

IN THE SUPERIOR COURT OF COBB COUNTY  
COBB JUDICIAL CIRCUIT  
STATE OF GEORGIA

JONATHAN RIVERA	)	
	)	
Plaintiff	)	
	)	
Versus	)	Case Number
	)	
GINA SCHARLE	)	21-1-1795-40
	)	
Defendant	)	

MOTION FOR MODIFICATION

A transcript of the proceedings before the **HONORABLE**  
**GEORGE H. KREEGER**, on June 9, 2021, at the Cobb County  
Courthouse, Marietta, Cobb County, Georgia.

**APPEARANCE OF COUNSEL:**

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1 P R O C E E D I N G S

2 \* \* \* \* \*

3 THE COURT: Any witnesses to be sequestered or  
4 anything like that?

5 MR. BROWNING: I have no witnesses other than my  
6 parties.

7 MR. MCMASTER: My client, Your Honor, will be the  
8 only witness.

9 MR. CANALE: I have one witness.

10 THE COURT: Now, like I say, we've got about an hour,  
11 so just keep that in mind.

12 MR. MCMASTER: I do have a witness, Your Honor.

13 THE COURT: Do we want the rule?

14 MR. CANALE: We invoke the rule.

15 THE COURT: All right. Ready to begin?

16 MS. HUNGERFORD: Yes, Judge.

17 MR. BROWNING: Your Honor, you want to instruct the  
18 witness? She's still here.

19 THE COURT: Just sit outside. I guess we need to  
20 shut those doors so she can't hear. Do not discuss the  
21 case with anyone. Ready?

22 MS. HUNGERFORD: Sure, Judge. I'm going to try to  
23 give you the abridged version just so you kind of  
24 understand how we got here today. This case is involving  
25 one child, Giana Scharle, she's 15, about to be 16, and

1 then we've got a biological mother, biological father, and  
2 then mother's boyfriend, or ex-boyfriend, who had  
3 petitioned under an equitable caregiver statute.

4 The child resided for a period of about 10 years with  
5 the mother and the boyfriend, who's Mr. Curry. And around  
6 2020 they broke up; mom left the house. Mom subsequently  
7 got arrested and then the biological father filed an  
8 emergency motion to get a TPO, and then also, an emergency  
9 change of custody order here in front of this Court, which  
10 granted him custody. That occurred around March 1<sup>st</sup>.

11 On March 3<sup>rd</sup> the Cobb County Sheriff's Office went to  
12 Mr. Curry's house to do a custody pick up and exchange.  
13 Mr. Rivera also made an allegation that Mr. Curry had  
14 kidnapped the minor child, so Cobb SWAT team was there  
15 with an executed warrant.

16 When they arrived at the house to transfer custody,  
17 Ms. Scharle, who's the biological mother, was present, and  
18 so was Giana, the minor child. They both told Cobb County  
19 that Giana, the minor child, wanted to stay with Mr.  
20 Curry, that that's what she considered her house. She  
21 considered him to be her father. That she didn't have --  
22 really have a relationship with Mr. Rivera. But because  
23 there was a court order the Cobb County Police Officers  
24 said, you know, well, we've got to take you.

25 At that time, Mr. Rivera, who's the biological

1 father, had made allegations that he believed that Mr.  
2 Curry was doing something either sexually inappropriate or  
3 what he confers as grooming the child for some sort of  
4 sexual exploitation. Because he made those allegations,  
5 Crimes Against Children detectives were called to the  
6 scene. They interviewed the child.

7 At that time, the child said no, you know, nothing's  
8 ever happened. I don't feel uncomfortable. Nothing  
9 sexual or inappropriate has ever occurred between me and  
10 Mr. Curry. They didn't feel like there was anything  
11 further that needed to happen, and the minor child was  
12 transferred then, to Mr. Rivera, the biological father's  
13 house.

14 She stayed with Mr. Rivera from that point until, I  
15 think it was April 15<sup>th</sup>. So, from March 3<sup>rd</sup> to about April  
16 15<sup>th</sup> she was in Mr. Rivera's custody. While she was there  
17 the child reports to me that he told her she could no  
18 longer contact Mr. Curry, and that they took away the  
19 cellphone that she had, that had been provided from Mr.  
20 Curry, and gave her a new cellphone.

21 During that time, Mr. Rivera also took the minor  
22 child to CHOA for a sexual forensic exam. While she was  
23 there, the child reported to the doctor that she did not  
24 know why that she had been brought to the hospital for  
25 this exam. She told the doctor that she'd never had sex,

1 she'd never had any sexual contact with anyone, that Mr.  
2 Curry had never made any sexual advances towards her, and  
3 that she didn't understand why this was being asked of  
4 her. A doctor and nurse interviewed the child. They made  
5 a recommendation in their report that they didn't think  
6 any -- there was no substantiated sexual abuse allegations  
7 and that, you know, she was to be released.

8 We came before the Court -- I was appointed. I met  
9 with the child while she was residing with Mr. Rivera. At  
10 that point, she didn't have any contact with Mr. Curry. I  
11 met with her, asked her, you know, some of the same  
12 questions about the sexual allegations and what she  
13 wanted, and she told me that she thought of Mr. Curry as  
14 her father, she wanted to see him. Mr. Curry has a 10-  
15 year-old son who's lived with her, that she thinks of as  
16 her brother, that she wanted to, you know, see Mr. Curry,  
17 have visitation with Mr. Curry.

18 I informed this to the parties. We had a temporary  
19 hearing in front of Judge Flournoy where he ordered a  
20 weekly rotation. So, the child would start one week with  
21 mom, one week with Mr. Curry, and then one week with Mr.  
22 Rivera. So, she started that rotation after spending six  
23 weeks with just Mr. Rivera. She did a week with mom.  
24 Then she did a week with Mr. Curry, and it was a week and  
25 some change, because she had a cheerleading competition

1           that kind of bled over.

2           So, after doing the initial rotation, I've met with  
3 her four different times, and she says that, you know, she  
4 doesn't want to continue doing the rotation, that it's  
5 stressful for her. She doesn't like it. She wants to be  
6 at Mr. Curry's house. She thinks of it as her house. She  
7 states that, you know, the biological father didn't have a  
8 lot of interaction with her during her life, and that, you  
9 know, while she loves him and cares for him, you know,  
10 they don't have a close relationship. She doesn't want to  
11 be there.

12           So, there became issues when it was time for the  
13 minor to return back to Mr. Rivera's custody where his  
14 parents showed up at the carpool line of the school to  
15 pick her up, and she wasn't in the carpool line. And she  
16 sent me messages that said, my grandparents came to pick  
17 me up; I don't want -- I'm not -- I refuse to go home with  
18 them. So, this became an issue where she's saying, I'm  
19 not going back to Mr. Rivera's house.

20           She reported that when she's in Mr. Rivera's custody  
21 that it's typically his parents that are watching her.  
22 They take her to school. They pick her up from school.  
23 She stays there until late in the evening, then they bring  
24 her back to dad.

25           The other issue that she stated was that she doesn't

1 have her own room at the father's house, that she's  
2 sleeping in the master bedroom, in the dad's bed, and he's  
3 sleeping on the couch, and that, you know, she doesn't  
4 really have a safe place there, and that, you know, she  
5 feels like Mr. Rivera and his parents are upset with her  
6 because she hasn't stated that she wants to live primarily  
7 with him, and that they, like, harp on her about that.

8 The other concern is that the minor child has stated  
9 that the biological father continues to make comments to  
10 her about that Mr. Curry isn't her blood father, and that  
11 he's not her real family, and that he is concerned about  
12 why someone who's not her blood relative would want  
13 custody of her, and I think that's concerning for this  
14 child that's been through a lot.

15 She's been interviewed by Cobb DFCS. She's been  
16 interviewed by CHOA. She's been interviewed by Crimes  
17 Against Children Safepath. She's been interviewed by her  
18 school counselor, and she's been interviewed by me. She's  
19 never made any declarations of any sort of concerns about  
20 Mr. Curry, but she has been saying that she doesn't want  
21 to go back to Mr. Rivera's house.

22 Recently what occurred is that she won't go home.  
23 She's not getting in the carpool line. She's refusing to  
24 go home when they're picking her up. She's not answering  
25 their calls, so, she's going back to Mr. Curry's house.



1 And then recently Mr. Rivera showed up at Mr. Curry's  
2 house with the police to enforce his custody. And I'm  
3 getting phone calls from the child, crying, saying, I  
4 don't want to go; the police are here; I shouldn't have to  
5 go.

6 And none of the parties can agree on anything. I  
7 made a recommendation in this case about -- I guess on May  
8 20<sup>th</sup>, that Mr. Curry would have primary custody and we  
9 would do, you know, weekend visitation with biological  
10 father and weekend visitation with biological mother. The  
11 parties seem to be in agreement on that.

12 And then, after that was filed, then Mr. Rivera filed  
13 a Motion for Recusal for Judge Flourney, so I wasn't able  
14 to get in front of the Judge. I had told the parties,  
15 this is my recommendation, you know, the child's having a  
16 lot of issues, so if y'all can't come to an agreement, I'm  
17 going to get before Judge Flourney, because at our  
18 temporary hearing he said if something comes up, you know,  
19 we can get you in here quickly to address it. And after I  
20 filed my motion asking for Judge Flourney to hear some  
21 relief is when father filed a Motion for Recusal of Judge  
22 Flourney, so that it precluded me from being able to get  
23 any relief from our assigned Judge in this matter.

24 And my concern here is that the child is not wanting  
25 to go with Mr. Rivera during his custody time. She's not

1 getting in the carpool line for his parents. And then,  
2 she's refusing to go anywhere when it's his turn, and we  
3 can't keep having the police called and this child, you  
4 know, in tears because she's not fulfilling the current  
5 custody order. And at her age, you know, absent taping  
6 her to the car and driving her over, you know it's kind of  
7 hard to force a 15-year-old girl to do something she  
8 doesn't want to do.

9 And that's where we are right now is that I'm asking  
10 for, you know, temporary relief for this child, that she  
11 not be forced to go back over to Mr. Rivera's house where  
12 she doesn't have her own room and Mr. Rivera isn't even  
13 there watching her. And I think that's in the best  
14 interest of this child is to modify this, at least on a  
15 temporary basis, until we can have our assigned Judge hear  
16 a final in this case.

17 THE COURT: Okay.

18 MR. CANALE: Yes, thank you, Your Honor. May it  
19 please the Court, as Your Honor is aware, my name is David  
20 Canale. I represent Gina Scharle in this case. Ms.  
21 Scharle is the biological mother of the minor child,  
22 Giana. I don't have a lot to add to what the guardian has  
23 stated other than my client is aware of what the  
24 guardian's recommendation was ultimately, for custody. My  
25 client is in agreement with that.

1           My client is also aware, and if I called her to  
2           testify, which I don't know if I will based upon the  
3           timeframe, but I'll state in my place that my client would  
4           testify to the Court she's aware of Giana's issues on the  
5           visitation with Mr. Rivera. The evidence would show that  
6           the child has had a strained and estranged relationship  
7           with her father, so I think that's the reason for the  
8           child's reluctance in being forced.

9           But in terms of the emergency here today, obviously,  
10          if the current circumstances are causing emotional upset  
11          to the child, and emotional upheaval, then we would agree  
12          that, you know, the Court ought to take this matter under  
13          consideration and then make a ruling that, you know,  
14          obviously, if this child is undergoing this emotional  
15          upset when she's being attempted to force the visits with  
16          her father, that the child not have to go. And I think  
17          that's basically what the guardian's recommendation is,  
18          and I'll just state in my place that my client is in  
19          agreement with that, and we have no objection to it.

20                 THE COURT: Okay.

21                 MR. BROWNING: I'm the attorney for Mr. Curry, the  
22                 equitable caregiver. So, I didn't know if you wanted them  
23                 to go next or me. I'll go.

24                 THE COURT: It doesn't matter to me.

25                 MR. BROWNING: What the guardian said sounds like

1 it's, you know, pretty well that's the case. We got a  
2 child that is 15, almost 16. She'll be 16 in September.  
3 And as the guardian said, what do we do? Get duct tape,  
4 strap her to the car and take her over there? It's pretty  
5 hard to do that, and especially when you've got a child  
6 who's in distress and stressed out about, you know,  
7 basically, I want to see my bio father when I want to.

8 So, I think the guardian's recommendation was that  
9 Mr. Curry have custody. He has a long history, as the  
10 guardian said, with the child. The child looks, and I  
11 think the guardian said this, as, this is my father; he's  
12 the person that has raised me, basically, and that I'd  
13 like to go see my bio dad when I would like to.

14 And, of course, the mom, as I understand from Mr.  
15 Canale, she's in agreement with, I think, what the  
16 guardian was saying, is custody be with him and each  
17 parent would have a weekend per month. And what the child  
18 is advocating through the guardian is, but I don't want to  
19 have to be forced; I'd rather go see my bio dad when I  
20 would like to go see him.

21 And so, that's our position too, is that, you know,  
22 at this stage there was -- I think the guardian may have  
23 said there was an estranged relationship, or a strained  
24 relationship with the bio dad. The mom, the bio mom, and  
25 the child lived with Mr. Curry, and whether it was on and

1 off or continuous, it's been going on for, like, eight or  
2 ten years, so he's provided all the support to her, took  
3 her everywhere. He's got her in school, got her in  
4 sports, takes her to her doctor's visits, et cetera, and  
5 has supported her and the mom.

6 The guardian did mention about they had a breakup, I  
7 guess you'd say, back in the summertime, and even though  
8 bio mom left, she wanted Mr. Curry to still have the  
9 child, the child would still be there. And then what  
10 happened was in either February or January, bio mom got  
11 arrested and so that's when bio dad showed up.

12 He had filed a Petition for Legitimization about  
13 2015, something like that, and they did a legitimization  
14 on a temporary order. That case sat there for over five  
15 years, and we all learned in the Civil Practice Act, if  
16 there's no order in five years, the case automatically  
17 stands dismissed.

18 Bio dad files an emergency motion on the dead case  
19 before the court. Mom, bio mom didn't show up, so the  
20 Court, okay, what is it; I got a case? There's a child,  
21 this is my child, and gets an order from the Court. So,  
22 he had that.

23 Contemporaneous with that, he then took a TPO out  
24 against Mr. Curry, that we had a hearing on the TPO for  
25 Mr. Curry. It was dismissed. We didn't even put our case

1 up. It was dismissed. It was dismissed right at the end  
2 of March, and right behind that then we filed the  
3 equitable petition case. It's that new law that came  
4 about in July, that a third party can file just like a  
5 grandparent can file for custody based on the fact they've  
6 got a relationship with the child, it's a close  
7 relationship, and there's a psychological dependency on  
8 each other.

9 We filed that, had the hearing with Judge Flournoy,  
10 and he basically said, Mr. Curry, you get a week, mom you  
11 get a week, and bio dad, you get a week, and so that  
12 rotation started. And then what happened, when it came up  
13 for dad's, bio dad's time, that's when grandparents -- the  
14 grandparents come, and she won't go -- she won't get in  
15 the carpool line. She won't go. And that's what the  
16 guardian was talking about, she refused, saying she  
17 wouldn't go. Did it a second time, wouldn't go. She  
18 calls up the guardian crying, I don't want to go.

19 And then the police showed up for the second time.  
20 The first time was when there was an allegation that she'd  
21 been kidnapped, and police came and they said, we got a  
22 court order that says, you know, pick the child up. As  
23 the guardian said, you know, the child told the police, I  
24 don't want to go; this is who I look to as my daddy and  
25 this is where I want to stay. So, then we had the

1 temporary hearing and Judge Flournoy did that.

2 So, in the meantime, the guardian files for, we need  
3 to change this, the child's not going, and so recusal was  
4 filed by them as to Flournoy, and so we now are here on  
5 the emergency or urgent that we've got a child in  
6 distress, that's stressed out about, I don't want to visit  
7 with my bio dad; I want to visit him on my terms if I want  
8 to go see him; I love him but, you know, I get stressed  
9 out over there.

10 And that's what we're asking you, Judge, for, to help  
11 this child out. Thank you.

12 MR. MCMASTER: Good afternoon, Your Honor. My name  
13 is Matthew McMaster and I represent Jonathan Rivera, the  
14 biological father in this case. And we're here under 21-  
15 01795, and for the record, Christopher Curry is not a  
16 party to that case, just so the Court is aware of that.

17 You heard a lot of things that are just not true.  
18 So, the guardian says that Mr. Curry and mom have been in  
19 a relationship for 10 years. The reality is from 2011 to  
20 2012 mom was with another man named Michael  
21 (unintelligible). In 2013 she did then move in with Mr.  
22 Curry. This is all pursuant to Mr. Rivera's affidavit.  
23 In 2018 mom and child again moved in with dad. In 2019  
24 mom and child moved in with another boyfriend by the name  
25 of Ronald Todd. And then in 2020 mom and child lived with

1           their Aunt Jackie on the mom's side.

2           So, it has not been 10 years straight. This child  
3           literally has five different stepfathers, and mother just  
4           had another child in November from another man. I don't  
5           know his name but I'm sure the guardian does. So, mom has  
6           been with five different men over the last -- that we know  
7           of, for the last 10 years. They're playing this narrative  
8           that he's been the father through this whole time. No.  
9           No. Mr. Curry just is the one that won't go away. We  
10          know that type.

11          He's a 42-year-old man. This girl is 15 years old.  
12          She has a father willing to take her in. Yeah, he works  
13          late hours. So what? That's being a man. That's being a  
14          father. Yeah, he sleeps on the couch when she stays with  
15          him. Again, that's a man being a father. And yeah, she  
16          stays with his parents when he can't be home for her.  
17          That's what the law is meant to do. It's meant to secure  
18          the nucleus.

19          They're using this Equitable Care Act for an ex-  
20          boyfriend to come in and take custody of this 15-year-old  
21          girl. That's what they're doing.

22          THE COURT: So, how do you deal with the fact the  
23          child doesn't want to be part of that?

24          MR. MCMASTER: We don't know that. We don't know the  
25          child doesn't want to be part of that, because the child



1 will not return texts, and his phone calls go straight to  
2 voice. So, we don't know. Prior to the child having Mr.  
3 Curry's phone, she communicated frequently and regularly  
4 with father. The second they swapped phones, dead.

5 So, Your Honor, if what they were saying was true, I  
6 would say, let him have the child. Great, he can provide  
7 for her. He's doing what he wants. And I've done that.  
8 I've advised clients, hey, they're going to make your life  
9 a living hell, you know, until this child is 18; you might  
10 -- if she's safe, she's comfortable, let them have the  
11 child. I've done that with clients.

12 But that's not the case here, because I don't know  
13 what they're saying is true. I have no evidence to show  
14 it's true. What I have evidence of is when child is with  
15 Mr. Curry, there's no contact to the grandparents, to Mr.  
16 Rivera. We've contacted police. We get reprimanded by  
17 the guardian.

18 They've literally broken down every safeguard that  
19 society has set up to protect a child. We have DFCS. We  
20 have law enforcement. We have Judges. We have guardians.  
21 We have parents. We have grandparents. They've made  
22 allegations that the grandparents yell at the child and  
23 berate her and talk about the case, so they're trying to  
24 cut out the grandparents. They're obviously trying to cut  
25 out the dad. He hasn't seen the child but for less than

1 24 hours over the last month.

2 In the guardian's Motion, she makes at least 12 false  
3 allegations. I'm going to have her on the stand in a  
4 minute and you'll see. She claims that the grandparents  
5 -- Well, you know what? We'll get to it, Your Honor.  
6 We'll get to it. She's trying to cut out the  
7 grandparents. And they've cut out law enforcement, right?  
8 They claim -- The guardian told you, oh, she called me  
9 crying. Well, Your Honor, I don't know if you're a  
10 father, if you have children, if you have grandchildren,  
11 but you --

12 THE COURT: All the above.

13 MR. MCMASTER: Okay. Then you understand that if  
14 your child is crying, you take care of it. You don't say,  
15 go call the guardian. So, when the child calls the  
16 guardian crying, what do you think really happened?  
17 Someone had an agenda. When my child's crying because  
18 someone's bullying them, I don't say, hey, go talk to your  
19 mom. I say -- You know, I counsel the child. That child  
20 has never called the guardian crying from dad's. She's  
21 never called the guardian crying from her mom's. But she  
22 called the guardian crying from the boyfriend. Why do you  
23 think that happened? Use your commonsense, please.

24 This is a total misuse of the Equitable Care Act.  
25 This case never had -- This court never had subject matter

1 jurisdiction, Your Honor. So, under the statute -- And  
2 they got caught. That's what happened. They got caught.  
3 Under the statute it says, under O.C.G.A. 19-7-3.1: This  
4 code section shall not authorize an original action so  
5 long as the Division of Family and Children Services of --

6 MR. BROWNING: I've got --

7 MR. MCMASTER: -- the Department of Human Services --  
8 --

9 MR. BROWNING: I've got an objection.

10 MR. MCMASTER: -- has an open child welfare and youth  
11 services case involving said --

12 MR. BROWNING: I've got an objection.

13 MR. MCMASTER: -- child or his or her parents.

14 THE COURT: Okay, Mr. Browning.

15 MR. BROWNING: Judge, we're here on the guardian's  
16 Motion. We're not here on a complete grand, universal  
17 review of this case. We've got the guardian's Motion.  
18 That's what we're here on.

19 MR. MCMASTER: Correct, Your Honor. We're here on a  
20 show cause Rule Nisi, and I'm showing cause. I'm  
21 absolutely showing cause. I mean, we're dealing with a  
22 15-year-old girl.

23 THE COURT: Well, I don't want to hear -- All I want  
24 to hear about is this.

25 MR. MCMASTER: Perfect. Perfect. They got caught.

1 That's what happened. They got caught.

2 THE COURT: And basically --

3 MR. MCMASTER: There's an open DFCS case. I'm  
4 killing their credibility is what I'm doing.

5 THE COURT: Is there an open DFCS case?

6 MS. HUNGERFORD: No, Judge, there's not. And I  
7 actually subpoenaed the DFCS records here for an in-camera  
8 inspection.

9 THE COURT: This right here.

10 MS. HUNGERFORD: Yes, Judge. And I received  
11 information from Mr. Dean that the case was -- I received  
12 it actually today, that the case was closed back in April,  
13 April 21, 2020. I think he said the records would reflect  
14 that there is no open case. There actually wasn't a case  
15 initiated. They responded to a report. They did an  
16 investigation which involved talking to the child and Mr.  
17 Rivera. They never investigated or spoke with the mom or  
18 Mr. Curry. And because there were no allegations  
19 confirmed, of sexual abuse, by the child, they terminated  
20 the case.

21 MR. MCMASTER: Let me correct what's going on here.  
22 So, the order they're trying to modify was entered on  
23 April 19<sup>th</sup>. There was an open DFCS case at that time.  
24 Pursuant to O.C.G.A. 19-7-3.1 this court did not have  
25 original jurisdiction over that matter. It was granted

1 and the guardian contacted, per her bill, on April 20<sup>th</sup>,  
2 DFCS. The problem with that is, it was then closed the  
3 next day. In other words, the guardian found out there  
4 was a case open and said, oh, crap. Didn't tell anybody.  
5 And then it was closed the next day. The guardian  
6 interfered with that DFCS case.

7 And the statute is written this way because the whole  
8 point is such that the litigation does not interfere with  
9 DFCS's independent judgment. That's what happened and  
10 they got caught, because two days after that --

11 THE COURT: If they got caught, why'd the case get  
12 dismissed?

13 MR. MCMASTER: What case?

14 THE COURT: The DFCS case.

15 MR. MCMASTER: No, no, no. I caught that. DFCS  
16 doesn't know what the statute says regarding 19-7-6.1  
17 (sic). That's not DFCS's problem. They didn't know --  
18 They didn't tell the Court, oh, crap, your order is void  
19 because this court does not have original jurisdiction  
20 over this action. So, that's what happened. They got  
21 caught.

22 But we were hogtied, because at the time Judge  
23 Flournoy was the Judge. And I don't know if you read the  
24 recusal but Mr. Browning here is the Judge's treasurer for  
25 his election campaign. His son was the Judge's staff

1 attorney in 2002.

2 MR. BROWNING: Judge, I've got --

3 MR. MCMASTER: And then he represented --

4 MR. BROWNING: I've got an objection.

5 MR. MCMASTER: And then he represented the Judge in  
6 his own custody case in 2010. They got caught and we were  
7 hogtied.

8 THE COURT: Well, that's a matter -- I think it's  
9 assigned to Judge Harris or something.

10 MR. BROWNING: No, the case has not been reassigned.

11 MR. MCMASTER: It has been reassigned.

12 MR. BROWNING: So, Judge, here's what it is --

13 MR. MCMASTER: He's not (unintelligible) --

14 THE COURT: Well, I've about heard enough.

15 MR. MCMASTER: They got caught. I keep catching them  
16 is what happened.

17 THE COURT: I want to hear why it's in the best  
18 interest of that child that they continue this rotation,  
19 not just --

20 MR. MCMASTER: No, no. It's not in the best interest  
21 of the child to be with this man at all. He's 42 and  
22 she's 15, and we don't know what the truth is.

23 THE COURT: Well, how old is he?

24 MR. MCMASTER: We don't know what the truth is.

25 THE COURT: How old is the father?

1 MR. RIVERA: Thirty-nine, Your Honor.

2 MR. MCMASTER: Thirty-nine.

3 THE COURT: Well?

4 MR. MCMASTER: That's her biological father.

5 THE COURT: And you've had all these investigations  
6 and they've found nothing.

7 MR. MCMASTER: We don't know that because the  
8 guardian interfered with it, Your Honor. We don't know  
9 what's true, because he hasn't -- he's only seen his  
10 daughter for less than 24 hours since April 15<sup>th</sup> when the  
11 case -- when the order was entered. He's literally  
12 alienating her and they're trying to erase every safeguard  
13 available by society: DFCS, police, grandfathers,  
14 parents.

15 THE COURT: Okay.

16 MR. MCMASTER: Your Honor, if --

17 THE COURT: There's the protection right there.

18 MR. MCMASTER: It should be. I agree. The problem  
19 is she got implicated. She got implicated. She covered  
20 up a DFCS case that should have been disclosed, and now --  
21 And guess who's paying her bill? Mr. Curry.

22 THE COURT: Well, somebody has to.

23 MR. MCMASTER: Your Honor, he is only bringing this  
24 case because -- He's only allowed to move forward with  
25 this case because that DFCS case was swept under the rug.

1 In other words, had she disclosed it, it would have had to  
2 be dismissed and refiled. She's getting a paycheck  
3 because she swept that under the rug.

4 MS. HUNGERFORD: Judge, if I may respond. Everyone  
5 in this case, since I was appointed, was aware there was a  
6 DFCS case open, because Mr. Rivera's counsel is the one  
7 who told me there was a case opened. If you look at the  
8 affidavit that Mr. Rivera filed today, from the TPO  
9 office, they said that as of the day of the TPO hearing,  
10 they informed Mr. Rivera that they made a referral to  
11 DFCS. Mr. Rivera, himself, made a referral to DFCS and  
12 opened it. A caseworker before I ever was even appointed  
13 in this case came and spoke with Mr. Rivera and the child.

14 So, to the extent that I'm sweeping any DFCS case  
15 under the rug, it's a little appalling to me given the  
16 amount of knowledge that this party had of the DFCS case.

17 THE COURT: Okay.

18 MR. MCMASTER: Your Honor, I requested multiple times  
19 from the guardian, what day did the DFCS case close, and  
20 she never disclosed it to me. She eventually said, I  
21 don't know. I had to look at her bill and see she talked  
22 to them on April 20<sup>th</sup>. And so, she says I don't know on  
23 May 26<sup>th</sup>, clearly it was open on April 20<sup>th</sup>. That's how I  
24 pieced it together.

25 MS. HUNGERFORD: Judge, if I --



1 MR. MCMASTER: Either way, Your Honor, she can take  
2 the stand. I'm going to have her take the stand under  
3 24.9 and we'll get the truth out.

4 THE COURT: Okay, well let's get there.

5 MR. MCMASTER: So, Your Honor, this court does not  
6 have jurisdiction to modify a case -- an order that's  
7 void, and it's not in the best interest of the child that  
8 the Equitable Care Act be abused in this way, when we have  
9 no idea what the child wants. We have no idea. If they  
10 can convince me that the child --

11 THE COURT: No, it's me they convince, not you.

12 MR. MCMASTER: I'm sorry?

13 THE COURT: It's me they convince, not you.

14 MR. MCMASTER: Well, I'll consent to it. I'll tell  
15 my client, yeah, let her go, and then we don't even have  
16 to be here. We're only here because there's a conflict.  
17 I'll get rid of the conflict if they convince me, but they  
18 haven't done that.

19 That aside, Your Honor, custody needs to be modified,  
20 absolutely, and Mr. Curry cannot have any bit of custody.  
21 It needs to be vacated because the court never had  
22 jurisdiction under 19-7-3.1. That objection can come  
23 regardless of a motion. Subject matter jurisdiction is  
24 always available as an objection at any time, and this  
25 court did not have it when Judge Flournoy ordered it. So,

1           that Order needs to be vacated and the Restraining Order  
2           needs to be in place again. Mr. Curry needs to not be  
3           near this daughter -- this girl.

4           MR. CANALE: May I just make just one comment, Your  
5           Honor? The motion that he's referring to was filed in  
6           both of the cases today, so that matter is not scheduled  
7           here, as the Court is aware, and we still have 30 days to  
8           respond to that motion. So, I would say if he's asking  
9           the Court to hear that motion today, we would object  
10          because we don't think it's ripe and it's not here before  
11          the Court.

12          THE COURT: All I'm hearing is the guardian's Motion.  
13          That's it.

14          MR. MCMASTER: Your Honor, I'm asserting it as a  
15          defense. It doesn't have to be a motion. Subject matter  
16          jurisdiction is always on the table.

17          THE COURT: Well, if that's the case, is there any  
18          jurisdiction at all, in this case?

19          MR. MCMASTER: You're right. Judge, this case --  
20          they do not have jurisdiction over the subject matter.  
21          They've got to refile. Mr. Curry, he's not even a party  
22          to the case we're here for, which is 1795. He's not even  
23          a party to that case.

24          MR. BROWNING: Let me clarify the order that he keeps  
25          saying that there was an investigation. The code section

1 under the Child Caregiver Act refers to the juvenile code  
2 section, which is article three, chapter 11, title 15, and  
3 that deals with what you and I, when we were practicing  
4 law back then, was a deprivation. It's now called  
5 dependency.

6 So, if you have a dependency proceeding going, where  
7 a child is before the Court, you can't go around the side  
8 and file a child equity case to try to block out what's  
9 going on in juvenile court. So, it clearly says that,  
10 that you can't do it if that's pending. In the same  
11 sentence, it talks about a proceeding, and there's no  
12 proceeding in juvenile court, and it talks about a case.  
13 There was just a mere reference in this case of somebody  
14 referred the matter to juvenile court -- I mean to DFCS.  
15 They looked at it. It was an investigation. There never  
16 was a juvenile case -- I mean, a DFCS ongoing, where they  
17 issued some sort of order and said, here's what it is,  
18 here's the safety plan, here's what needs to be done.  
19 They saw two people and that was it.

20 So, saying that this was something that deprived the  
21 court originally, of some jurisdiction because of a DFCS  
22 case is not within what the code is.

23 THE COURT: All right.

24 MR. MCMASTER: Your Honor, it was referred to DFCS by  
25 Stephanie Porter and Fernando Ramirez from the TPO office.

1 It was not referred by my client. Those are trained  
2 advocates to identify circumstances that need reporting.  
3 They're the ones who reported it, not my client. And then  
4 --

5 THE COURT: It sounds like --

6 MR. MCMASTER: -- the guardian interfered with it.  
7 Go ahead.

8 THE COURT: It sounds like it was a referral.

9 MR. MCMASTER: Referral.

10 THE COURT: And not a case.

11 MR. MCMASTER: Correct.

12 THE COURT: All right. Are you going to call the  
13 guardian?

14 MR. MCMASTER: Yes. The guardian's case goes first,  
15 right? It's her Motion.

16 THE COURT: I think she's pretty well made her case.

17 MS. HUNGERFORD: Yeah.

18 MR. MCMASTER: All right.

19 LESLEE HUNGERFORD,  
20 is examined and testifies as follows:

21 DIRECT EXAMINATION

22 BY MR. MCMASTER:

23 Q. All right, Ms. Hungerford, go to paragraph one of  
24 your Motion. How old is this child?

25 A. I'm going to need to pull up my Motion, so you can

1 give me one moment. So, the child is 15 years and eight  
2 months.

3 Q. Okay. So, you put 16 years, paragraph one. All  
4 right, paragraph two, the child was in the primary physical  
5 custody and resided with her mother and her mother's boyfriend,  
6 Christopher Curry, from 2010 until 2020?

7 A. Yes.

8 Q. Okay.

9 A. That is what my Motion states. I understand from  
10 your client's affidavit that he believes it's 2013 to 2020, so  
11 --

12 Q. Let me ask you, who is Michael Lee?

13 A. Michael Lee?

14 Q. Yes.

15 A. I'm not familiar with Michael Lee.

16 Q. Okay. Well, the mother resided with Michael Lee from  
17 2011 to 2012 at 635 Burbank Circle, Smyrna, Georgia, 30080.

18 MR. BROWNING: I've got an objection. Hold on. He's  
19 testifying.

20 THE COURT: Yep, just ask questions.

21 MR. MCMASTER: No, I'm reading the affidavit. It's  
22 the affidavit.

23 MR. BROWNING: Affidavits are for temporary hearings,  
24 not for emergency hearings.

25 THE COURT: Just ask questions.

1 MR. MCMASTER: It's an affidavit, Your Honor. It's  
2 for this hearing. It's an emergency hearing. We have  
3 affidavits at emergency hearings.

4 THE COURT: You've got a witness on the stand. You  
5 just can't speak.

6 BY MR. MCMASTER:

7 Q. Who is Michael Lee?

8 A. According to your client it's someone that the mother  
9 dated prior to Mr. Curry.

10 Q. Have you heard of Michael Lee?

11 A. Not from anyone but your client's recent affidavit  
12 that was filed today.

13 Q. Okay. Are you sure it was filed today?

14 A. That's the first time I'm recalling hearing about  
15 Michael Lee.

16 Q. I have a file stamp of June 8, 2021, at 2:27 p.m.

17 A. Okay. I restate that it was filed yesterday.

18 Q. Okay. And you're saying in 2018 the mother and child  
19 did not live with Mr. Rivera for any period of time?

20 A. I don't believe I said that.

21 Q. Well, I mean, is that your -- You said she lived with  
22 Mr. Curry from 2010 to 2020.

23 A. Yes, that's a generalized period. I understand that  
24 there were times maybe where Ms. Gina lived with your client  
25 for a month or a few weeks at a time, but as a generalized

1 statement, my understanding, from the testimony I received, is  
2 that for the bulk of the period of 2010 to 2020 that Gina  
3 primarily resided with Mr. Curry. Now whether there were  
4 months or weeks of time that she wasn't there, that's possible  
5 as well, but based on the testimony I've received, that's my  
6 understanding.

7 Q. Okay. So, your finding is that they did not live  
8 with Mr. Rivera for three months in 2018. Is that your  
9 finding?

10 A. That's what your client has alleged. That's not what  
11 I've heard from Gina.

12 Q. What is your finding?

13 A. I mean, she said it was a period of weeks. I don't  
14 know. I have two conflicting statements of times, but I will  
15 -- My understanding is she stayed with him briefly, but whether  
16 it was three months or three weeks, that's differing testimony.

17 Q. Okay. So, we can agree that for a period of time in  
18 2018 the mother and child resided with the father, Mr. Rivera.

19 A. Correct.

20 Q. Okay. And that for a period of time in 2019 mother  
21 and child resided with Ronald Todd, is that correct?

22 A. I'm not familiar with that.

23 Q. In 2020 mother and child lived with Jacqueline Hiltey  
24 (phonetic), is that correct?

25 A. Yes, my understanding is that there were periods of

1 time in 2019 where they resided with Mr. Curry and then they  
2 would reside with Ms. Hiltey, which is Gina, the biological  
3 mother's sister, also with her aunt, and the grandmother, as  
4 well as the maternal great-grandmother. I don't have specific  
5 dates or periods of time.

6 Q. Okay, I'm going to hand you the affidavit of  
7 Jacqueline Hiltey, which was at the last hearing on April 15<sup>th</sup>  
8 (presenting).

9 MR. MCMASTER: This is in the case file, Your Honor.

10 BY MR. MCMASTER:

11 Q. I want you to go to paragraph five, subsection (a).

12 MR. BROWNING: Your Honor, I'm going to object to  
13 them referring to an affidavit from some other proceeding.  
14 We do not have affidavits in these proceedings. Those are  
15 in temporary hearings only.

16 MR. MCMASTER: This is a temporary hearing.

17 THE COURT: Well, I think he's intending to ask a  
18 question about what may be contained there, but I don't  
19 know if he's introducing what's contained there.

20 MR. MCMASTER: Your Honor, this is a temporary  
21 hearing. They're modifying a temporary order.

22 THE COURT: No, no, no, no.

23 MR. MCMASTER: And the Cobb County Standing Order  
24 allows anything filed previously for a temporary hearing  
25 to be used at any other hearing.



1 BY MR. MCMASTER:

2 Q. Okay, Ms. Hiltey -- Excuse me, I'm sorry, Ms.  
3 Hungerford, go to paragraph five, subsection (a), where it  
4 states: On January 26, 2019, Gina texted me that -- And this  
5 is the aunt's affidavit, Gina's sister. (Reading) Gina texted  
6 me stating that Chris broke my arm by smashing it in the door  
7 so I couldn't leave. It was so bad. The kids were there. And  
8 I need to leave him. (End of reading)

9 Is there a finding by a preponderance of the evidence  
10 that Jackie Hiltey was lying?

11 MR. CANALE: Objection, Your Honor. She's not the  
12 trier of fact.

13 THE COURT: No, she's not.

14 MR. MCMASTER: She is the trier of fact.

15 THE COURT: I sustain the objection. Just deal with  
16 the case.

17 MR. MCMASTER: Well, we're dealing with the best  
18 interest of the child. This man is very capable of  
19 abusing women. That's relevant.

20 THE COURT: No.

21 MR. MCMASTER: It is relevant, Your Honor.

22 THE COURT: It might be relevant. The way you're  
23 handling it is not, so I sustain the objection.

24 MR. CANALE: Thank you, Your Honor.

25 BY MR. MCMASTER:

1 Q. Ms. Hungerford, is it your finding by a preponderance  
2 of the evidence that --

3 THE COURT: Well, I don't know if she's finding --

4 MR. CANALE: I'll let him ask the question but --

5 THE COURT: -- by a preponderance of the evidence. I  
6 sustain the objection to the form of your question.

7 MR. CANALE: And I would have a continuing objection  
8 if he asks any other questions like that.

9 THE COURT: Make it every time you need to.

10 MR. CANALE: Yes, sir. Thank you, Your Honor.

11 BY MR. MCMASTER:

12 Q. Ms. Hungerford, has Christopher Curry ever abused the  
13 mother physically?

14 A. Not that I'm aware of.

15 Q. So, you believe Jackie Hiltey was lying?

16 A. Jackie Hiltey --

17 THE COURT: That's not in evidence.

18 THE WITNESS: Jackie Hiltey --

19 MR. MCMASTER: It's her affidavit.

20 THE WITNESS: -- filed this affidavit, making these  
21 allegations of text messages. I asked Gina, who Jackie is  
22 saying said these things, directly about whether Mr. Curry  
23 had ever physically abused her, and her response was no.  
24 There are no police reports. There's no incident reports.  
25 There's no ER visits in which substantiate any of these

1           claims that Ms. Hiltey alleges in this.

2 BY MR. MCMASTER:

3           Q.    So, these text messages attached to the affidavit,  
4 those aren't real?

5           A.    I have no way of verifying whether these are real or  
6 not?

7           Q.    Do you believe they're real?

8           A.    I have no way of knowing.

9           Q.    I said, do you believe they're real?

10          A.    And I don't know. That's my answer.

11          Q.    I said, do you believe they're real.

12          MR. CANALE: Objection.

13          MR. BROWNING: Your Honor, she's answered --

14          THE COURT: She's answered it three times.

15          MR. MCMASTER: She didn't answer the question. She  
16 did not answer the question.

17          THE WITNESS: My answer is, I don't know.

18 BY MR. MCMASTER:

19          Q.    Do you believe, not do you know? Do you believe  
20 they're real?

21          A.    I believe that I don't have a yes or no answer to  
22 that.

23          THE COURT: Well, you can't get into her mind. Move  
24 on.

25          MR. MCMASTER: She's not telling the truth. That's

1 for real.

2 MR. CANALE: Your Honor --

3 THE COURT: I've heard enough.

4 MR. MCMASTER: Okay.

5 THE COURT: Would you like to leave with the deputy?

6 MR. MCMASTER: No, Your Honor.

7 THE COURT: Then start behaving.

8 MR. MCMASTER: Your Honor, I'm trying to protect a  
9 15-year-old girl from going with an abusive man.

10 THE COURT: That's what the Court's here for, too.

11 MR. MCMASTER: I hope so. I hope so.

12 BY MR. MCMASTER:

13 Q. Okay, go to paragraph 10 of your Motion. It says:  
14 The guardian shows that the child has made three rotations of  
15 the visitation plan. The child has made an election as to who  
16 she wishes to primarily live with and has asked for the weekly  
17 rotation to be ended.

18 What do you mean by three rotations?

19 A. So, she was with your client for six weeks. She did  
20 a rotation with mom. She did a rotation with Mr. Curry. She  
21 went back to your client's house, then she went back to Mr. --  
22 mom, and then went back to Mr. Curry. So, she's done a full  
23 rotation of all three visits.

24 Q. Okay. So, since the Order on April 15<sup>th</sup>, how long has  
25 the child been with my client?

1           A.    Since the temporary I believe it's been -- She  
2 returned on May 6<sup>th</sup>, so she was there for 24 hours, and then I  
3 believe she went back -- I'll have to look at my calendar --  
4 subsequent to that.  At least 24 hours.

5           Q.    Okay.  So, since April 15<sup>th</sup> the father has seen this  
6 child for less than 24 hours?

7           A.    Yes.

8           Q.    And you're saying three rotations were completed?

9           A.    Rotations meaning one week with a -- one week with  
10 dad, one week with Mr. Curry, one week with mom.  The child was  
11 in your client's custody for six weeks proceeding the temporary  
12 hearing, then we had a week, then another week.  Then she came  
13 back to your client's.  Which she would have come back earlier  
14 except for your client wasn't home when she was supposed to be  
15 returned, which we gave him an extra day.  And then she went  
16 back to mom's and then she went back to Mr. Curry.  And then  
17 all of this stuff happened with her saying she didn't want to  
18 return to your client's house.  And that's why this is an  
19 emergency hearing, because the child is refusing to return to  
20 your client's house and we're having to get police involved,  
21 and no one can agree or anything, and now the child is being  
22 put in the middle of all this.

23           Q.    How do you know the child's refusing to see Mr.  
24 Rivera?

25           A.    Because I've spoken with the child.  I'm getting text

1 messages from the child. I've got a text message from the  
2 child, from when she was with your client last, on May 6<sup>th</sup>, that  
3 says: I don't want to be here.

4 This is while she's with your client. When I talked  
5 to her -- She called me on the phone crying, saying, I don't  
6 want to go back, and I had to tell her, I'm sorry, we've got to  
7 follow the court order. But she's saying, I'm not going to get  
8 in my abuela's car; I don't want to go home with them; they  
9 yell at me.

10 So, I speak with the child and that's what she's  
11 telling me, and as the guardian, it's my job to advocate for  
12 her best interest, and I just don't think it's in the best  
13 interest to continue to place the child in that position.

14 Q. If Mr. Curry has control of her phone and has access  
15 to all the text messages, how do you know the child is telling  
16 the truth, and not just -- she's not scared of Mr. Curry?

17 A. Well, the child was in your client's custody on May  
18 6<sup>th</sup>, and this was time stamped, so unless Mr. Curry got her  
19 phone and went to your client's house and made her text this,  
20 then I have to believe that the text is true. And when I've  
21 spoken with the child, I speak with her independently. I've  
22 met with her at my office twice. I've met with her at the  
23 school. I've talked to her when she's on the phone. So,  
24 there's no one there that's coercing her to say the things that  
25 she's saying to me. And I've met with her in places I feel

1 like she feels safe, and she's been very candid with me about  
2 lots of topics. I don't see why she would be lying about this,  
3 and especially I don't see -- She's been communicating with her  
4 school counselor, or she was until school ended, on a weekly  
5 basis. I spoke with the school counselor and she's telling the  
6 school counselor the same thing. So, I just don't think, you  
7 know, based off she repeatedly says the same thing to multiple  
8 sources, that this is some sort of lie or she's being coerced  
9 into saying this.

10 Q. Okay. So, what safeguards are there for this child  
11 if there's an issue with Mr. Curry and abuse?

12 A. Safeguards in the fact that she has a phone, she  
13 speaks with her mom. She can contact me. She contacts me on a  
14 frequent basis when she needs to. So, if there was something  
15 going on, she has the ability to call 911. She can reach out  
16 to her family. And she obviously can reach out to me. But  
17 there's been no evidence of anything that would cause her  
18 concern or fear of her safety. I've got the records from the  
19 detective from Safepath who met with her when she was first  
20 there is that she told detectives: I don't have any fear of  
21 safety with Mr. Curry.

22 She then told the nurse and the doctor at CHOA the  
23 same thing, she's not in fear of her safety with Mr. Curry.  
24 She told her guidance counselor the same thing. She's told me  
25 the same thing. There's been four different, independent

1 sources here that met with this child, discussed her safety,  
2 discussed concerns, and she has told everyone that she has  
3 none. So, if there was something going on, this child has had  
4 ample opportunity to tell anyone in this case. And she's been  
5 with your client. I mean, she was with your client on May 6<sup>th</sup>.  
6 She never made any allegations to him that, I don't feel safe  
7 with Mr. Curry; don't make me go back to Mr. Curry.

8 That's never been alleged, so I don't have any basis  
9 to believe that she's in any sort of safety concerns while in  
10 his custody.

11 Q. If she is scared of Mr. Curry, and she knows there's  
12 a possibility she's going back to Mr. Curry, and she senses  
13 that you're on Mr. Curry's side, why would she tell you the  
14 truth?

15 MR. CANALE: Objection, calls for speculation, Your  
16 Honor.

17 MR. MCMASTER: No, it doesn't.

18 THE COURT: Yes, it does.

19 THE WITNESS: Well, one, I don't think --

20 THE COURT: No, you don't have to answer.

21 THE WITNESS: Sorry.

22 THE COURT: I sustain the objection to the form of  
23 the question.

24 MR. CANALE: Thank you, Your Honor.

25 BY MR. MCMASTER:



1 Q. Do you have children, Ms. Hungerford?

2 A. I have two children.

3 Q. Do they sense when you're scared of something?

4 MR. CANALE: I object to the form of the question,  
5 Your Honor. It calls for speculation again.

6 THE COURT: Right. I sustain the objection.

7 MR. MCMASTER: I can't subpoena a child.

8 BY MR. MCMASTER:

9 Q. If Mr. Curry has absolute control over this phone,  
10 how do we ensure that the child is safe?

11 A. I'm confused by your question. The child has  
12 possession of her own cellphone. The child came to my office.  
13 I sat down with her, went through her phone, made sure no one  
14 was blocked, made sure she could make text messages in and out.  
15 I verified that with the child in my office with just me and  
16 her. So, she has a phone. She's able to contact me via text  
17 message. She's able to contact me via email. I've had no  
18 problems getting in touch with her when I've called her to  
19 communicate with her. So, my understanding is that she's got  
20 free access to her phone. If anything were to happen to her,  
21 that she'd be able to reach out. She also has speech therapy  
22 twice a week with her therapist. I think if she had any  
23 issues, she could tell the therapist. She's got cheerleading  
24 practice. She could tell someone at the gym if anything's  
25 going on. But I believe she's got the ability to contact --

1 freely contact whomever she wants.

2 Q. All right, Ms. Hungerford, I'm going to hand you --  
3 I'll call it Plaintiff's exhibit one (presenting). It's your  
4 bill. On the bill, your line item on April 20, 2021, review  
5 and respond to an email with Mr. Curry. Do you agree that that  
6 occurred?

7 A. Item 4/21/2021, it's the third line down?

8 Q. 4/20, page one.

9 A. Okay. Yes.

10 Q. So, 4/21 on the next page, phone conference with Mr.  
11 Curry. Is that accurate?

12 A. Yes.

13 Q. Further down, also on 4/21, email with Mr. Curry.

14 A. That's my office manager, Kelly Morrell, so she does  
15 billing.

16 Q. Is that accurate?

17 A. Yes, that's not an email from me. That would be an  
18 email from Kelly Morrell.

19 Q. Okay. On 4/22 the phone conference with Mr. Curry.

20 A. Yes.

21 Q. On 4/22 again there's another phone call with Mr.  
22 Curry and a note to attorney as well?

23 A. That is Kylie Hall. That would be our front office,  
24 so that's not a phone call from me. That's a phone call from  
25 him to our office.

1 Q. Is it accurate?

2 A. Yes.

3 Q. Okay. On 4/22 phone call to Chris Curry, add  
4 appointment calendar.

5 A. Yes, and again, that's Allison Marshall. That's a  
6 paralegal.

7 Q. Okay. On 4/27 receive and review of email from Mr.  
8 Curry. Is that accurate?

9 A. That's correct.

10 MR. MCMASTER: And Your Honor, do you have a copy of  
11 this?

12 THE COURT: No. It's not in evidence yet.

13 MR. MCMASTER: Okay. Wondering if you wanted to  
14 follow along.

15 BY MR. MCMASTER:

16 Q. Ms. Hungerford, just to get it in, is this a true and  
17 correct copy of your bill for the date range of April 19<sup>th</sup>  
18 through May 17<sup>th</sup>?

19 A. It is.

20 Q. Okay.

21 MR. MCMASTER: I'd like to admit this into evidence  
22 as Plaintiff's exhibit one.

23 MR. CANALE: No objection, Your Honor.

24 THE COURT: It's entered without objection.

25 MR. BROWNING: No objection.

1 MR. MCMASTER: Can I hand a copy to the bench?

2 THE COURT: Sure.

3 MR. MCMASTER: Thank you.

4 BY MR. MCMASTER:

5 Q. On May 3, 2021, receive and review email from  
6 Christopher Curry. Is that correct?

7 A. Sorry, I'm going down. Yes, that's correct.

8 Q. May 4<sup>th</sup> phone call with Christopher Curry.

9 A. That's correct.

10 Q. May 4<sup>th</sup> again, receive and review of emails from --

11 A. Yeah, and I can save you time. Everything that's on  
12 here is true and accurate and occurred.

13 Q. Okay. So, let's go here. We have one on page one,  
14 one, two, three, four, five on page two. These are  
15 communications with Mr. Curry, either email or phone. So,  
16 we've got one on page one, five on page two, six on page three.  
17 Okay, so that is 12 communications with Mr. Curry, either email  
18 or phone, with you or your office from April 19<sup>th</sup> through May  
19 17<sup>th</sup>. Is that correct?

20 A. Yes.

21 Q. Okay. How many communications do you have with Mr.  
22 Rivera?

23 A. I think I've had four emails with Mr. Rivera and one  
24 phone conference.

25 Q. How about between 4/19 and May 17<sup>th</sup>?

1           A.    None.  And I'll say, in my guardian cases, I find  
2  it's one or two things.  I either communicate with the client  
3  directly or I communicate with their counsel.  In your case, I  
4  communicate with you, not your client.

5           Q.    Why do you communicate with me?  I have no -- I'm not  
6  a witness.

7           A.    Well, you're not a witness but when I need  
8  communications for information in this case, I communicated  
9  between you and I, and you've facilitated all the information  
10 from your client to me.  Your client's never called me, and the  
11 two times he's emailed me I've responded.  Over the course of  
12 this litigation, I have over 92 emails from you.  So, I would  
13 say the basis of my communication with your client has been  
14 through you, through counsel.

15          Q.    Okay.  So how many communications with my client from  
16 April 19<sup>th</sup> to May 17<sup>th</sup>?

17          A.    Well, I don't know.  It's going to be whatever's in  
18 here, but I would say likely none considering I've had four  
19 email communications with him over the course of this  
20 litigation.

21          Q.    Zero.  It's zero.  How many communications between  
22 you and mother, Gina, between 4/19 and 5/17?

23          A.    None.

24          Q.    So, if there's three sides of the story and you're  
25 only communicating with Mr. Curry, how are you supposed to know

1 what's true?

2 MR. BROWNING: Your Honor, that's an argumentative  
3 question. I object.

4 THE COURT: Yes.

5 MR. MCMASTER: Your Honor, I had a certified copy of  
6 a police report, but right now I just have a copy. If  
7 people are going to have objections to it, I'll keep  
8 looking, but if people are okay with the regular copy,  
9 I'll go ahead and use it. Does anyone have objection to a  
10 copy of a certified copy?

11 MR. BROWNING: We haven't seen it.

12 MR. CANALE: Yeah, we haven't seen it.

13 MR. BROWNING: I don't know what it is.

14 MR. MCMASTER: You want to look at it?

15 MR. BROWNING: Yeah.

16 (Brief pause.)

17 MR. BROWNING: No objection, Your Honor.

18 MR. CANALE: No objection, Your Honor.

19 MR. BROWNING: Do you have an extra copy of that?

20 MR. MCMASTER: I don't. I had the certified one. I  
21 still think it's over here. I just can't find it.

22 BY MR. MCMASTER:

23 Q. Ms. Hungerford, in your Motion, paragraph 20, you  
24 write: During the last visitation period with Mr. Rivera, the  
25 minor child snuck out of the house and smoked marijuana with

1 friends; the minor child reports that Mr. Rivera works late  
2 hours and was unaware that she even left the house.

3 A. Yes.

4 Q. Was that her first time smoking marijuana?

5 A. That's what the child indicated to me.

6 Q. She said, That's the first time I've ever smoked  
7 marijuana?

8 A. That's what she said.

9 Q. When she told you that, whose custody was she in at  
10 the time?

11 A. I believe she was in her mother's custody, and she  
12 had told the mother what had happened, and then that was told  
13 to me, and I asked her to come in. She came to my office, and  
14 we sat down, and we had a conversation about it.

15 Q. Mr. Curry had custody of the child at the end of  
16 December 2020; is that correct?

17 A. That's what I believe, yes.

18 Q. Okay. Did Mr. Curry give mother money for that  
19 exchange?

20 A. Not that I'm aware of.

21 Q. Are you sure?

22 A. When you say give her money for that exchange, I'm  
23 not aware of him giving her money in exchange for the child,  
24 no.

25 Q. Okay. Does mother have a drug problem?

1 A. Yes.

2 Q. Okay. How does she purchase her drugs?

3 A. I have no idea.

4 MR. CANALE: Objection, calls for speculation, Your  
5 Honor.

6 MR. MCMASTER: She may know.

7 THE WITNESS: I don't know. No.

8 THE COURT: She answered.

9 BY MR. MCMASTER:

10 Q. Okay, when mother needs money, who does she get it  
11 from?

12 MR. CANALE: Objection, that calls for speculation.

13 MR. MCMASTER: She may know. She may know.

14 THE WITNESS: I do not know.

15 BY MR. MCMASTER:

16 Q. Okay. Go to page five of your bill. The payment  
17 summary, parties are under court order to each pay a third of  
18 your bill, correct?

19 A. That's correct.

20 Q. And we have a Jose Rivera, and you agree that's the  
21 grandfather of Mr. -- Or, excuse me. Was that Mr. Rivera's  
22 father, Jose Rivera? Is that your understanding?

23 A. Yes.

24 Q. Okay. And then you have Christopher Curry paying  
25 twice and mom not paying anything; is that correct?



1           A.    That's correct.

2           Q.    Let me ask you again, when mom needs money, who does  
3 she get it from?

4           A.    I have no idea.  I've not discussed with mom how she  
5 receives money.

6           Q.    You have no idea?

7           A.    That has not been a conversation that the mother and  
8 I have had.

9           Q.    What if I told you I had an idea?

10           MR. BROWNING:  Your Honor, he's arguing with the  
11 witness.

12           THE COURT:  Well, your opinion -- I sustain the  
13 objection.

14 BY MR. MCMASTER:

15           Q.    Ms. Hungerford, do you agree that mother and father  
16 probably can't afford a guardian?

17           A.    I would agree that most people can't afford a  
18 guardian, but yes, I would assume none of the parties in here  
19 can afford this much litigation.

20           Q.    So, as long as Christopher Curry is in this  
21 litigation, you get paid, correct?

22           A.    No.

23           Q.    Who's covering two-thirds of your bill at this time?

24           A.    My understanding is Mr. Curry's paid his portion of  
25 the bill; your client's paid one portion of the bill.  But

1 you'd have to call our account manager in here, because I don't  
2 deal with money and who pays it.

3 Q. Okay. So, from April 19<sup>th</sup> -- On April 19<sup>th</sup> and April  
4 27<sup>th</sup>, Mr. Curry did cover the mother's bill, correct?

5 A. These were payments that were made by him, so this is  
6 applied to his trust account. But again, you'd have to call  
7 Kelly Morrell in my office, because she's the one who processes  
8 payments. So, if someone comes in to pay the bill, they don't  
9 come to me and say, Leslee, here's your money, and I process  
10 it. We have an account manager who handles all of our  
11 finances. So, you would need to call her, and she could tell  
12 you how it was applied and how much was paid. But if it has  
13 his name, that means it's paid into his trust account. So,  
14 each -- In a guardian case for our firm, each parent or party  
15 has their own trust account, and it is applied. So, any money  
16 he paid would go into the Chris Curry trust account, same thing  
17 for Jose, and same thing for Gina. And then that's applied to  
18 the bill.

19 Q. Paragraph 17 you state that the grandparents yell at  
20 the child.

21 A. Yes, that's what the child has indicated to me on  
22 multiple occasions.

23 Q. And did you talk to the grandparents about that?

24 A. So, I talked to the grandparents originally. The  
25 grandmother does not speak English very well. It's very

1 difficult to have a conversation with her, because she did not  
2 -- she did not communicate in English. The grandfather did a  
3 little bit better, but again, there's a little bit of a  
4 language barrier, so I've not called them since, due to that  
5 reason. But I don't have a reason to believe that the child's  
6 making that up, because she has said it on multiple occasions,  
7 and she's given pretty detailed descriptions of what has  
8 happened and why they're yelling at her. And that's not to say  
9 they're yelling at her the entire time they're there, but in  
10 particular to this case, the child has stated that the  
11 grandparents are very upset with her and want her to, you know,  
12 say that she wants to live primarily with your client, and that  
13 they're upset that she's not saying that.

14 Q. Under your current recommendation, how much  
15 visitation will father get in a month?

16 A. Under my current recommendation, he would get  
17 visitation on the first weekend of every month.

18 Q. And how is he going to enforce that?

19 A. That's not for me to say.

20 Q. Well, what's your recommendation?

21 A. That's kind of the root of the problem here is that  
22 the child does not want to go, so absent -- absent someone  
23 literally physically picking her up and carrying her to your  
24 client's house and making her stay there, I don't know that she  
25 would. She's already confirmed that while she was with your

1 client she left the house, snuck out, went and met up with  
2 boys, smoked weed, and returned and your client didn't know, so  
3 she's able to leave. She's resourceful. So, I can't force her  
4 to stay there. The Court can't force her to stay there. And  
5 that's the problem, and that's really why this is an emergency,  
6 because the child's refusing to go. When his parents come to  
7 pick her up at school, she's not getting in the carpool line.  
8 She's saying, I'm not going to go with them. So, there is no  
9 way to force her to go.

10 Q. If she's scared of Mr. Curry, how do we know what she  
11 wants?

12 A. She's not scared of Mr. Curry.

13 Q. How do we know?

14 A. Because she's told me, she's told DFCS, she's told  
15 CHOA, she's told Crimes Against Children, she's told her school  
16 counselor, that she's not scared of Mr. Curry.

17 Q. Objection to hearsay. How do you know she's told all  
18 those people?

19 MR. BROWNING: Your Honor --

20 THE WITNESS: Judge, if I may --

21 MR. BROWNING: -- he said, I'm objecting to hearsay.  
22 The guardian can use hearsay.

23 THE COURT: Okay, what?

24 THE WITNESS: Oh, I would just like to say, I've  
25 reviewed the Cobb County incident reports. This is the

1 one from 3/3/21 where Detective King is interviewing Giana  
2 Scharle. It says: Giana expressed that she's never been  
3 placed in fear for her safety by Chris or Gina. That's  
4 her discussions with Safepath. At CHOA, which I have the  
5 records right here, she said she preferred to live with  
6 Christopher, her mother's ex-boyfriend; she does not feel  
7 like she needs a sexual assault exam; she denies any  
8 allegations of physical or sexual abuse; she does not feel  
9 unsafe. That's what she's stating to CHOA on a second  
10 occasion.

11 BY MR. MCMASTER:

12 Q. And so, you don't think we have a duty to keep  
13 safeguards in place?

14 A. I do and I believe that she does have safeguards in  
15 place because she's not secreted from the public. She's out in  
16 the public. She goes to cheerleading practice on a weekly  
17 basis. She sees a speech therapist twice a week. She has a  
18 cellphone, and she regularly communicates with her mother. So,  
19 if there's anything in this child's life that she's concerned  
20 about, she has means to get that out to people. She doesn't  
21 want to see your client and she has no problem calling me on  
22 the phone and telling me that, so I have a feeling that if she  
23 didn't want to see Mr. Curry, she'd have no problem telling me  
24 that as well.

25 Q. If her mother turned her over to Mr. Curry because

1 Mr. Curry gives her money --

2 MR. BROWNING: Your Honor, he's testifying. I  
3 object.

4 THE COURT: Yep. There's no foundation for that at  
5 this time.

6 MR. MCMASTER: On the guardian's bill it says. I  
7 mean, Christopher Curry paid a third -- paid mom's  
8 portion. That's giving mom money for this child. That's  
9 not ambiguous.

10 MR. CANALE: I would also object, Your Honor. I  
11 mean, it looks like the testimony is that Mr. Rivera's  
12 family members are paying his bill, so, you know, are we  
13 supposed to impugn a motive against him or his parents  
14 because they pay his share of the guardian fees? I think  
15 this is irrelevant, Your Honor. I think we are beating a  
16 dead horse here.

17 MR. MCMASTER: His parents are not parties to the  
18 case. Mr. Curry is. He's paying mom for this 15-year-old  
19 girl.

20 THE WITNESS: I think, as I've testified, the way mom  
21 --

22 MR. MCMASTER: It's in the bill.

23 THE COURT: Yep.

24 THE WITNESS: Right. And the way my firm does it is  
25 there's each a trust account. The trust accounts are

1 applied against bills. Right now, Gina doesn't have any  
2 money in the kitty. And per my guardian Order, the Court  
3 is allowed to reallocate my fees to whichever party the  
4 Court deems appropriate at the end of this case anyway, so  
5 that's kind of where it is.

6 BY MR. MCMASTER:

7 Q. And you spoke -- You or your office communicated with  
8 Mr. Curry 12 times between April 19<sup>th</sup> and May the 17<sup>th</sup>, zero  
9 times with Mr. Rivera, and zero times with the mother, Gina  
10 Scharle. Why is that?

11 MR. BROWNING: Your Honor, he's giving testimony and  
12 it's argument.

13 MR. MCMASTER: I'm asking her a question, why.

14 THE WITNESS: Sure.

15 THE COURT: Yeah, I think --

16 MR. CANALE: And I would just argue, he asked her  
17 those questions earlier.

18 THE COURT: Right.

19 MR. CANALE: She testified. She answered. I would  
20 object to the relevancy, but I would also object and say  
21 asked and answered. We've already covered that. And, you  
22 know, we're here about the emergency with regards to the  
23 child. If Mr. Rivera has any evidence to present  
24 contradicting the guardian's recommendation, and what she  
25 has heard from the child, then let's hear that. But we're

1 not hearing anything like that.

2 MR. MCMASTER: That's not true. I'm addressing her  
3 credibility, and I'm asking her why she is communicating  
4 so often directly with Mr. Curry and not my client.

5 THE COURT: I think she has covered that thoroughly  
6 by saying she communicates with you and not your client.

7 BY MR. MCMASTER:

8 Q. Well, why is that, Ms. Hungerford?

9 A. Well, I just find that in some cases -- You're  
10 entitled to be represented by your counsel. Many parties in a  
11 guardian case want to have their communications communicated  
12 through their counsel, which I respect. Your client's never  
13 called me. The times he has emailed me, I have responded to  
14 him. So, same thing, I communicate primarily through Mr.  
15 Canale with Gina. It's easier for me to get in touch with him  
16 than it is with mom sometimes. That's just how some cases are.  
17 Whereas, other cases -- You'll see I don't have a ton of emails  
18 with Mr. Browning, because Mr. Curry reaches out instead of Mr.  
19 Browning. So, it kind of evens out. I don't feel like there's  
20 any information that your client has that he hasn't relayed  
21 through you or any information that I've requested through you  
22 that I haven't got a response to.

23 Q. Did you read his affidavit?

24 A. I have read his affidavit.

25 MR. MCMASTER: Your Honor, I don't have any more



1 question for this witness. I would like the opportunity  
2 to redirect if somebody has cross.

3 MR. CANALE: I will limit my cross-examination to one  
4 question.

5 CROSS-EXAMINATION

6 BY MR. CANALE:

7 Q. Ms. Hungerford, has anything that you've heard or  
8 been presented with in this hearing changed your recommendation  
9 with regard to what you feel is in Giana's best interest?

10 A. No.

11 Q. Thank you.

12 THE COURT: Mr. Browning.

13 CROSS-EXAMINATION

14 BY MR. BROWNING:

15 Q. Is it your recommendation that Mr. Curry have  
16 custody?

17 A. Yes.

18 Q. And that Mr. Rivera have one weekend a month, the  
19 first weekend?

20 A. Yes.

21 Q. And if Giana doesn't want to go, there's nothing you  
22 can do, or anybody can do to force her to go.

23 A. That's correct.

24 Q. And that that's her own independent free will that  
25 she has told you that?

1 A. That's what she's indicated to me, yes.

2 MR. BROWNING: That's all I have, Your Honor.

3 THE COURT: Okay. All right. Any other -- Everybody  
4 finished with the guardian?

5 (No response.)

6 THE COURT: I guess you can step down, see if they  
7 can catch you.

8 MS. HUNGERFORD: Thank you, Judge.

9 THE COURT: Next witness.

10 MR. MCMASTER: I think I'll go ahead and call Onoria  
11 Rivera, the grandmother of the child.

12 (Brief pause.)

13 THE CLERK: Good afternoon, ma'am. Please raise your  
14 right hand.

15 (Whereupon, the witness was duly sworn.)

16 THE CLERK: For the record, could you please state  
17 and then spell your name?

18 THE WITNESS: O-n-o-r-i-a (spelling).

19 THE CLERK: Thank you, ma'am.

20 ONORIA RIVERA,

21 being first duly sworn is examined and testifies as  
22 follows:

23 DIRECT EXAMINATION

24 BY MR. MCMASTER:

25 Q. You may have a seat. Go ahead and silence your

1 phone. Take a minute. Are you ready?

2 A. Yes.

3 Q. Okay. Mrs. Rivera, you are the biological mother of  
4 Jonathan Rivera; is that correct?

5 A. Yes.

6 Q. And you are the grandmother of Giana Scharle; is that  
7 correct?

8 A. Yes.

9 Q. And you call her GG?

10 A. Yes.

11 Q. Okay. How long have you known GG? Have you been  
12 there since the day she was born?

13 A. Yes. Yes.

14 Q. Okay. Go ahead and describe your relationship with  
15 her.

16 A. Very good. I babysit her all the time. I helped  
17 Gina a lot. When she's working, I'm babysitting. Sometimes  
18 Gina no pick her up for three days, because she's working. She  
19 has stayed in my house all the time.

20 Q. Okay. So, when Gina was actually working, you used  
21 to watch Giana; is that correct?

22 A. Yes. Yes. All the time.

23 Q. What years did that occur?

24 A. 2005. In 2013, when she moved to Mr. Chris, I saw  
25 Giana a little bit, but we follow GG everywhere Gina move.

1 When she move from his house to the grandma house, to her  
2 mom's, she call us, every time we go over there. She said she  
3 needed help economics. We give it to Gina a lot. We help Gina  
4 with money. The last time I give money to Gina last year, in  
5 June. Before June, I give it to Gina. She said she needed  
6 help because she lived in that grandma house. She called me  
7 and she said she needed help because she not live in a great  
8 house. I give it to Gina, before June, a thousand dollar to  
9 her. The last time she go to my house I give her one in June  
10 '20. GG's with her because she's taking GG that night. It's  
11 like 8:00 or 9:00.

12 Q. Eight or nine what?

13 A. P.m.

14 Q. Oh, 8:00 or 9:00

15 A. Yeah. We spent with GG, like, two hours, because  
16 she'll stay outside. GG stay inside with us, because she picks  
17 up money, but say, you can stay with GG, like, two hours.  
18 She'll stay outside and GG with us inside the last -- last  
19 year.

20 Q. So, mother would periodically bring GG to your home  
21 for you to visit with GG?

22 A. Yes. Yes. Sometime when she needed some money, she  
23 call us. I have good relationship with her.

24 Q. You love GG?

25 A. I love GG. Yeah, I respect Gina a lot. She know

1 that. We talk on the phone all the time, and when Gina need  
2 help, the first people she call is me and my husband all the  
3 time. She know that.

4 Q. And so, when Gina needed money, she would bring GG to  
5 you, and you would give Gina money?

6 A. Yes.

7 Q. While you visited with GG.

8 A. Sometimes. Sometimes she say we in the way with GG.  
9 She'd go home. She's alone. I'd say, where is GG, and she  
10 say, oh, GG have a party or GG staying with a friend.  
11 Sometimes she say she needed my car, because GG have a birthday  
12 party. I give it to Gina, my car, for a few hours, because she  
13 say she going to take GG to the birthday, somebody's birthday,  
14 GG's friend.

15 Q. Now, do you have other grandchildren?

16 A. No, she is our only one.

17 Q. Your only grandchild.

18 A. Yes.

19 Q. Do you ever yell at GG?

20 A. No, never. We love GG.

21 Q. You don't yell at GG.

22 A. No. It's not true and she know that. Gina know  
23 that. We never yell at GG. She know -- She know how much we  
24 love GG. We follow GG everywhere. When they change to Boston,  
25 we help her, and when she come back, we help Gina, and she

1 lived in my house. We went looking for a house for her, and we  
2 help her all the time. I don't understand why this happen.

3 MR. MCMASTER: I don't have any other questions  
4 unless there's an opportunity to redirect.

5 THE COURT: Okay. Mr. Canale?

6 MR. CANALE: I have no questions, Your Honor.

7 THE COURT: Mr. Browning?

8 MR. BROWNING: None, Your Honor.

9 THE COURT: May the witness be excused?

10 MR. CANALE: As far as I'm concerned, yes.

11 MR. MCMASTER: Yes, Your Honor.

12 THE COURT: That means you can stay in the courtroom.

13 THE WITNESS: Okay, thank you.

14 THE COURT: Or leave, whichever you choose, but  
15 you're welcome to stay in the courtroom. What's next?

16 MR. MCMASTER: Your Honor, I have nothing else at  
17 this time other than I don't waive any arguments that are  
18 presently on the record.

19 THE COURT: All right. Mr. Canale?

20 MR. CANALE: I have nothing to present, Your Honor.

21 THE COURT: Mr. Browning?

22 MR. BROWNING: Nothing to present, Your Honor.

23 THE COURT: Ms. Hungerford, your recommendation, do  
24 you want --

25 MS. HUNGERFORD: Yes, sir. My recommendation as it

1 stands is that Mr. Curry maintain the primary physical  
2 custody, that the biological father have the first weekend  
3 of the month visitation from Friday to Sunday, and that  
4 the mother have the third and fifth weekends of the month  
5 subject to the child's agreement to go.

6 THE COURT: Okay. All right. Arguments?

7 MR. BROWNING: I agree to submit what you've heard  
8 from the guardian and the testimony. I don't know if we  
9 need argument.

10 MR. CANALE: I don't have much to argue other than I  
11 have stated in my place, at the beginning, that my client  
12 agreed with the recommendation, so I'll stand on that,  
13 Your Honor.

14 MR. BROWNING: We agree with the recommendation.

15 MR. MCMASTER: I'd like to make an argument.

16 THE COURT: Sure.

17 MR. MCMASTER: Your Honor, this child is in the  
18 absolute dominion of a 42-year-old man. She's 15 years  
19 old. She has a father and grandparents who are willing to  
20 step up. This is not what the Equitable Care Act was  
21 meant for. By stating that so long as the child agrees,  
22 in a circumstance that we don't really know what the child  
23 wants, or if he's promising her money, promising her a  
24 car, promising her college, we don't know. He's in 100  
25 percent -- He has 100 percent dominion over this child.

1           There are no safeguards by putting an order in place  
2           the way they want it, if the child agrees to. Well, a  
3           child doesn't have a real decision when they're under the  
4           dominion of one individual, especially if they fear that  
5           individual. We don't have safeguards here. This child  
6           needs to be with mother and father. Those are her  
7           safeguards. She needs to have access to grandmother.

8           We need to know that her phone works to communicate  
9           with dad. Right now, we don't know that. She has a phone  
10          that's controlled by this ex-boyfriend, and while they're  
11          arguing, oh, he's the father figure, he has been for 10  
12          years, no, she's had five stepdads over the last 10 years.  
13          It's not real.

14          And mother is strapped for money. We have no way of  
15          knowing if she actually wants Mr. Curry to have her child,  
16          because she has a drug problem. And it's clear from the  
17          record that when she needs money, she can get it from Mr.  
18          Curry. That's very clear. It's on the bill.

19          Your Honor, we need more safeguards in place and one  
20          safeguard is that she has more time with her mother and  
21          father, and more time with the grandparents. And I don't  
22          care if she says she wants this or wants that, or doesn't  
23          want this or doesn't want that. If a child wants to play  
24          in traffic, do you let them? Do you say, oh, my child  
25          wants to, so I'm going to let my child play in traffic?



1           If I've never died -- I'm 39 years old. I haven't  
2           died, therefore, I don't need life insurance? No. You  
3           keep the safeguards in place. You don't remove them,  
4           especially when you're dealing with a 15-year-old girl and  
5           a man unrelated to her, and a bunch of wishy-washy facts.  
6           And who are conveying these facts to you? People who got  
7           caught. There was a DFCS case open when this was ordered.  
8           Judge Flournoy's got to be recused from this case.  
9           There's reasons for that. This isn't -- These people got  
10          caught and those are the people who are conveying this  
11          evidence to you.

12          Please protect this child. Don't do this. This is  
13          not what the Equitable Care Act was for. This case is an  
14          absolute tragedy if you go with her recommendation.

15          THE COURT: All right. Based upon the current  
16          circumstances, I think the guardian's recommendation is  
17          reasonable until either Judge Flournoy, or some successor  
18          Judge, can set the matter down and have a full hearing,  
19          and consider all the evidence, and that will be the  
20          ruling.

21          Ms. Hungerford, could you fix that Order, please?

22          MS. HUNGERFORD: Yes, Judge, I can do that.

23          THE COURT: Okay. Thank you.

24          (End of Proceedings).  
25

C E R T I F I C A T E

STATE OF GEORGIA )

COUNTY OF COBB )

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to type-written form by me personally; that the foregoing pages 01 through 65 represent a true, correct and complete transcript of the evidence given upon said hearing; and I further certify that I am not of kin or counsel to the parties in the case, am not in the regular employ of counsel for any of the said parties, nor am I anywise interested in the result of said case.

This the 16th day of June, 2021.

The above certification is expressly withdrawn and denied upon the alteration, disassembly or photocopying of foregoing transcript, including exhibits, unless said alteration, disassembly or photocopying is done under the auspices of Paul D. Crowder, C.C.R., C.V.R., and the original signature and original seal is attached thereto.

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Paul D. Crowder, C.C.R., C.V.R.

Certified Court Reporter, B-1579