

Guardianship Abuse Victim's Desperate Plea to Be Heard

Karilyn Montanti thought she'd have her chance to tell her story about her three-year long ordeal but was silenced by the judge and her court-appointed attorney

NEW YORK, UNITED STATES OF AMERICA, January 24, 2022 /EINPresswire.com/ -- Guardianship abuse victim Karilyn Montanti was once again denied due process by the court on January 14th, 2022 in the Suggestion of Capacity hearing held in Broward County's 17th District Circuit Court. After having been denied the counsel of her choice, Karilyn's repeated pleas to her court-appointed attorney to allow her to testify at the hearing to determine her capacity, were shut down without any justification. Instead, her court-appointed counsel told the judge that Karilyn's presence would be of no benefit. Karilyn has not had the opportunity to address the court once during her three-year long ordeal and finally thought this was going to be her opportunity to tell her story and have her voice heard.



Karilyn Montanti w/ grandson (photo courtesy of Christine Montanti)

On January 8th, 2022, without advance notice, despite being hospitalized for emergency surgery for a hip fracture and under the influence of narcotic pain medication prescribed by the hospital and suffering from Covid-19, Karilyn Montanti was required to undergo a capacity evaluation. This was conducted by a physician via Facetime who was selected by the court and who is not a psychiatrist. Without considering the effects of Ms. Montanti's many, serious medical issues, and influence of the narcotic pain medication, this doctor found Ms. Montanti to be incapacitated. In addition, the doctor testified that Ms. Montanti's Covid-19 diagnosis had no effect on her ability to make rational decisions or to participate in the evaluation. The court -appointed physician claimed Karilyn was incapacitated because she resisted his efforts to conduct the capacity examination, notwithstanding the circumstances facing Karilyn in the hospital at that time.

With only four days' notice, the judge proceeded with the capacity hearing in Karilyn's absence in a courtroom closed to the public and refused to allow questions of the court appointed doctor. In addition, The court refused to hear from any witnesses, including the other psychiatrists and doctors that examined Karilyn who were prepared to testify concerning her capacity. The judge also refused to hear any evidence or medical records concerning the effect of Covid-19. In addition, Karilyn's court-appointed attorney never met Karilyn in person and only contacted her just a few days before the hearing despite being appointed by the court two months earlier. Ms. Montanti requested a continuance prior to the capacity hearing because she was not feeling well but this continuance request was also categorically denied by the court.

When Christine Montanti's attorney J. Ronald Denman tried to proffer the evidence into the court record, the judge abruptly logged off the zoom hearing. Within hours, the judge issued an order denying Karilyn's request for the restoration of her rights citing almost exclusively the testimony of the court appointed doctor. Only a few hours after the hearing and the issuance of Karilyn's Incapacity Order, her eldest daughter signed Karilyn out of the hospital and moved her to a new facility over an hour away from her current residence. Upon arrival, Karilyn underwent a comprehensive capacity evaluation at the new facility which resulting in a finding that she was of full capacity. This finding clearly contradicts the findings of the court-appointed physician upon who the court solely based its decision.



Karilyn Montanti, Christine Montanti (photo courtesy of Christine Montanti)

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The Court waived Karilyn's appearance at the hearing, despite her repeated requests to address the court directly, which precluded Karilyn from explaining the details of the questionable examination.”

*J. Ronald Denman - Attorney
for Christine Montanti*

Karilyn has already filed several appeals seeking a reversal of the judge's prior orders in this matter. She is hoping to overturn the court order which denies her request to restore her capacity.

Broward County Case Number: PRC180004278
www.browardclerk.org

Statement from Christine Montanti's Attorney, J. Ronald Denman:

¶I represent Christine Montanti and briefly represented Karilyn Montanti until the court disqualified me from

representing her based upon his determination that she lacked the capacity to hire me. Karilyn, who sought me out to be her attorney, appeared lucid, coherent, articulate and charming during

our conversations; however, the court recently issued an order confirming her incapacity and precluded me, even as Christine's counsel from questioning the foundation for the court-appointed doctor's incapacity finding. The doctor, who was an internist that specializes in pain management, not psychiatry, rendered his opinion of incapacity after a brief minute facetime examination while Karilyn was hospitalized and taking strong pain medication for a broken hip and suffering from the presence of Covid-19. The court waived Karilyn's appearance at the hearing, despite her repeated requests to address the court directly, which precluded Karilyn from explaining the details of the questionable examination, or illustrating the degree to which she has capacity. To date, Karilyn has never once been permitted to address the court directly in over three years since these proceedings started. The court also refused to permit Christine to present evidence on Karilyn's behalf that she was recently examined by a renowned forensic psychiatrist who found her to have capacity, or the testimony of several other medical professionals and lay witnesses who were prepared to testify concerning Karilyn's capacity. On behalf of Christine and Karilyn, several orders are pending appeal.

J. Ronald Denman

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