

**IN THE CIRCUIT COURT FOR INDIAN RIVER
COUNTY, FLORIDA PROBATE DIVISION**

**IN RE: GUARDIANSHIP OF
GEORGE A. GILLETTE, JR.**

**File No. 31 2015 GA
000043 XXXX XX**

Division Guardianship

**PETITION FOR CONTEMPT--FAILURE TO COMPLY WITH VISITATION
PURSUANT TO PLAN**

COMES NOW, the Guardian Margaret Libbey, Petitioner, and files this Petition for Contempt and states:

1. On January 4, 2018, Petitioner filed her Annual Guardianship Report (Annual Guardianship Plan of the Guardian of the Person (hereinafter Annual Plan) covering the dates of January 7, 2018 through January 7, 2019. An Order approving this Annual Plan was issued by the Court on January 5, 2018.
2. The Guardian's Annual Plan calls for a specific visitation schedule for the Ward to visit his sister Kelley Nolan in Lee County, Florida. The Ward is otherwise primarily domiciled in Indian River County with his sister Cheryl Ciolina. Pursuant to the Annual Plan, the Ward was scheduled to visit Nolan on March 11-12, 2018, but this visit did not occur. When the Guardian arrived to pick up the Ward from Ciolina's home, Ms. Ciolina met the Guardian outside of her home and informed the Guardian that the Ward did not wish to visit his sister and would not be going. The Guardian did meet with the ward on this occasion.
3. Due to the scheduled visit for March 11-12, 2018 not occurring, Petitioner filed a Petition to Order Visitation Pursuant to Plan on March 16, 2018. An Order Requiring Visitation Pursuant to Plan was signed on March 19, 2018. A copy of this Order was mailed to Cheryl Ciolina on March 29, 2018.
4. The next scheduled visitation for the Ward to visit Nolan pursuant to the Annual Plan was scheduled for April 15-16, 2018. This visit also did not occur. When

the Guardian when to Ciolina's home to pick up the Ward for his visitation, Ms. Ciolona exited her home alone, without the Ward. Ms. Ciolina informed the Guardian that the Ward did not want to go. The Guardian instructed Ms. Ciolina to bring the Ward outside and present him to her vehicle as outlined in the petition to the court on March 16, 2018 [so he could leave for his visitation] and pursuant to the Court order. Ms. Ciolina went back inside her home and came back outside a few minutes later informing the Guardian that the Ward won't come outside. The Guardian left and the visitation did not occur.

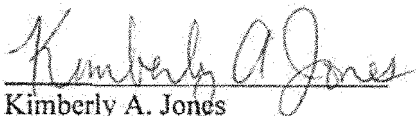
5. A few minutes later the Guardian returned to Ciolina's home and observed that Ciolina's car was no longer at the home. Shortly thereafter, Ciolina was observed driving with the Ward in her car and was observed driving to Giovanni's Pizza in Sebastian with the Ward.
6. This Guardianship dates back to 1989 and originated in the State of Massachusetts. There has been ongoing turmoil between Cheryl Ciolina and Kelley Nolan.
7. Cheryl Ciolina has documented history of interfering with the Ward's visits with Kelley Nolan in the Massachusetts guardianship case. The Massachusetts court has previously found that Cheryl Ciolina does not encourage contact between the Ward and other family members (see number 37 on the Findings of Fact issued by the Massachusetts court on May 20, 2014 attached as Exhibit A).
8. The Massachusetts court ordered visitation to occur between the Ward and Kelley Nolan. During this time the Ward lived with Ciolina as he does now, and Ciolina was serving as the court appointed Guardian of the Ward. The visits between Nolan and the Ward were to be facilitated by a special guardian appointed by the court, but these visits did not occur. In these situations, Ciolina's husband met the special guardian outside the home of Ciolina and told the special guardian that the Ward was too upset to visit. See numbers 83-89 on attached Exhibit A.
9. At the time of the Findings of Fact (dated May 20, 2014) attached as Exhibit A, Ciolina was serving as the Ward's court appointed Guardian in Massachusetts, but as a result of the Findings, she was removed as Guardian by the Court.
10. Ciolina has previously been found in Contempt of Court for her actions in the

Ward's Massachusetts guardianship case. See Judgment on Complaint for Civil Contempt dated May 20, 2014 attached as Exhibit B.

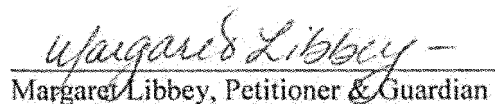
11. The Decree dated April 29, 2010, Order dated October 4, 2010 and Judgment dated July 18, 2012 that Ciolina was found to have willfully violated all included directions for visitation between Nolan and the Ward. These are attached as Exhibits C, D and E.

WHEREFORE, the Petitioner requests that Cheryl Ciolina be held in contempt of court and order incarceration if the Order Requiring Visitation Pursuant to Plan is not complied with and that this Court issue an order to Cheryl Ciolina to comply with the Annual Plan, in particular with the visitation schedule, including any modifications the Guardian may make to the Annual Plan and Visitation Schedule due to the Ward's missed visits with Kelley Nolan or for any other reason she deems proper and in the best interests of the Ward, reasonable attorneys' fees and costs and any other relief the Court deems just and proper.

Signed on April 20th, 2018.



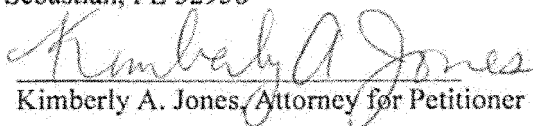
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Margaret Libbey, Petitioner & Guardian

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing instrument has been mailed via U.S. Mail on April 20, 2018 to

Cheryl Ciolina, 321 Fleming Street, Sebastian, FL 32958


Kimberly A. Jones, Attorney for Petitioner

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