with a guardian is either some 80-year-old grandmother who loves to bake apple pies or a person with Down Syndrome playing their heart out at the Special Olympics. Both classes being politically popular. However, it grossly fails to consider the darker side of guardianships; the politically unpopular class who have criminal histories, that changes in guardianship laws presents public safety risks. On December 16, 2009, I became a duly court appointed legal guardian of my ward, Cory in full guardianship. At that time, we had no history together, other than a brief encounter. As such, I spent many months thoroughly his life history to ascertain whether he genuinely needed a guardian and whether a guardianship would benefit him. Two things became noticeably clear from my research. First, it would be a forensic guardianship. Second, his family, friends, and life-long medical, psychiatric, criminal history, and educational records, agreed that he both needed and would benefit from having a guardian, in full guardianship. Now, you may be asking what a forensic guardianship is. After all, since its' first creation well over thirty years ago, RSMo-Chapter has never had a classification of forensic guardianship codified in any section of the chapter. Well, forensic guardianships are far, far more common than you are aware, which makes their absence in being codified all the more detrimental to ward's, guardian's, courts, and general society. Forensic guardianships are those where the ward has mental or developmental disabilities and is involved with or is at risk of being involved with the criminal justice system. In December 2010, I organized Missouri's very first televised roundtable discussing mental illness and school violence. It was hosted at and facilitated by the Missouri Western State University in St. Joseph, Missouri. The expertise of the panel consisted of law enforcement, social work, education, parents / guardians, and three Missouri State Representatives, which included

Mike Kelley, to-wit, I organized the roundtable because of a legislative bill he filed at that time. On May 15, 2012, an article I wrote, 'The Criminalization of Mental Illness in Missouri' was published in the peer review, Prison Legal News. My article discusses the systemic issues that people with serious mental illness, developmental disabilities, and intellectual disabilities are swallowed by, in Missouri, moreover, when living in a Missouri prison. In particular, is the utilization of prisons to warehouse this class of people with no access to viable treatment they require. On February 13, 2018, I, along with the Missouri Public Administrator Association, Eldon Flaherty (ward of guardianship) and Cher Caudel, testified before the Missouri House Judiciary Committee in opposition to (2018) H.B. 1553, because of the severe and pervasive public safety issues the bill presented. While the bill itself was passed and eventually enacted into law, we were successful in eliminating key aspects of the bill. Among which included the effort to deregulate guardians out of being guardians, that guardians would not have any meaningful decision-making authority, which is inherently and seriously dangerous to public safety, when the ward is a forensic client. On July 30, 2015, The ARC of the United States, which is a not-for-profit organization that helps people with developmental disabilities, published, 'Sex Offenders with Developmental and Intellectual Disabilities – A Call to Action for the Criminal Justice Community' and at the bottom of the webpage, there is a link, 'view resource' which provide you a two-hour video training session that is conducted by a wide array of industry professionals discussing the high rate of people with developmental and intellectual disabilities committing sex crimes, and the systemic issues this population faces in the criminal justice system, employment, housing, educational opportunities, and other important areas of life. Proponents of bills like (2018) H.B. 1553 and now, (2021) H.B. 978, want members of the Judiciary Committee, and in fact, every State Representative and Senator, to enact laws that changes the guardianship code, based on proponents painting a picture of politically popular people with disabilities. They do not want elected officials such as yourselves, to think about the inherent severe and pervasive dangers when bills are presented to deregulate the duties and the authority of guardians, in the ongoing quest to completely abolish guardianships. Indeed! There are many things that need to be changed in our current Missouri guardianship code, to account for forensic guardianships, and to help adult wards who, themselves, have children. Former State Representative Mike Kelley (now Chief of Staff for Senator Bill White) has been a great ally in trying to advance guardianship laws in positive, meaningful, and pro-social ways since 2014. Despite our political differences, Mr. Kelley and I spent well over one-hour speaking by telephone in 2012, about the significant issues existing with current laws at the time. Mr. Kelley has been involved with my ward for nearly ten years now, and beginning in 2014, Mr. Kelley filed multiple bills year after year, trying to change the laws for the better. It is entirely up to you, whether you will listen to people like me and whether you want to engage in the true and meaningful dialog that Mr. Kelley and I engaged in. But I can tell you that even if you choose not to converse with me, the reality is, forensic guardianships will always exist and every time bills are filed and enacted, that deregulate the duties and the authority of guardians, it opens Pandora's Box of releasing an entire class of people that have proven themselves to be a danger to public safety, but with the proper supervision, help, and proper laws, have also proven to be successful in living in their communities. Respectfully,



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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: CORY CROSS		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE:		SUBMIT DATE: 2/24/2021 12:00 AM
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