

## Testimony of Joanne Bougalis

March 25, 2022

My mother Katherine Bougalis was labeled incapacitated and was appointed a guardian in December 2014. During the following year and a half, she suffered abuses that are now commonplace for wards in Minnesota and throughout the United States. My mother's diagnosis was mild cognitive impairment. As justification to legally incapacitate her, her diagnosis was abruptly changed to severe dementia. She was then removed from her home and placed into a locked institutional setting, where she was forced to take a combination of medication whose synergistic effect is unconsciousness. She was also forced to wear a body monitor to prevent her escape.

My mother's diagnosis of dementia was made by a family practice physician with a specialty in obstetrics. My and my mother's efforts for further testing of her cognitive status were denied based on the guardian's claim that such testing would be "burdensome and intrusive for the ward." My mother was desperately unhappy in the facility where she was forced to live, which even her guardian acknowledged was a difficult setting for her because of her high cognitive ability. The family practitioner claimed there was no need for further testing since, in her opinion, dementia patients only get worse. Incidentally, at this time my mother was a widow with an estate valued at six million dollars.

As I attempted to advocate for my mother, and as she and I tried to get help through the court, we found that the system seemed to be set up in a way to silence us completely. My mother was prevented the right to defend herself at the hearing for permanent guardianship; the emergency guardian forced her to go to a routine medical appointment with the same doctor that diagnosed her with dementia, at the exact hour of the hearing. At subsequent hearings, she was denied the opportunity to testify, as by then, she was already labeled legally incapacitated. When I spoke on her behalf I was accused of being "unwilling to work with the professionals." When I continued advocating for her rights, I was threatened by the guardian that I would never see my mother again.

After eighteen months with my mother begging for her freedom, having no success being heard or getting justice through the probate court, nor any help from twenty agencies we reached out to, we finally gave up on utilizing the expected channels.

In May of 2016, my mother managed to physically escape her institutional setting and succeeded in removing her electronic body monitor. Because she is fortunate to have dual citizenship, my mother sought and was able to obtain assistance from the Greek Embassy. She and I were provided with emergency travel documents allowing us to escape to Greece.

In Greece, almost two years after her diagnosis of severe dementia by a family practitioner specializing in obstetrics, both a neurologist and psychiatrist diagnosed my mother with mild cognitive impairment, her original diagnosis. Off the medication she had been forced to take in the facility, and free of confinement, her functioning improved. While the guardian had claimed it was not in my mother's best interest to travel or to be with her family, she adjusted well even though she had not lived in Greece for fifty years. She reconnected with extended family and old friends and has lived successfully in her community as a free citizen for the past six years.

My mother's guardianship is still active in Minnesota and her guardian continues to get paid. Despite the fact the court and the guardian have been given legal notice of my mother's presence in Greece, the guardian continues to report her whereabouts as unknown, and the court continues to accept the reports. The guardian continues to collect her teacher's and nursing pensions, while my mother receives no financial support whatsoever from her estate.

Her estate is now reported by the guardian to be worth \$600,000, only ten percent of the value it had when the guardian was appointed. When my mother and I attempted to participate in a zoom hearing in 2020, the judge denied us access until after he approved the financial documents submitted by the guardian. Although the court previously denied her right to hire an attorney, the judge informed me and my mother that if we did not agree with his decision, we could hire an attorney. I too was unable to hire an attorney because of the warrant against me submitted by the guardian and approved by the judge.

We were good citizens and contributing members of American society. My father was an immigrant and a successful businessman. I served in the US Marine Corps and in the US Army and am now a disabled veteran. My immigrant mother worked in the helping professions as a teacher and a nurse. She has not been able to find justice in Minnesota or in the US, and instead had to seek help from Greece, her country of origin. My mother cannot return to the US without being forced and isolated into an institution. I cannot return to the country I served to protect because of a warrant for my arrest for accompanying my mother to freedom. My mother's and my experience suggests there's a serious problem with how guardianship and the probate courts operate in Minnesota.

I am aware there is a Bill of Rights in Minnesota for wards. However, in our experience these rights are not enforced, not even by the probate judges, who seem inevitably to defer to the guardian's wishes. Beyond the need to overhaul the entire guardianship system to protect future victims, there is an immediate need for accountability, and for actual penalties when guardians violate ward's rights.

Considering the well-known research of Stanford University psychologists Philip Zimbardo and Stanley Millgram on abuses of authority in settings of extreme disparity of power, it is clear that a setup such as guardianship that permanently strips rights from one person, while giving virtually absolute power to another, is a recipe for exploitation and abuse. From a scientific perspective, the maltreatment of my mother by her guardian is an expected outcome.

Thank you for supporting changes in the law that will address these problems.

Thank you also for considering my testimony.

Sincerely,



Joanne Bougalis

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