No. 22-7848

ORIGINAL

In the

Supreme Court of the United States

DANIELLE LAWSON,

Petitioner/Appellant,

V.

MATTHEW LAWSON,

Respondent/Appellee.

On Petition for a Writ of Certiorari to the
Supreme Court of Georgia

PETITION FOR WRIT OF CERTIORARI

DANIELLE LAWSON,
Petitioner/Appellant
8320 Pearson Farm Court
Browns Summit, NC 27214
Email: rdflorence01@comcast.net
256-206-2319

QUESTIONS PRESENTED

I. Does the imposition of unending supervised visitation at the state level, upon a non-custodial parent who has joint legal custody, who has not been found to be unfit or to have engaged in physical or sexual abuse of the minor child, does not have any drug, alcohol or substance abuse issues, or any untreated mental health issues, nor does the non-custodial parent have any criminal record, violate the provisions of the Violence Against Women's Act and the non-custodial parents Constitutional Rights under the 4th and 14th amendments?

II. Does a non-custodial parent have the same inalienable rights as a custodial parent, more specifically, does a non-custodial parent enjoy life, liberty and the pursuit of happiness in the same manner as the custodial parent and as guaranteed by the constitution and without undo influence or interruption by the STATE (local law enforcement, guardian ad litem and Superior County Court Judge)?

III. Do the Interference of custody laws (O.C.G.A 16-5-45 Interference of Custody) at the state level apply to both parties (custodial and non-custodial parent) of a custody agreement or only to a non-custodial parent in cases where the Violation Against Women's Act has been invoked and the custody agreement is Joint Legal Custody?

PARTIES TO THE PROCEEDINGS

Petitioner Danielle Lawson was the Defendant in the Georgia Superior Court, and an appellant in the Georgia Court of Appeals and the Supreme Court of Georgia cases.

Respondent Matthew Lawson was the Plaintiff in the Georgia Superior Court, and an appellee in the Georgia Court of Appeals and the Supreme Court of Georgia cases.

RELATED PROCEEDINGS

Lawson v. Lawson, 20-A-07199-1, Superior Court of Gwinnett County, Georgia. Judgment entered June 15, 2021.

Lawson v. Lawson, A22A0266, Court of Appeals of Georgia. Judgement entered June 7, 2022.

Lawson v. Lawson, S22C1222, Supreme Court of Georgia. Judgement entered March 21, 2023.

TABLE OF CONTENTS

INDEX TO APPENDICES

TABLE OF AUTHORITIES

Cases

State Statutes

Constitutional Provisions & Statutes

Other Authorities

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully seeks a writ of certiorari to review the judgment of the Supreme Court of Georgia.

OPINIONS BELOW

The opinions of the Supreme Court of Georgia (App. 001a), the Court of Appeals of Georgia (App. 002a) and the Superior Court of Gwinnett County, Georgia (App. 003a) are unreported.

JURISDICTION

The Supreme Court of Georgia entered its opinion in this case on March 21, 2023. Petitioner invokes this Court's jurisdiction pursuant to 28 U.S.C. §1257(a)

STATEMENT OF CASE

Appellant and Appellee were married in September 2007. A minor child of such marriage was born February 24, 2008. Appellee filed a Complaint for Divorce in 2008. On April 9, 2009 the Trial Court issued a Consent Temporary Order granting joint legal and physical custody of the minor child to the parties. The parties were granted alternate custody of the child every two weeks. Mother lived in Virginia and Father lived in Georgia. (4/9/09 Civil Action File No. 08A-11377-1)

On February 25, 2010 Appellee's mother filed a Motion to Intervene on behalf of minor child. On March 12, 2010 the Trial Court granted the Motion to Intervene. (3/8/10 Civil Action File No. 08A-11377-1)

On May 24, 2010 the Trial Court issued a Final Judgement and Decree of Divorce

granting the divorce, awarding temporary custody of the minor child to the paternal grandmother (Intervenor), and ordered Appellant and Appellee to attend counseling for 12 months. (5/24/10 Civil Action File No. 08A-11377-1) The Court found that the Appellant had a history of psychiatric problems, was not on medication or presently being treated for any mental health condition, had a history of instability in relationships and living arrangements, put the child at risk by having the child in the company of men she met over the internet, acted erratically on one occasion when she called Appellee and advised she could no longer care for the child, had not graduated from high school or obtained a GED, was employed part-time and had insufficient financial resources to support the minor child. The Court found that due to the Mother's conduct, her unrehabilitated mental health condition and her inability to support the child, if the minor child was placed in the custody of the Mother, she could suffer possible physical and long-term psychological harm.

The Court found that the Appellee had a history of mental health problems, had attempted suicide, had gone AWOL from the military, was living with a woman whom he was not married to and with whom he had fathered a child with, that he had attempted to father a child by at least one other woman. The Court found Appellee's testimony not believable, Appellee attempted to minimize the consequences of his behavior in the military as well as his dysfunctional relations with women, he minimizes the significance of fathering a second child while still married to the mother of the first, his explanation of the reason that he has already fathered two children, i.e., that he is allergic to latex and that non-latex condoms cost $30.00 a piece is immature and unbelievable. The Court found that in view of the Appellee's conduct toward women and his attitude toward women as well as his immaturity and dishonesty, the child would suffer long-term psychological harm should she be placed in the custody of the

Father at this time. *Id.*

Despite the grave concerns of the conduct of the Father (Appellee) the Court granted him liberal visitation but only allowed the Mother (Appellant) supervised visitation four consecutive hours on Saturday and four consecutive hours on Sunday every other weekend in the Atlanta area. At the discretion of the Intervenor, extended or overnight visitation between Mother and child were allowed provided that the maternal grandfather was present at all times. *Id.* The Mother lived in North Carolina with her parents.

On May 26, 2010, two (2) days following the Divorce Order Appellee married the woman whom he fathered a child with before the Divorce from Appellant was granted. (*See* Appendix 004a, pgs. 19, 20)

On April 30, 2012, the Trial Court issued a Final Custody Order incorporating the May 24, 2010 Final Judgement and Decree of Divorce Order with modifications. The Court found that neither party had complied with the previous order as it pertained to psychiatric counseling. The Court found that Appellant, since May 24, 2010, had moved from her father's home first living with a girlfriend, then moving in with a boyfriend and subsequently obtaining a two-bedroom apartment in her own name, she had held a delivery driver position with Domino's Pizza since August 2011, and that she was incapable of supporting herself and the child. The Court stated that based upon Appellant's affect and testimony it still had concerns about her mental health and stability. (4/30/12 Civil Action File No. 08A-11377-1)

The Court ordered that Appellant shall have the option of supervised or unsupervised visitation at her discretion depending on where she chooses to exercise visitation. If Appellant elected visitation with the minor child in the Atlanta area such visitation would be unsupervised, if she elected visitation outside of the Atlanta area her visitation was to be supervised by the

maternal grandfather. The Court did not Order that the visitation outside of Atlanta had to be conducted at the grandfather's home. Appellant visitations included Monday Holidays weekends, weekend following Thanksgiving, Christmas – odd years from release of school to December 26, even years December 26 until the evening before school resumes, Spring Break in odd years, nine (9) days of summer visitation, and the third (3rd) weekend in months with non-holiday or summer visitation. *Id.* The Mother lived in North Carolina and the Father lived in Georgia.

The Court found that Appellee had fathered another child since the May 24, 2010 Divorce Decree, remarried, had not maintained stable employment, and the minor child had a close relationship with her siblings. The Court held that it continued to have concerns over Appellee's ability to properly parent and raise the child based upon his history of instability and untruthfulness and his failure to obtain mental health treatment. Despite these serious concerns that Court allowed Appellee to continue to have liberal visitation with the minor child, specifically every other weekend where it did not interfere with Appellant's visitations. *Id.*

On June 11, 2014 the Trial Court issued a Final Consent Order which superseded and replaced all previous orders with regard to custody of minor child. The Court granted Appellant and Appellee joint legal custody of the minor child and primary physical custody to Appellee. The Intervenor no longer had custodial rights to the minor child. (6/11/14 Civil Action File No. 13-05154-1)

The Court ordered that from June 2014 to November 2014 visitation out-of-state or overnight to be supervised by Appellant's father and/or step-mother. Appellant was not allowed to have any boyfriend to have interaction or association with minor child prior to November 30, 2014. From the date of the Order until November 30, 2014 the Appellant was to complete 11 sessions of psychiatric and/or psychological counseling and take all medication as prescribed. If

the Guardian Ad Litem (GAL) felt that Appellant had not satisfied the counseling responsibilities the GAL shall make a request, prior to December 10, 2014, for a hearing in which the Court may consider the Appellant's failure to complete the required counseling. If no such hearing is requested, the Appellant shall no longer be required to have supervised visitation with the minor child. *Id.*

Appellant's visitations included Monday Holidays weekends, on even years Thanksgiving from release of school on Friday to the Sunday following Thanksgiving, Christmas – odd years from release of school to December 26, even years December 26 until the evening before school resumes, on odd years Spring Break from release of school on Friday prior to Spring Break to the Sunday following Spring break, Summer visitation – 2014 two weeks, 2015 three consecutive weeks, 2016 two weeks in June and 2 weeks in July, 2017 and thereafter 4 consecutive weeks, and the first (1st) or third (3rd) weekend in months with non-holiday or summer visitation. *Id.* Mother lived in North Carolina and Father lived in Georgia.

On April 30, 2015 the Trial Court, based upon a Petition for Modification/Contempt filed by Appellee, issued a Contempt Order finding Appellant in contempt due to failing to comply with the counseling and child support provisions of the June 11, 2014 Final Consent Order. The Court modified the Appellant's visitation rights by holding that any overnight visitation exercised by Appellant outside of Gwinnett County shall be supervised by either Appellant's father or stepmother, however, such supervision is not such that the supervisors must be present during the Appellant's visitation with the minor child 24 hours a day. (4/30/15 Civil Action File No. 14-A-10675-1) Mother lived in North Carolina and Father lived in Georgia.

On October 27, 2020 Appellee filed a Petition for Modification of Child Custody and Visitation asserting a material change in circumstances alleging the Mother had moved out of

state and the minor child's extracurricular activity commitment had increased significantly. Appellee agreed to continue joint legal custody On December 11, 2020 Appellant filed an Answer and Counter-Claim for Custody and Visitation asserting that she has moved to South Carolina and is within one (1) hour of the primary residence of the minor child, that minor child is on the precipice of adolescence and has expressed a desire to spend more time with her mother, that due to the close proximity of the parties homes the custodial agreement should be modified to reflect the best interest of the child to provide ongoing support and enrichment of the mother-daughter relationship, specifically increased visitation and removal of supervised visitations. The Appellant asserts a material change in circumstances affecting the best interest of the child, specifically the Mother has maintained a safe secure living environment, gainful employment, ability to provide for and meet the needs of the minor child while in her care and custody, the minor child has expressed a desire to spend more than minimally ordered visitation with the Mother. The Appellant further sought joint legal and joint physical custody of the minor child.

On May 5, 2021 the parties filed a Joint Motion for Appointment of a Guardian Ad Litem. The parties asserted that as issues of custody and visitation of the minor child has been raised a Guardian Ad Litem should be appointed to protect the child's best interests and to provide the Court with additional information pertaining to the issues of custody and/or visitation. The parties agreed that the appointment of a Guardian Ad Litem would be in the minor child's best interest and Appellee agreed to pay the initial costs associated with the appointment of the Guardian Ad Litem. *Id.*

On May 27, 2021 the Trial Court held a phone conference with Counsel for the parties regarding the Joint Motion for Appointment of a Guardian Ad Litem. The Trial Court advised it was denying the Joint Motion as the minor child was old enough to take the stand and state

what she wants to do. The minor child at the time of this decision had just turned 13 in February of 2021. The Joint Motion was denied on May 28, 2021. **(Violation of Equal Protection Clause – 14th Amendment, Due Process – 5th and 14th Amendment, Joint Legal Custody)** This act alone, was enough to set the stage for abuse by the Superior Court of Gwinnett County. The 13 year old was forced to sign an affidavit the day prior to her summer visitation 2021. She was not represented, and was driven to the attorney appointment by her father. The act of writing and signing an affidavit at the age of 13, without representation, is not something normal children encounter in a parent-child relationship. In an intact family one parent or the other would not take a child to an attorney to sign an affidavit to spend more time with friends and softball. This was an active attempt by Matt Lawson to begin the separation and alienation of the minor child from the non-custodial mother.

A hearing on the Petition and Counter-Claim for Modification of Custody and Visitation and Motion for Contempt was held on June 8, 2021.

Appellee testified that the minor child is 13 years of age. Appellee also has children aged 11, 10 and 3 from his current wife. (*See* Appendix 004a, pgs. 13, 19-20) Appellee testified that the prior Order in this matter required Appellant's visitation with the minor child be supervised by the maternal grandparents. Appellee admitted that all visitations between the minor child and Appellant have been supervised and that the minor child has grown attached to her grandparents. (*See* Appendix 004a, pgs. 15-16)

Appellee testified that the visitation order allowing the Appellant to choose either the first (1st) or third (3rd) weekend on non-Holiday or summer visitations has impacted the minor child's social life and he wished for visitation to occur only on the third weekend to better plan for the minor child's social life. (*See* Appendix 004a, pgs. 29-31) The Appellee also asserted that he

wished to reduce the Appellants Monday Holiday weekend visitations by alternating such visitations between the parties as he typically always has off on the Monday holidays as they are government holidays which corresponds with his work. (*See* Appendix 004a, pg. 30) Finally, the Appellee testified that the Appellant's four (4) consecutive weeks of summer visitation should be split to two (2) consecutive weeks in June and two (2) consecutive weeks in July as it would allow for the minor child to 'know when she is going to be going and what she will be doing during that time'. (*See* Appendix 004a, pg. 32) Appellee admits that Appellant only gets to spend less than 20% of the year with her daughter. (*See* Appendix 004a, pg. 39)

On cross-examination Appellee conceded that although his Petition for Modification of Custody and Visitation alleged a material change in circumstance because Appellant had moved, she, in fact, had moved closer to the minor child's residence; Appellant was only an hour away from the minor child. Appellee further admitted that Appellant had previously lived five to five and a half hours away from the minor child. (*See* Appendix 004a, pgs. 19, 34)

Appellee conceded that, on an average, he makes *in a month* what Appellant makes *in a year*. (*See* Appendix 004a, pg. 35) Appellant makes approximately $36,500 a year. (*See* Appendix 004a, pg. 82) Appellee makes approximately $438,000 a year per his testimony.

Appellee confirmed, in violation of the June 11, 2014 Order, he has failed to provide Appellant with the minor child's schedules for softball practice and games, he did not give Appellant a chance to take minor child to softball practices and trainings, he did not discuss minor child's eighth grade school schedule which he signed off on, and he failed to notify or allow Appellant to be part of discussions with minor child's school regarding an incident the minor child was experiencing at school. (*See* Appendix 004a, pgs. 53-56) Appellee testified that he just assumes the minor child will tell her Mother of such events.

Although Appellee stated that he has been flexible with Appellant, the evidence proves otherwise. Exhibit D12 specifically shows that Appellee, when he did not get his way, advised he would no longer work with Appellant. On June 16, 2019 Appellee advised Appellant that she needed to buy clothing for the minor child for a trip he was taking minor child on. When Appellant advised Appellee that she pays child support (which covers food, clothing, shelter) and she is up-to-date on such support, Appellee stated "I asked you to buy her outfits because she's outgrown what she has.... That's the end of me working with you on things." (*See* Appendix 004a, pg. 89) Appellant testified that she buys clothing for the minor child to wear at Appellant's home as well as clothing for minor child to take back to Appellee's home. (*See* Appendix 004a, pg. 89) Appellant was not obligated to purchase clothing for Appellee's trip with the minor child.

Another example of Appellee's lack of flexibility is noted in Exhibit D9. Appellant emailed Appellee about minor child having a long weekend in March 2021 due to teacher workdays and requested to visit with the child then, Appellee refused to allow the visit. (*See* Appendix 004a, pg. 39)

The minor child was called as a witness by Appellee. Child testified that she went to Appellee's attorney's office and signed an affidavit about who she wanted to have primary custody of her and changing the visitation schedule. Child testified that she wanted the visitation schedule to stay the same way as it has always been. (*See* Appendix 004a, pg. 62) After further prodding by Appellee's counsel Child testified that she wanted to change the summer visitation to two weeks in June and two weeks in July and just have the long weeks i.e., Christmas and Thanksgiving and she wanted more control over when the visitations occurred as the visitations interfered with 'stuff' she is going to do with friends and softball. (*See* Appendix 004a, pgs. 62-64, 70)

Child acknowledged that she likes to spend time alone with her mother, she can talk to her mother about things she cannot talk to her dad about, her mother practices softball with her, her mother likes to learn about what the child is learning and is excited for the child when she does well in school. (*See* Appendix 004a, pgs. 74-75) Child testified that her mother has come to her softball games, has been very supportive and took a lot of pictures. (*See* Appendix 004a, pg. 76)

When asked about her friends Child mentioned two – one who lives 10 minutes away and one who lives 20 minutes away. Child testified she sees one friend every now and then and one not as often as they both are in sports. (*See* Appendix 004a, pg. 74)

Appellant testified that she is employed at Harbor Freight as a logistics supervisor and earns $18.97 an hour and works 37-38 hours a week, earning approximately $36,500 per year. (*See* Appendix 004a, pgs. 81-82) Her work schedule is set three to four weeks out.

Appellant testified that she has been in South Carolina for seven (7) months and moved to be closer to the minor child. When Appellant has texted or called Appellee to see minor child after school for a couple of hours or to see her practice softball Appellee has told her no. (*See* Appendix 004a, pg. 91)

Appellant testified that the visitation schedule should be changed to every other weekend, with the holiday schedule staying the same and the summer visitation can be worked out. Appellant stated that such visitation would be in the best interest of the minor child as she is entering her teenage years and needs her mother, Appellant and child could spend more time alone together as she now lives closer, she would be able to be more active in the child's life, i.e., take the child to extracurricular activities, and be present for parent/teacher conferences. (*See* Appendix 004a, pgs. 92, 97-98)

Appellant requested that supervision be removed. Appellant acknowledged that the Juvenile Court Order from 2014, *seven (7) years previously*, required counseling which she did not finish, however, since that order she has been to numerous counseling sessions. (*See* Appendix 004a, pg. 95)

Appellant testified that from March 2018-September 2020 she lived in North Carolina with her then boyfriend, his mother, and a roommate. (*See* Appendix 004a, pg. 101-102) The minor child had been to this home two or three times but had not spent the night. Appellant testified that she and minor child would always sleep at her parent's home during visitations. (*See* Appendix 004a, pg. 103) Appellant testified that this boyfriend felt that Appellant's visitations should just be between Appellant and the child. (*See* Appendix 004a, pg. 105)

In approximately 2014/2015 Appellant testified that she had dated and lived with a boyfriend for approximately a year. After they broke up Appellant found out such individual was a convicted felon. Appellant testified that the minor child had never been introduced to this individual. (*See* Appendix 004a, pgs. 106-107)

No testimony or evidence was presented by Appellee regarding any concern for the safety of the minor child while in the care of Appellant or any concerns regarding Appellant's mental health. (Equal Protection Clause – 14th Amendment, Violation of VAWA standards for Supervised Visitation)

The Trial Court, at the conclusion of the hearing and by Order dated June 15, 2021 ordered that in the months with no Monday holidays, Holiday or summer visits, visitations will occur on the 3rd weekend of such months, that the summer visitation would be split to two two-weeks intervals, and supervised visitations remained in place. The Trial Court did not find the Appellant in contempt regarding child support arrears. (*See* Appendix 003a and Appendix 004a,

pg. 132-133)

The Appellant unsuccessfully appealed the continued supervised visitations and the failure of the Trial Court to appoint a Guardian Ad Litem, despite both parties requesting one. Court of Appeals Georgia Opinion (*See* Appendix 002a) The Supreme Court of Georgia denied Appellant's Writ of Certiorari on March 21, 2023. (*See* Appendix 001a)

REASONS FOR GRANTING THE WRIT

I. The opinion below squarely violates the parameters of the Violence Against Women's Act by ordering unending supervised visits upon a non-custodial parent who has not been found to be unfit or have engaged in any acts of domestic violence and violates Appellants constitutional rights under the 4th and 14th amendments.

In Lawson v. Lawson the question is asked in regard to supervised visitation and to the extent the state can impose supervised visits in the context of a joint legal custody agreement given that:

1) The non-custodial parent has not committed any acts of family violence;
2) There is no drug or alcohol abuse by the non-custodial parent;
3) The non-custodial parent does not have any untreated mental health issues, she has been diagnosed with anxiety and depression, conditions that affect millions of parents/individuals, which is not startling due to the stressors of a custody and visitation struggle that has been ongoing since the onset of the parties' divorce granted in 2010.
    a. Non-custodial parent psychological evaluation that shows "no evidence that Ms. Lawson is suicidal or a danger to herself or her child." (Buchanan report - 2022)
    b. Although requested and of importance to understand the behaviors of the custodial parent, no psychological evaluation was performed on the custodial parent (violation of 14th amendment - equal protection clause)

For context, the custodial parent resides in Jackson County, Georgia and the non-custodial parent resides in Guilford County, North Carolina. Hence the need for intervention at the Federal level. The imposition of any laws at the State level emanating from the Violence Against

Women's Act (hereinafter "VAWA") (naming of this act is ironic at best, flawed at worse) would be subject to Judicial review to ensure there is no "splitting" of the Federal law at the State level. It is right to examine the application of VAWA in these two states in regard to interference of custody and to the application of supervised visitation.

In Georgia, O.C.G.A §19-9-3 guides establishment and review of child custody and visitation. O.C.G.A §19-9-7 guides visitation by a parent who has committed acts of family violence as delineated by VAWA, specifically imposition of supervised visitations or parenting time. It is important to note that O.C.G.A 19-9-7 receive federal funds based on metrics required by the Violence Against Women's Act. It would seem very appropriate for the U.S. Supreme Court to review both Georgia and North Carolina's laws and implementation of those laws to ensure compliance with the Federal Violence Against Women's Act when those laws between these states have been enacted and executed in manners conflicting with the Federal Code.

In the instant matter, the Trial Court imposed unending supervision against the non-custodial parent without evidence to support such decision. The VAWA does not hold that supervision should be imposed on a non-custodial parent because the Court 'feels' 'some harm' would come to the child. "Some harm" is not the legal standard under the VAWA. If that was the standard then why was the Father granted custody of the minor child when the Juvenile Court found that minor child "would suffer long-term psychological harm if placed in his custody"? (Civil Action 08A-11377-1, 5/20/10)

Appellant, in the instant matter, has never been found to be unfit, or engaged in domestic violence, been arrested, or used drugs. The non-custodial mother had anxiety and depression, a diagnosis that did not justify imposing indefinite supervision upon the non-custodial mother.

The US Supreme Court should review this case due to the unequal treatment of the non-custodial parent in comparison to the custodial parent (The non-custodial parent does not meet the requirements of the supervised statute as outlined in VAWA (Equal Protection Clause))

II. A non-custodial parent does have the same constitutional inalienable rights as a custodial parent, more specifically, a non-custodial parent enjoys life, liberty and the pursuit of happiness in the same manner as the custodial parent and, as guaranteed by the constitution, without undo influence or interruption by the STATE (local law enforcement, guardian ad litem and Superior County Court Judge).

The award of custody to the intervenor (paternal grandmother) began the degradation of the Appellant mothers' inalienable rights. While in the custody of the intervenor, the minor child (GL) began kindergarten. The Mother asked the intervenor to be allowed to attend minor child's (GL) first day of school to see her off on what is considered one of the most precious rights of a parent, sending your child off to their first day of school. The Mother was denied this right by the temporary custodial Grandmother without any justification. Keep in mind, Ms. Johnson had alienated her children, Appellee, from their biological Father **(Parental Alienation – Multi-generational child abuse)**. As most parents would be, the mother was devastated by this act upon her parental rights but had no recourse. The state had no way to immediately intervene to prevent such a tragedy and this is the premise of this Supreme Court filing. Time is of the essence when the parent-child relationship is being destroyed by the custodial parent, ie. withholding the child from visitation with the non-custodial parent.

The May 20, 2010 order specifically stated that the Intervenor "**shall** communicate with the parents regarding any extracurricular activities or special events concerning the minor child

that would normally be of interests to the parents." (Civil Action 08A-1137701, pg. 9) The Intervenor was not given authority to keep the parties away from important events in the minor child's life. In fact, the Intervenor allowed the father to attend the first day of minor child's school, but not the mother. Learning from this behavior, the father had, and continues to do so to this day, failed to provide the mother with information regarding important health matters, school matters, extracurricular schedules regarding the minor child and has encouraged minor child not to visit with her mother since September 2021.

As is recognized in **Troxel v. Granville, 530 U.S. 57 (2000)**, the Court held that "the interest of parents in the care, custody and control of their children—is perhaps the oldest of the fundamental liberty interests recognized by this Court."

In many states today, states are turning to what is known as 50/50 shared custody. This is intended to remove the adversarial nature of the custody and visitation arrangements of the past and recognize that both parents provide equal caregiving and rearing of a child, albeit in different ways. When the custodial parent acts in ways which prevent the non-custodial parent from exercising her inalienable rights (i.e. Parental Alienation – Interference of Custody), not only is this immoral but this should be considered illegal and enforceable by the powers that be, i.e. local law enforcement or judicial offices, to have an immediate effect. By denying a non-custodial parent any visitation, because of a personal preference of the custodial parent is a violation of the non-custodial parents' civil rights (Equal Protection Clause) under the constitution and immediate rectification is required as **time is of the essence** in custody visitations. Once justice has been denied (the non-custodial parent visitation denied), there is no way to recreate or compensate for the lost time. As Martin Luther King said ***"Justice delayed is justice denied."*** (Martin Luther King – Letter from Birmingham Jail).

Certain events in our life happen once in a lifetime, such as the 1st day of school, 1st job, obtaining a driver's license, or graduations from high school or universities. It can be said that a non-custodial parent is at a disadvantage from the start due to being at the whim of the custodial parents wishes. Without proper ramifications, the non-custodial parent is powerless to exercise their civil rights. The non-custodial parents' civil rights are further eroded with the actions and inactions of local law enforcement, the guardian ad litem, law enforcement officers and the courts (herein after "STATE").

In this case, local law enforcement, failure to enforce **INTERFERENCE OF CUSTODY (OCGA §16.5.45)** laws results in the loss of visitation that will not be recovered. *We cannot relive a day in which we did not get to live in the first place.* It is often stated that local law enforcement cannot "force" a minor child to go on custody visitation. We have many police body cam videos stating their insistence that they are powerless or not willing to enforce Interference of Custody laws. In fact, a Sargent of the Jackson County Sherriff's Office stated to the non-custodial Mother, when the minor child refused to go on the visitation and the Father failed to direct the child to go on the visit, that the Sheriff has advised the officers **not** to enforce O.C.G.A. §16.5.45. However, is a non-custodial parent able to enforce her/his inalienable right to her child if law enforcement refuses to enforce the law? It is an easy solution, either the child is released to the non-custodial parent (who has become the custodial parent as per the parenting plan and the visitation schedule as noted in the custody and visitation order) or the custodial parent is arrested and removed from the situation. It is often stated that arresting the custodial parent in front of the minor child could be detrimental to the well-being of the minor child. Is not the denial of visitation for the non-custodial parent also as equally devastating to the well-being of the minor child? This act of **INTERFERENCE OF CUSTODY** is known as ***Parental Alienation***.

Parental Alienation is defined "Parental alienation is a strategy whereby one parent intentionally displays to the child unjustified negativity aimed at the other parent. The purpose of this strategy is to damage the child's relationship with the other parent and to turn the child's emotions against that other parent." https://www.ncsc.org/__data/assets/pdf_file/0014/42152/parental_alienation_Lewis.pdf

An alternative is to adopt a more agreeable approach to custody agreements which many states are now adopting. States like Texas are enacting 50/50 shared custody laws. Texas penal code §25.03 INTERFERENCE WITH CHILD CUSTODY (May 24, 2023) states, in pertinent part:

> "(a) A person commits the offence if the person takes or retains a child younger than 18 years of age:
>
> (1) when the person knows that the person's taking or retention violates the express terms of a judgement or order, including a temporary order, of a court disposing of the child's custody..."

Custodial interference is a crime under family violence. It occurs when a parent disrupts standard custodial rights of the other parent to a degree that the disruption causes denial of access. Oftentimes, the interference and retainment of the child impacts the parent-child relationship. Interference with child custody in Texas is not just a family or a civil matter, it's a crime. In fact, it's a felony to take or keep your child against visitation or custody orders. Depriving a parent access to a child not only affects the parent but the child, as well. Interfering between a parent and child bond is detrimental and often leads to alienating behaviors.

The failure of Law Enforcement to decide, without legal authority to do so, ***not*** to enforce a code, is outside it's authority.

The US Supreme Court should review this case due to the failure of the STATE to enforce the rules of the custody and visitation.

III. Do the Interference of custody laws (O.C.G.A 16-5-45 Interference of Custody) at the state level apply to both parties (custodial and non-custodial parent) of a custody agreement or only to a non-custodial parent in cases where the Violation Against Women's Act has been invoked and the custody agreement is Joint Legal Custody?

O.C.G.A 16-5-45.b.1.C states the following: A person commits the offense of interference with custody when without lawful authority to do so, the person intentionally and willfully retains possession within this state of the child or committed person upon the expiration of a lawful period of visitation with the child or committed person.

The penalty of violating O.C.G.A 16-5-45.b.1.C are 1st and 2nd offense is a misdemeanor and related fines. The 3rd and subsequent offenses are a felony and punishable by imprisonment for not less than 1 year and no more than 5 years.

Despite a law in Georgia to ensure that custody and visitation orders are complied with, Georgia has not enforced O.C.G.A 16-5-45, Interference of Custody in Lawson v. Lawson. Danielle Lawson, Appellant, has not had any meaningful visitation with her minor child (GL) since Labor Day (September 3-6), 2021. And Danielle Lawson has had every monthly 3-day weekend scheduled visitation and both summer visitations since the fateful Labor Day 2021 start of Parental Alienation and Interference of Custody by Matt Lawson.

Despite the fact that the custodial parent has his residence in Jackson County, Georgia (residence since 2018) the Gwinnett County, Georgia Courts retained jurisdiction of the June 8th, 2021 case despite the request of the non-custodial parent to her attorney to

request a change in venue.

Although the custody and visitation agreement in this case has its jurisdiction in Gwinnett County, Georgia, the non-custodial parent (and the home of the minor child during custody visitations) has her place of residence in Guilford County, North Carolina.

Mother petitioned the Jackson County, Georgia courts in January 6, 2022 to request enforcement of her legally authorized court ordered visitations by executing a warrant for Interference of Custody according to O.C.G.A 16-5-45. The Jackson County Magistrate Judge summarily dismissed her warrant on the grounds that this was a civil matter and that Danielle's contempt petition filed in Gwinnett County since November 8, 2021 and still not called as of January 6, 2022. Danielle had missed the following visitations with the minor child as of January 6, 2022:

i. Labor Day weekend, 2021
ii. Columbus Day weekend, 2021
iii. Thanksgiving Holiday week, 2021
iv. Christmas Holiday week, 2021

The above visitations amounted to 4 violations of Georgia Code 16-5-45 and there is sufficient evidence of a concerted effort on the part of the father to withhold minor child (GL) from the mother. Seeing as the Violence Against Women's Act is supposed to protect women and their children from family violence and that Interference of Custody can be considered parental alienation and child abuse (family violence as defined in VAWA), The mother rightly filed to have her visitations reinstated and the Georgia code 16-5-45 to be enforced so that her visitations with her minor child could continue. Instead, the mother petition was summarily dismissed, and she was told by her attorney at the time "That is not what 16-5-45 is intended for." The question remains, Does Interference of Custody

O.C.G.A 16-5-45 apply only to non-custodial parents, hence in violation of the constitutional right to **Equal Protection Clause (14th amendment)** or is O.C.G.A 16-5-45 applied equally to custodial and non-custodial parents?

Despite the mother's attempt to prevent the abuse of herself and her daughter, the STATE (Courts, GAL and Law Enforcement) saw no need to protect the mother's inalienable rights as the minor child's parent nor to ensure The mother and minor child did not suffer any harm from the denial of visitations. In accordance with O.C.G.A 16-5-45, 3 or more denials of visitations is a Felony and punishable by imprisonment for at least 1 year and not more than 5 years.

The STATE has an incentive to continue the abuse, not to correct the misbehavior of the custodial parent. The STATE is incentivized by the Federal dollars allocated to each state in enacting VAWA programs, instituting supervised visitations and continuing to claim that the non-custodial parent has some condition within the realm of the VAWA statute that constitutes imposition of supervised visitation. If the STATE were to find that the custodial parent did indeed commit Parental Alienation by denying the non-custodial parent's visitation, the STATE would now have to admit that all along it had imposed supervised visitation erroneously and reverse course. In addition, the STATE would have to provide a new custody and visitation arrangement that now suits the non-custodial parent and disenfranchises the custodial parent, and even possibly apply the harshest penalty of O.C.G.A 16-5-45. Gwinnett County Court in Georgia was not inclined to entertain any change in custody or visitation and doubled down.

As of the date of the January 6, 2022 warrant application to Jackson County, the contempt petition filed in November, 2021 by Appellant had not even been heard and would not be heard until March, 2022 **(Time is of the Essence)** but only to:

i. Assign a Guardian Ad Litem
ii. Deny Richard Florence – Grandparents rights.
iii. Order the mother to have a psychological evaluation (5th psychological evaluation over the course of the 10 years since custody awarded to the father).
iv. Deny an order for the father to undergo a psychological evaluation.

The last act above, the denial of a psychological evaluation for Matt Lawson, is also a violation of the **Equal Protection Clause of the 14th amendment**. Twice now, in less than a 3-month period, the mother has had her civil rights violated.

Of several actions available to the **Court** to determine parental fitness, mental health of either parent or proper evaluation of custody and visitation arrangement, the use of a psychological evaluation and the use of a guardian ad litem (if GAL provides a full and accurate assessment and not developed in bad faith) can provide valuable insights for the **Court** to consider.

The US Supreme Court should review this case to ensure the application of VAWA requirements are applied evenly to both parents.

CONCLUSION

Based upon the above arguments This Court should GRANT certiorari.

Danielle Lawson
Danielle Lawson (Jun 20, 2023 15:17 CDT)
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