

J. C. Stephenson

IN THE SUPERIOR COURT OF COBB COUNTY
Jay C. Stephenson
Clerk of Superior Court Cobb County
STATE OF GEORGIA

JULIE B. FLOURNOY and
ROBERT E. FLOURNOY, III,

Plaintiffs

vs.

RACHEL E. FLOURNOY and
ERIC JONATHAN LICHTL,

Defendants

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CIVIL ACTION

FILE NO. 10-1-5727-48

PETITION FOR CUSTODY

COME NOW the Plaintiffs in the above matter and file this Petition for Custody, showing the Court the following:

1.

The Plaintiffs are residents of Cobb County, Georgia, and Defendant Rachel E. Flournoy is a resident of Cobb County, Georgia, and is subject to the jurisdiction and venue of this Court by virtue of said residency and such other facts as set forth in this Petition for Custody.

2.

Defendant Rachel E. Flournoy was previously a resident of the State of Hawaii and, since May 2008, has maintained her domicile and residence in Cobb County, Georgia, and resided with the Plaintiffs in their home in Cobb County, State of Georgia. Defendant Eric Jonathan Lichtl is a resident of the State of Hawaii.

3.

Defendant Rachel E. Flournoy is the mother of Eric Jagger Lichtl (date of birth November 30, 2003), and said child has resided with the Plaintiffs in their home in Cobb County, State of Georgia, since May 2008. The Plaintiffs are the maternal grandparents of said minor child.

4.

Said minor child has been substantially financially supported by the Plaintiffs/grandparents and has developed a very close bond and relationship with them. The minor child has lived with them since May 2008, and they have provided care and nurturing for said child.

5.

The mother, Rachel E. Flournoy, under a divorce decree in the State of Hawaii of April 17, 2007, and modification of July 24, 2007, was awarded sole custody of Eric Jagger Lichtl. Said divorce decree and modification have been domesticated in Cobb County, State of Georgia, by order of this Court of October 28, 2008. A copy of the same is attached hereto and incorporated by reference. The father, Eric Jonathan Lichtl, currently has no custody rights, as there was substantial evidence he had sexually molested said minor child.

6.

Under said modification order, the father has restricted and supervised visitation, and before any further visitation, Eric Jonathan Lichtl is required to complete a psychosexual evaluation. To the knowledge of the Plaintiffs, such

has not been completed, and the father has not seen the minor child since July 2007. Additionally, the father has had a poor history of paying child support.

7.

With respect to the visitation and custody rights of the minor child, on September 13, 2006, the final decree of divorce between the mother and the father was rendered in the State of Hawaii, and thereafter a modification order of July 24, 2007, was filed in the State of Hawaii. These two actions were subject to the domestication of foreign judgment in this peer Court of Cobb County in Civil Action File No. 08-1-6724-48, on October 28, 2008. There was a guardianship application the Plaintiffs filed for the guardianship of said mother/child filed in the probate Court of Cobb County, Civil Action File No. 09-1016, which was dismissed. Plaintiffs know of no other proceedings with respect to the custody and visitation regarding said minor child. Plaintiffs know of no other parties interested in the custody and visitation of said child other than the mother and father identified herein.

8.

On the Plaintiffs' information and belief, there have been no efforts by the father to have visitation with the minor child, and the father has since remarried and has another child.

9.

Plaintiffs show the Court that the Plaintiffs discovered, after the Defendant and the minor child moved into their residence in May 2008, that the mother had a bench warrant on drug violations in the State of Hawaii.

Arrangements were made for the return of the mother to Hawaii, and she entered a plea on the drug case and was given five years probation on January 9, 2009, and, as a condition of the probation, she was to seek drug rehabilitation. Said probation was later transferred to Cobb County.

10.

The Plaintiffs, learning of the substantial drug addiction problem of the mother, made arrangements for her to enter an in-patient drug rehabilitation program in Statesboro, Georgia. The Defendant left the rehabilitation program, and the Plaintiffs persuaded her to go back to the rehabilitation program. She had advanced in the in-patient rehabilitation program to a supervised halfway house and, for a second time, left the in-patient rehabilitation program without completion and refused to go back to complete the program.

11.

Defendant has not yet completed an approved drug treatment program as was required by her order of probation.

12.

On May 27, 2010, under the pretense of visiting a friend for a weekend out of town, the mother left with the minor child and has not returned. The mother has left the State of Georgia and, most likely, is in the State of Hawaii. Such is in violation of her probation, as she has failed to notify her probation officer of her leaving the state without permission, and she has failed to complete her drug rehabilitation.

13.

The Plaintiffs believe that the mother, based on her history of drug addiction history and living with abusive men, is again involved with drugs and believe she may be in the company of a former abusive boyfriend who has a history of drug use and also has a bench warrant from the State of Hawaii for drug violations. This person who the mother lived with, along with the minor child, for a time before coming to Georgia, was physically abusive to the mother and physically abused the minor child, and the minor child has suffered emotionally from the abuse at the hands of the mother's former boyfriend.

14.

As part of the drug rehabilitation of the mother, the Plaintiffs, by consent, were given a Power of Attorney for the minor child, as is provided under O.C.G.A. §19-9-120 through 129. This was done by consent of the mother on August 6, 2009, and has been in effect since that time. The Power of Attorney has not been revoked as is set forth statutorily.

15.

Pursuant to said Power of Attorney for the minor child, the Plaintiffs have continued to care for and nurture the minor child continuously since May 2008 up until the time the child was removed from the State of Georgia by the mother on May 27, 2009.

16.

Petitioners show the Court the requirements set forth under O.C.G.A. §19-7-4 are present: said child is being exposed to and being reared in

immoral, physically abusive, obscene and indecent surroundings, which is likely to degrade his moral character, and, additionally, there is habitual drug addiction/drunkenness and such other vicious habits and behavior of the child's mother and others that it is necessary for the welfare and protection of the child from such conditions that the Court grant the Plaintiffs full custody of said minor child. It is in the best interests of said minor child that the Court provide for emergency custody, temporary and permanent custody of said minor child with the Plaintiffs.

17.

On information and belief, the Probation office of Cobb County, who administers drug probation of the mother, has notified the State of Hawaii that the mother has violated the conditions of her probation in that she has left the State of Georgia without permission, and that she has not completed and has withdrawn from her drug rehabilitation program. A warrant for her arrest has been issued by the State of Hawaii for her probation violation, which can place said child in disturbing and uncertain circumstances.

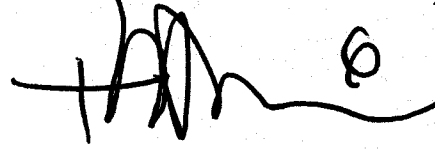
18.

The Petitioners verily believe that the child is in such danger of being exposed to such immoral and vicious habits and circumstances of his mother and others that he would be around, and that there are such drug addictions that are present with her and her companions, many of whom are felons, that the Court should grant emergency temporary custody to the Plaintiffs, as the same would be in the best interest and safety of the minor child.

WHEREFORE, the Petitioners move the Court to grant the following:

- (a) That process issue and that Defendant/mother, Rachel E. Flournoy, be served at such place by original or second original as she may be found in the United States;
- (b) That the Defendant/father, Eric Jonathan Lichtl, be served at his place of residence by second original;
- (c) That the Court grant emergency temporary custody and thereafter, upon notice to the Defendants, award to the Plaintiffs temporary and permanent custody of the minor child, Eric Jagger Lichtl, as called for under O.C.G.A. §19-7-4, in that such would be in the best interests of said minor child;
- (d) That the Plaintiffs be awarded such other and further relief as the Court deems necessary and proper.

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