

IN THE SUPERIOR COURT OF WILKINSON COUNTY
STATE OF GEORGIA

ELIZABETH HADAWAY,)
)
 Petitioner,)
)
 v.)
)
 EVELYN FOWLER-DENNARD IN HER)
 OFFICIAL CAPACITY AS DIRECTOR)
 OF THE WILKINSON COUNTY DEPT.)
 OF HUMAN RESOURCES DIVISION OF)
 FAMILY AND CHILDREN SERVICES)
 ("DFCS"), DAVID KELLEY IN HIS)
 OFFICIAL CAPACITY AS INTERIM)
 DIRECTOR OF REGION VI DFCS, MARY)
 DEAN HARVEY IN HER OFFICIAL)
 CAPACITY AS DIRECTOR OF DFCS, AND)
 LISA AND GLEN IN THEIR)
 CAPACITY AS AGENTS OF DFCS,)
 Respondents.)

CIVIL ACTION FILE
NO. 2007CV0105

FILED IN OFFICE THIS
20 DAY OF April
2007 AT 11:45 AM/PM
[Signature]
CLERK OF SUPERIOR COURT
WILKINSON COUNTY, GEORGIA

PETITION FOR WRIT OF HABEAS CORPUS

COMES NOW, Elizabeth Hadaway, as Petitioner, and files this Petition for Writ of Habeas Corpus, respectfully showing the Court as follows:

1.

Respondent Evelyn Fowler-Dennard in her official capacity as Director of the Wilkinson County Division of Family and Children Services ("DFCS") is subject to the jurisdiction of this Court and can be served at 103 Payne Street, Irwinton, Wilkinson County, Georgia.

2.

Respondent David Kelly in his official capacity as Interim Director of Region VI DFCS, which includes Baldwin, Bibb, Crawford, Houston, Jones, Monroe, Peach, Pulaski, Putnam, Twiggs, and

Wilkinson Counties, is subject to the jurisdiction of this Court and can be served at 456 Oglethorpe Street, Macon, Bibb County, Georgia.

3.

Respondent Mary Dean Harvey in her official capacity as Director of the Georgia Department of Human Resources DFCS is subject to the jurisdiction of this Court and can be served at 2 Peachtree Street, NW, Suite 18-486, Atlanta, Fulton County, Georgia.

4.

Respondents Lisa and Glenn are subject to the jurisdiction of this Court and can be served at , Wilkinson County, Georgia.

5.

By virtue of final decree entered the 2nd day of April, 2007, in Civil Action No. 07CV-46353, Superior Court of Bibb County, Georgia, Petitioner was awarded full legal custody of the minor child Emma Rose , Female, d/o/b 04/17/2000.

6.

Respondents have erroneously purported to have full legal custody of said minor child, as a deprived child, by virtue of an Order of this Court, as set forth in the accompanying Memorandum of Law in Support of Petition for Writ of Habeas Corpus. Respondents are now illegally detaining and have for some period of time illegally detained said minor child from Petitioner at the following address: , Wilkinson County, Georgia.

7.

Petitioner has repeatedly demanded said child from Respondents, but Respondents have continuously refused said demands.

8.

Respondents are illegally detaining said child from Petitioner without cause or justification at the residence of Lisa and Glen _____, Wilkinson County, Georgia, and Petitioner is entitled to the possession and custody of said child.

9.

This Court has subject matter jurisdiction and personal jurisdiction over the Respondents, and Petitioner shows that the relief sought by this Petition for Writ of Habeas Corpus is authorized by O.C.G.A. § 9-14 *et seq.*


10.

WHEREFORE, petitioner prays as follows:

- (a) That Petitioner's Petition for Writ of Habeas Corpus be filed and immediately served on Respondents as allowed by law;
- (b) That this Court issue a Writ of Habeas Corpus requiring the Respondents to immediately produce the minor child, on a date and time certain;
- (c) That a Rule Nisi be held where respondents may appear and present arguments why Bibb County Superior Court Judge Tilman E. Self, III's Order granting Elizabeth Hadaway's Petition for the Immediate Change of Custody of Emma Rose _____ and naming Elizabeth Hadaway as the Legal Custodian of the minor child should not be controlling on this issue.
- (d) That Respondents be required to pay Petitioner's expenses and litigation costs associated with the filing of her Petition for Writ of Habeas Corpus.
- (e) For such other and further relief as the Court deems just and equitable.

This 19th day of April, 2007.

Respectfully submitted,



Michael S. Winner, Esq.
Georgia Bar No. 118306
Law Offices of Michael S. Winner, LLC
273 Orange Street, Suite C
Macon, Georgia 31201
(478) 745-4946
(740) 931-4109 (facsimile)
(404) 931-4105 (cell)

Gerald R. Weber
Georgia Bar No. 744878
Margaret F. Garrett
Georgia Bar No. 255865
American Civil Liberties Union
Foundation of Georgia
75 Piedmont Avenue, Suite 514
Atlanta, Georgia 30303
(404) 523-6201
(404) 577-0181 (facsimile)

Kenneth Y. Choe
James D. Esseks
Applications for Admission Pro Hac Vice
Forthcoming
American Civil Liberties Union Foundation
Lesbian Gay Bisexual Transgender Project
125 Broad Street, 17th Floor
New York, New York 10004
(212) 549-2627
(212) 549-2650 (facsimile)

Daniel A. Bloom
Georgia Bar No. 064100
Cooperating Attorney for
ACLU Foundation of Georgia
Pachman Richardson, LLC
75 14th Street, Suite 2840
Atlanta, GA 30309
(404) 888-3730
(404) 888-3731 (facsimile)

Amy K. Waggoner
Georgia Bar No. 730099
Cooperating Attorney for
ACLU Foundation of Georgia
Aussenberg Waggoner, LLP
3820 Mansell Road, Suite 170
Alpharetta, GA 30022
(770) 641-8200
(770) 641-8203 (facsimile)

Attorneys for Petitioner