

FAMILY VIOLENCE

SC-26

THE SUPERIOR COURT FOR THE COUNTY OF FULTON

MIMI FAUST o/b/o

STATE OF GEORGIA

— MINDA CHILD EJ —
Petitioner,

:

Civil Action File

:

:

:

v.

JOSELINE HERNANDEZ
A/K/A SHENELICA BETTEWCOURT
Respondent.

:

:

:

:

No. _____

PETITION FOR TEMPORARY PROTECTIVE ORDER

The Petitioner, pursuant to the Family Violence Act O.C.G.A. § 19-13-1 et seq., files this Petition for a Family Violence Protective Order and in support shows the Court the following:

1. Petitioner is a resident of COBB County, Georgia, and is 18 years of age or older or is an emancipated minor. Petitioner's year of birth is 72, sex F, and race Black/Af-Amer.
2. Respondent is a resident of FULTON County, Georgia, and may be served at 325 Alderwood LN NE, Atlanta, GA 30328 Georgia. Jurisdiction and venue are proper with this Court.

OR

- 2.1 Respondent is a resident of the State of _____. Under O.C.G.A. § 19-13-2(b), jurisdiction and venue are proper with this Court because the abuse occurred in the State of Georgia in _____ County and/or Petitioner lives in _____ County. Respondent is subject to the jurisdiction of this Court and may be served at _____.

3. Petitioner and Respondent are:
 - ____ 1. Present or past spouses
 - ____ 2. Parents of the same child/ren
 - ____ 3. Parent and child/ren
 - ☒ 4. Persons who used to live in the same household
 - ____ 5. Persons currently living in the same household
 - ____ 6. Foster parent and foster child
 - ____ 7. Stepparent and stepchild

Petitioner's Father is the Partner of
the RESPONDENT.

4. On or about June '16 until present 2016-17 Respondent committed the following acts of family violence against Petitioner and/or the minor child/ren _____
ACCUSING PETITIONER'S FATHER OF CHILD MOLESTATION
USE OF ILLEGAL DRUGS OPENLY AT HER RESIDENCE THAT SHE SHARES
WITH RESPONDENT'S FATHER.

Rev. 9/2015

- FREQUENT SOCIAL MEDIA POSTS ACCUSING PETITIONER'S FATHER OF SEXUALLY DEVIANT ACTS.
- FREQUENT ACTS AND THREATS OF VIOLENCE AGAINST PETITIONER'S MOTHER.
- RESPONDENT'S ERRATIC AND IRRESPONSIBLE BEHAVIOR, INCLUDING ALLOWING GUESTS TO ENTER AND EXIT PREMISES AFTER MIDNIGHT AND ALLOWING GUESTS TO OPENLY USE ILLEGAL DRUGS ON THE PREMISES.

Petitioner is in reasonable fear for Petitioner's own safety and/or the safety of the minor child/ren.

5. At other times Respondent has committed other such acts, including but not limited to (approximate dates and what happened):

7/14 - Respondent physically attacked petitioner's mother

5/16 - Respondent physically attacked petitioner's mother

2014 until present - Respondent makes frequent verbal and written (social media) threats of violence and/or engages in bullying, taunting, and emotionally abusive conduct against petitioner's mother and father.

6. There is a substantial likelihood that Respondent will commit such acts of violence against Petitioner and the minor child/ren in the immediate future if relief is not granted as provided pursuant to O.C.G.A. § 19-13-4.

Check ☒ the paragraphs below that apply to your case and fill in the information needed or enter N/A if it does not apply to you.

- N/A 7. Petitioner and Respondent have 0 child/ren under the age of 18. Their names, years of birth, sex, and ages are _____

These child/ren have lived only with Petitioner and Respondent for the past five (5) years. (If the child/ren have not resided only with Petitioner and Respondent for the last five years, give the names of the persons, their addresses, and the dates the child/ren resided with them)

Check ☒ the paragraphs below that apply to your case and fill in the information needed or enter N/A if it does not apply to you.

N/A 8. The parties are not married and Respondent _____ (has OR has not) legitimated the child/ren of the parties.

N/A 9. Petitioner (does OR does not) have knowledge concerning custody or claims of custody concerning these child/ren including divorce, separation, juvenile, and DFCS cases. Specify court and type of case (if applicable) _____

☒ 10. Petitioner has the following minor child/ren living with Petitioner whom Petitioner wishes protected from Respondent and including in the Protective Order (names and ages):
EVA GISELLE JORDAN SEVEN YEARS OLD

☒ 11. Petitioner believes Respondent has a criminal record and has committed the following crimes (approximate dates and crimes): Multiple arrests for solicitation, assault, and drug use.

☒ 12. Petitioner fears that if Respondent learns of Petitioner's current address that Respondent will hurt or injure Petitioner or Petitioner's immediate family. Petitioner requests that Respondent not be informed of Petitioner's current residence.

N/A 13. Petitioner is dependent upon the family residence for shelter for Petitioner and/or minor child/ren and asks that Petitioner be granted the temporary use and possession of said residence, located at _____, together with all personal property contained therein with the exception of Respondent's personal clothing.

N/A 14. Petitioner and the minor child/ren are dependent upon the Respondent for support and requests that Petitioner be awarded temporary child support.

N/A 15. Petitioner is dependent upon Respondent for support and asks that Petitioner be awarded temporary support.

N/A 16. The minor child/ren are currently in the custody and control of Petitioner/Respondent and Petitioner asks for legal and physical custody.

N/A 17. Petitioner asks that the following assets/property of Petitioner be returned by Respondent:

THEREFORE, Petitioner asks:

- (a) That the Court set a hearing no later than thirty (30) days from the filing of the Petition and direct Respondent to appear before this Court and show any reasons why the demands of the Petitioner should not be granted;
- (b) That the Respondent be served a copy of this Petition and Ex Parte Protective Order as required by law;
- (c) That this Court direct law enforcement to enforce this Order;
- (d) That this Court direct Respondent to stop abusing, harassing and intimidating Petitioner and/or Petitioner's child/ren;
- (e) That this Court restrain and enjoin Respondent from having any direct or indirect contact with the Petitioner and/or Petitioner's child/ren;
- (f) That this Court order that Respondent be enjoined from approaching within 200 yards of Petitioner;
- (g) That this Court make findings of fact and conclusions of law concerning the issues in this case;
- (h) That Petitioner have such other and further relief as the Court may deem just and proper;
- (i) That this Court issue Family Violence Ex Parte and Twelve Month Protective Orders to:

Check ☒ the paragraphs below that apply to your case and fill in the information needed or enter N/A if it does not apply to you.

N/A award Petitioner temporary sole legal and physical custody of the minor child/ren;

N/A order Respondent to vacate the family residence at _____
_____ instant;

N/A grant Petitioner exclusive temporary use and possession of the family residence at _____
_____ and all personal property of the parties located at the family residence and Petitioner's current residence with the exception of Respondent's personal clothing; that law enforcement _____ (sheriff or police department) assist Petitioner in returning to the family residence and in ensuring that the Respondent vacates said residence and that all keys, garage door openers and other security devices to the family residence are secured and given to the Petitioner;

N/A order Respondent to provide suitable alternate housing for Petitioner and/or Petitioner's children;

☒ order Respondent to stay away from Petitioner's and/or Petitioner's minor child/ren's place of residence, place of employment, and/or school;

N/A order Respondent's visitation with the minor child/ren be limited to no visitation or

_____;

N/A order Respondent to pay to Petitioner child support for the minor child/ren;

N/A order Respondent to pay spousal support for Petitioner;

N/A award Petitioner costs and attorney's fees for having to bring this action;

☒ order that Petitioner's current address be kept confidential;

N/A enjoin and restrain Respondent from selling, disposing or encumbering, trading, contracting to sell, or otherwise disposing or removing from the jurisdiction of this Court any of the property of Petitioner or of the parties except in the ordinary course of business;

N/A enjoin and restrain Respondent from disconnecting the home utilities, changing and/or canceling auto, health or life insurance for Respondent, Petitioner, and/or the Petitioner's minor child/ren, and/or interfering with Petitioner's or the Petitioner's minor child/ren's mail;

N/A grant Petitioner the use of the following automobile: Make _____, Model _____, Year _____ and law enforcement _____ (sheriff or police department) ensure that all keys to said vehicle be immediately returned to Petitioner;

N/A permit Petitioner to remove the following property from the residence for the exclusive use by Petitioner and/or the minor child/ren _____

_____ and law enforcement _____ (sheriff or police department) be ordered to assist Petitioner during this removal;

☒ order Respondent to undergo evaluation for drug/alcohol abuse and to follow the recommended treatment;

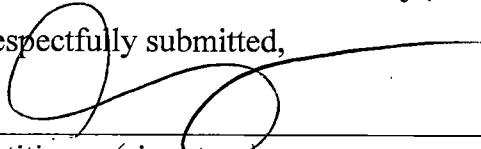
N/A order Respondent to undergo a batterer's intervention program and to follow the recommended treatment;

N/A order Respondent to return _____
to Petitioner immediately;

N/A order Respondent to reimburse Petitioner for damages or expenses for the following:

- ✓ order additional relief as follows: ORDER RESPONDENT TO REFRAIN FROM ANY MENTION OF PETITIONER IN ANY MEDIA WHATSOEVER.
- ORDER RESPONDENT TO REFRAIN FROM POSTING ANY PICTURES OR RESPONDING TO ANY POSTINGS REGARDING PETITIONER
 - SUCH OTHER RELIEF AS THIS COURT DEEMS APPROPRIATE

Respectfully submitted,



Petitioner (signature)

Email Address: ahonore@honorelaw.com

***IF YOU DO NOT HAVE AN EMAIL ADDRESS,
YOU WILL NEED TO COMPLETE A CERTIFICATE
OF NO EMAIL ADDRESS.**

THE SUPERIOR COURT FOR THE COUNTY OF FULTON
STATE OF GEORGIA

MIMI FAUST

0/B/O E.J.

Petitioner,

Civil Action File

v.

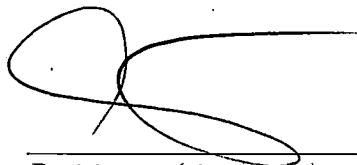
JOSELINE HERNANDEZ
A/K/A SHENELICA BETTANCOURT

Respondent.

No. _____

VERIFICATION

Personally appeared MIMI FAUST, who being duly sworn states that she/he is the Petitioner in the above styled case and that the facts set forth in the foregoing Petition for Temporary Protective Order are true and correct.



Petitioner (signature)

Sworn and subscribed before

me this 2ND day of MAY, 20 17.



NOTARY PUBLIC

My commission expires:

