

IN THE CIRCUIT COURT FOR PINELLAS COUNTY,
FLORIDA, SIXTH CIRCUIT, PROBATE DIVISION

IN RE: THE GUARDIANSHIP OF

THERESA MARIE SCHIAVO,
Incapacitated.

UCN: 521990GA002908-GD-03 / Ref#: 90-2908-GD-003

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OBJECTIONS TO ANNUAL GUARDIANSHIP PLAN

Come now Robert Schindler, Mary Schindler, Robert Schindler, Jr., and Suzanne Schindler Vitadamo, as parties interested in the care of the Ward, by and through their undersigned counsel, and pursuant to Probate Rule 5.700 make the following objections to the Annual Guardianship Plan filed by the guardian, Michael Schiavo, for the period ending 6/3/0/04:

1. Provision for medical care services of the Ward. In Section 2. A. of the Plan the guardian sets forth no provision for either physical or speech therapy. Under Florida Statute 744.3215 Theresa Schiavo is entitled to receive rehabilitative services. It is believed that Terri would benefit from range of motion therapy and other physical therapy, orthopedic evaluations and treatment, speech therapy, standard diagnostic tests and procedures, gynecological care, dental care, and cognitive therapy. Moreover, it appears that an eleven-year neglect of routine dental care for Mrs. Schiavo recently necessitated the extraction of five of her teeth.

2. The provision for socialization for the Ward (Section 2. D.) is inadequate. A number of good people and friends of the family would like to visit Mrs. Schiavo

but are prohibited from doing so. Whenever someone outside the family on the approved list wishes to visit Mrs. Schiavo, a member of the family has to be present. This causes a hardship to the family. It also diminishes the amount of time Mrs. Schiavo has from visitations, thus greatly reducing the benefits she could obtain by the stimulation by and interaction with others and by the amelioration of her forced loneliness and isolation. Moreover, on given occasions the guardian will arbitrarily exclude permitted people from visitation or will set unreasonable conditions. These restrictions on visitation are contrary to Florida Statute 744.3215 (m) which states: *A person who has been determined to be incapacitated retains the right to receive visitors and communicate with others.*

3. The guardian's allegation that Terri maintains no interpersonal relationships with others in Sections 4. A. through 4. D. (*Social Skills, Abilities, and Activities of the Ward*) is objectionable because:

(a) Terri definitely maintains an interpersonal relationship with her parents and siblings. Terri responds favorably to visitation by her family with affection, smiles, attempted verbalization, and laughter. Visits by friends also elicit responses from Terri. Terri enjoys listening to music.

(b) Despite her efforts to relate and communicate, the guardian has no provision in the Plan for activities to increase Terri's social capacity. For more than four years she has been and continues to be isolated and confined in her room without music, flowers, pictures, or any other auditory or visual comfort or stimuli.

(c) Terri's wheel chair has been in disrepair for three years. This means she has not been outside her room for three years unless being moved to a hospital or other care facility.

(d) Terri has been prohibited from attending Catholic Mass for more than four years.

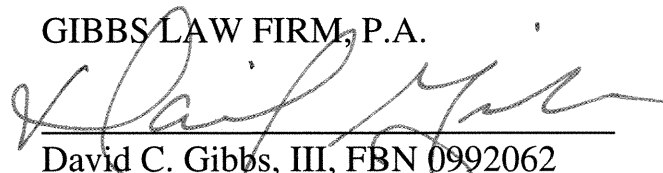
Such forced deprivation and isolation is contrary to Florida Statute 744.3215 (d) which mandates that "A person who has been determined to be incapacitated retains the right to be treated humanely, with dignity and respect, and to be protected against abuse, neglect, and exploitation.

(e) Even if Terri is in a persistent vegetative state, Florida Statute 744.3215 still requires that she be treated humanely, be protected from neglect, receive rehabilitation services, and receive visitors and communication from others.

WHEREFORE, the Interested Parties respectfully request the Court to reject the Annual Guardianship Plan and to order the guardian to submit a timely prospective plan that complies with the Florida Guardianship Law and corrects the deficiencies specified herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

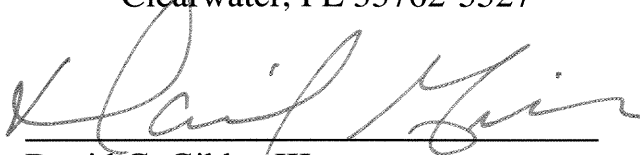
I HEREBY CERTIFY that copies of the Objections to the Annual Guardianship Plan for the Period 7/1/2003 Through 6/30/2004 were sent by U.S. Mail on this 4th day of November, 2004, to the following addressees:

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