

**IN THE SUPERIOR COURT OF BURKE COUNTY
STATE OF GEORGIA**

LAKIEVIA JOHNSON,	)	
Petitioner,	)	Civil Action File
	)	
v.	)	No. 2024D0011
	)	
ELAINE SMART and JEREMY CURD,	)	
Respondent (s).	)	

**IN RE: LAURYN GRACE CURD
FEMALE CHILD BORN IN 2007**

MOTION FOR RECONSIDERATION

My name is Lakievia Johnson, and I am filing this motion to move this Court to reconsider its ruling on February 20, 2024 pursuant to Johnson vs. Smart et al. and within the same Court of jurisdiction. My explanation to support this request is as follows:

1.

While I appreciate having had the opportunity to finally speak and be heard in the Court, as well as the opportunity to begin speaking to my minor child, [REDACTED], again after having been blocked by the Court from contacting her for five years, there are significant legal grounds or extraordinary facts and circumstances which justify the Court's reconsideration of the order dated February 28, 2024.

2.

This most recent court order dated February 28, 2024 attempts to provide a summary of what has happened during the court proceedings that have taken place concerning the minor child over the last 14 years, but several inaccuracies are documented.

- (a) In reference to Findings of Fact #3 as listed in the Final Order, the Order of the Richmond County Superior Court in Civil Action File No. 2010RCD1181 allowed me to have supervised visitation with my daughters once per week as long as my maternal grandmother, and who I was living with at the time, Donna Bennet, was present. The children's maternal grandmother, Sheila Bennet Johnson, was not asked to supervise visitations, and it is a fact that Elaine Smart is not the minor child's maternal grandmother.¹
- (b) In reference to Findings of Fact #4 as listed in the Final Order, the hearing in reference to the Order of the Richmond County Superior Court in Civil Action File No. 2014RCD615 took place on August 13, 2014, not May 12, 2014 as is listed in this most recent Final Order.²
- (c) In reference to Findings of Fact #5 as listed in the Final Order, I was granted joint legal custody of both of my children and because Jeremy Curd tested positive for

¹ Please see Exhibit E - page 1 paragraph 2 of Final Order dated January 17, 2011

² Please see Exhibit E - page 4 paragraph 1 of Order dated September 16, 2104

methamphetamine and marijuana, he was ordered to have supervised visitation.³ On August 7, 2018 I filed a motion for recusal asking the current judge on the case to step down and describing the abuses I experienced while going through this process.⁴ In regard to the court order dated August 14, 2018 (i.e. Civil Case 2018RCJP16)⁵, several things happened during that hearing. First, the order paused visitation while a fourth guardian ad litem transitioned on the case because the third guardian ad litem had been removed from the case; this was not because of anything bad I did. Second, at that time, the current judge accepted my motion for recusal and removed himself from the case as well, assigning Judge Amanda N. Heath to the case. Third, Jeremy Curd was evicted from his mother's home because he did not provide a clean drug test. Fourth, I provided a passing psychological evaluation.⁶ On September 7, 2018, and Order For Visitation was signed and my visitation was rightfully restored.⁷ Please note that during this time, both of my daughters were homeless on paper because, even though Jeremy Curd and I shared custody, the children lived with him, and he was evicted, leaving my daughters without a custodial parent with them.

- (d) In continued reference to Findings of Fact #5 as listed in the Final Order, the last court order dated March 15, 2019 accuses me of calling my bi-racial children, "white trash." It also blames me for police brutality taking place on the day of the hearing which I didn't know anything about or was given an opportunity to respond to having never been made aware of such claims being submitted to the court on the day of the hearing. That order also does not appear to account for the fact that I had been granted joint custody of my children, with me and the Co-Respondent, Jeremy Curd, sharing custody on June 5, 2018. Furthermore, the minor child's name isn't listed correctly or consistently throughout the court order concerning her, indicating a lack of attention to detail and negligence. Thus, not only is it apparent I, the biological mother of the minor child, was attacked, it is obvious that as the victim in the case, I was not protected from my abusers as I had the right to be per Georgia Code 19-9-7⁸, nor were my children or I afforded the right to confidentiality regarding the various claims of abuse, whether verbal or other.
- (e) In reference to the order, another inaccuracy is listed, and that is in reference to my daughter's age. [REDACTED] 17th birthday is approaching.
- (f) Material changes are as follows: While the mother was not living in North Carolina, as the court order from March 15, 2019 states, the mother did move there, but is back in the CSRA. Additionally, yes, the oldest daughter, [REDACTED], has moved to Nashville, Tennessee to attend Vanderbilt University and has left [REDACTED] on her own, which is a massive material change because [REDACTED] have always been together.

³ Please see Exhibit F – pages 10-11 numbered statements 1-4

⁴ Please see Exhibit F – page 13

⁵ Please see Exhibit F – page 17

⁶ Please see Exhibit G

⁷ Please see Exhibit F – page 19

⁸ Georgia Code 19-9-7: Visitation by Parent Who Has Committed Acts of Family Violence; Conditional Orders; Confidentiality; Joint Counseling; Conditions for Supervised Visitation

3.

The Court's ruling as it is written now undermines both the child's inalienable right to have a relationship with her mother and to learn the difference between healthy and abusive relationships as written out in Georgia Code 19-7-2⁹ and Georgia Code 16-5-70¹⁰. Additionally, the Court's ruling violates Georgia Code 20-2-786¹¹ and disregards the stated protections victims and survivors of domestic violence are entitled to via Georgia Code 19-9-3¹².

4.

Having been a ward of the State of Georgia as a teenager, I find it imperative to speak up and defend the rights of myself and my daughter. As mentioned during the hearing that took place on February 20, 2024, and as explained above, this issue has been tied up in the court for 14 years, which by no means has been fair to me or my children.

5.

While in the Columbia and Richmond County foster care systems, I was sexually abused on two separate occasions. On one occasion, I was sexually abused by another foster child. On a second and separate occasion, I was sold for sex to a sixty-year-old man by my foster parent at the time. It is important for this Court to know that I strongly believe I was forced to endure a 14 year custody dispute because it wasn't in the best interest of the Court to deem me credible, and without my children, especially being the mother, it would be easier to make the general population believe I was the offender instead of the victim.

6.

Prior to leaving the abusive relationship that was the cause of me coming to this Court via a divorce with minor children, I reported my former foster parent's assault against me to the Richmond County Sheriff's Office, and nothing was done about it.

7.

A third sexual assault took place when Jeremy Curd, and the male respondent in this case, drugged and raped me. Shortly before filing for divorce, I reported this to the Richmond County Sheriff's Office, and again, nothing was done about it. This third sexual assault left me with temporary memory loss and, arguably, became the reason for any mental health issues the Court chose to claim I had. Granted, a medical provider never told the court I suffered from mental health issues.

8.

Upon requests of the Court, I completed psychological evaluations and was medically cleared from having any psychiatric disorders that would have prevented me from being incapable of raising my children, taking care of myself, and being a danger to myself, my children, or anyone else. Furthermore, I have shown, without a doubt, that if I was suffering from any kind of federally protected

⁹ Georgia Code 19-7-2: Parents' obligations to child

¹⁰ Georgia Code 16-5-70: Cruelty to Children

¹¹ Georgia Code 20-2-786: Parents Bill of Rights

¹² Georgia Code 19-9-3: Establishment and Review of Child Custody and Visitation

disability¹³ caused by a mental health disorder, any assumptions about my inability to effectively function in society were not correct.

9.

My ability to function in society is demonstrated by my completion of a bachelor's degree, master's degree, post-graduate certification, and two project management certifications without the need for accommodations. Furthermore, I have started my own business, consulted for organizations, and successfully served in both paid and volunteer roles that have required my leadership, competence, integrity, and ethics.

10.

Despite the many challenges I have faced in this Court since I filed for divorce in 2011, some of these challenges being the many people who have been involved in this case such as four judges, four guardian ad litem, and the four attorneys I was forced to hire because none of them adequately advocated for or represented me, I have remained diligent and followed the law in the fight for my children, my life, and our dignity and respect. Even with my own attorneys fighting against me (this is why I am writing this now), I have remained a model citizen in this community and in others.

- (a) While there have been four guardian ad litem on this case, the first one wasn't around long enough to understand the dynamics of the family. The second one was present when I gained unsupervised visitation with my children and was later requested by me when I filed for joint custody. She accepted but later declined because she said she was a city employee. The third guardian ad litem was removed from the case by a juvenile court judge, and the fourth one, Evita Paschall, never met with me and my children together. Thus, even experiences with the four guardian ad litem on the case have been tumultuous, unstable, and traumatizing for my children and myself.

11.

Most importantly, as a foster care alumni, despite the public humiliation and shame I was forced to endure by this Court, I have continued to advocate for the rights of current and former foster children, speak to the injustices, such as this one, we often experience, and set a good example for how best to overcome situations like this that are designed to criminalize and ostracize current and foster children. Moreover, in doing this, I have set a positive example for my two daughters by showing them the right way a mother defends and supports her children, unlike the example that has been set by the current guardian of my minor child, Barbara Elaine Smart.

12.

The Co-Respondent, guardian, and paternal grandmother of my child, Barbara Smart, has provided a poor example of motherhood and has openly engaged in enabling her son's crystal meth addiction and spousal abuse. She, herself, has also engaged in acts of violence and other forms of abuse toward myself and my daughter, I [REDACTED]. As outlined in Georgia Code 16-5-70¹⁴, both Respondents are guilty of cruelty to children.

¹³ The American with Disabilities Act (ADA)

¹⁴ Georgia Code 16-5-70: Cruelty to Children

13.

On February 20, 2024, the Co-Respondent, Barbara Smart, admitted to committing first, second-, and third-degree cruelty to children as is explicitly outlined in Georgia Code 16-5-70¹⁵. While I am not currently a mandated reporter, as the mother of the minor child and someone required to report child abuse in the past, I have a duty to protect my child and to report such crimes against any child.

14.

Moreover, there is currently an open report against the Co-Respondent, Jeremy Curd, for date rape and sexual assault, which has been reported to both the Richmond County Sheriff's Office and the Richmond County District Attorney's Office.

15.

As a certified project manager, I would also be at risk of losing my certifications because of ethics violations, and while unethical behavior isn't always illegal, illegal behavior is always unethical.

16.

In addition to how I feel about my daughter, CAPTA¹⁶ also recognizes my daughter, [REDACTED] as someone still in need of proper guidance, protection, and support. Also, as a national tutor and former substitute teacher, I have been trained on CAPTA and knows it's against the law for professionals who work with students and children like myself to not report child abuse and neglect. Finally, as it relates to child abuse prevention, as a former foster child who entered the foster care system because her mother became terminally ill, not because she was a victim of abuse or neglect herself, I know what child abuse is, and I have never supported or looked away from a child being abused sexually, physically, emotionally, psychologically, verbally, or financially.

17.

Per Georgia Code 19-9-3¹⁷, among many other factors, the Court must review and consider the past performance of each parent as well as each parent's ability for future parenting responsibilities and performance. On February 20, 2024, the Court commended me on my accomplishments because my performance and abilities have well exceeded any apparent expectations of the Court. Nationally, I am in the top 3% of all former foster children to have a 4-year college degree. I am also the only parent with a college education, able to pass a drug test, gainfully employed, cooperative with the Court as it relates to taking mandated courses like the divorcing parents/co-parenting course, maintaining stable housing, and equipped to provide for and support my daughter, [REDACTED]

18.

¹⁵ Georgia Code 16-5-70: Cruelty to Children

¹⁶ The Child Abuse Prevention Act (CAPTA)

¹⁷ Georgia Code 19-9-3: Establishment and Review of Child Custody and Visitation

Pursuant to Georgia Code 19-9-3¹⁸, the Court must also consider and acknowledge that neither Co-Respondent appeared in court with passing drug screens or completion of the divorcing parents/coparenting course, both of which are not only required, but indicative of a parent and guardian's commitment to ensuring the proper upbringing and optimal well-being of any children in their care.

19.

Furthermore, as previously stated, the Co-Respondent, Barbara Smart, admitted to emotionally and financially abusing the minor child and slandering me.

20.

In disagreement to what the current order says, at the hearing on February 20, 2024, I did provide evidence to show the neglect and physical and psychological abuse inflicted upon the minor child by both Respondents, Jeremy Curd and Barbara Smart, which neither of them denied.¹⁹ Moreover, as stated in Georgia Code 19-9-3²⁰, I should have never been penalized for moving to another state when claims of domestic violence were on file with the Court.²¹ Additionally, the Co-Respondent and paternal grandmother, Barbara Smart, should not have told the minor child, I, her mother, did not care about her, which Barbara Smart admitted to doing during the hearing on February 20, 2024. As a known victim of reported and documented domestic violence caused by both Co-Respondents, I had a right to relocate for my safety, and by all means and powers of the federal law²², I should have been encouraged to.

21.

Georgia Code 19-9-3²³ says it is the policy of the State of Georgia to encourage ongoing communication between the parent and the child, and it is clear that the Court acted in bad faith with the Co-Respondents to deny me the right to be in the life of my child(ren), especially despite my cooperation with the court and willingness to complete all requested actions and actions I chose to pursue voluntarily including organizing family counseling with the minor child and completing Active Parenting © parenting courses.

22.

Furthermore, despite the various types of abuse I was a victim to at the hands and actions of both Co-Respondents, Jeremy Curd and Barabara Smart, I remained cordial and respectful to both Co-

¹⁸ Georgia Code 19-9-3: Establishment and Review of Child Custody and Visitation

¹⁹ See Exhibit D – History of Abuse and Neglect Toward the Minor Child

²⁰ Georgia Code 19-9-3: Establishment and Review of Child Custody and Visitation

²¹ See Exhibit E – pages 11-12; this was a shuttle mediation offered by the court because reports of domestic violence were on file with the court. Also, the mediator was the first judge's wife and the fact that she did our mediation was one reason he cited as being the reason he would accept my motion for recusal and step down from the case. That's when Judge Amanda N. Heath came on the case, becoming the fourth judge to hear it.

²² The Violence Against Women Act (VAWA)

²³ Georgia Code 19-9-3: Establishment and Review of Child Custody and Visitation

Respondents, even though, by both state²⁴ and federal²⁵ laws, I had a right to be protected from the both of them. Most importantly, my children had a right to be protected from witnessing and being forced to engage in the abuse of their own mother²⁶.

23.

It is my opinion that this Court and both Co-Respondents be held accountable for what has transpired over the past 14 years, and up until now, concerning this case and the long-standing abuse both I and my child(ren) have endured.

24.

I ask that the Court affirm my inalienable and constitutional right as a mother to protect and defend my minor child and myself²⁷.

25.

I also ask that the Court charge both Co-Respondents with cruelty to children²⁸ and return the minor child, [REDACTED] to me, her mother, immediately pursuant to Georgia Code 19-7-4²⁹.

26.

Finally, this Court has a responsibility to uphold support for parents who adequately prepare, advocate, provide, and speak up for their children. Giving custody of the minor child to a third party who was not required to prove themselves a more qualified person to have someone else's children was already unprecedented, and denying me the right to show my daughter how the court should support good parents by giving my daughter back to me for all the right reasons would be a disgrace to me, my daughter, and good parents, families, and foster children all over the State of Georgia³⁰ and the world.

27.

During the hearing on February 20, 2024, Judge Amanda N. Heath stated that the minor child, [REDACTED], may be, "confused." If that is the case, now is the time to clarify any confusion she may rightfully have when it comes to why a good mother would not be there for her children but is and has been since the day she was born. Unfortunately, that in and of itself is emotional abuse, and it is a form of abuse that can be permanently damaging to children³¹. This chronic abuse the minor child has

²⁴ Georgia Code 19-9-7: Visitation by Parent Who Has Committed Acts of Family Violence; Conditional Orders; Confidentiality; Joint Counseling; Conditions for Supervised Visitation

²⁵ The Violence Against Women Act (VAWA)

²⁶ Georgia Code 16-5-70: Cruelty to Children

²⁷ U.S. Constitution

²⁸ Georgia Code 16-5-70: Cruelty to Children

²⁹ Georgia Code 19-7-4: Criteria for Loss of Parental Custody

³⁰ Georgia Code 15-11-26: Best Interests of Child

³¹ Georgia Code 19-7-5: Reporting of Child Abuse; When Mandated or Authorized; Content of Report; to Whom Made; Immunity From Liability; Report Based Upon Privileged Communication; Penalty for Failure to Report; Spiritual Treatment for Illnesses

suffered needs to come to an end today, and I, the mother, prays that this Court allow her to have her child, so she can put an end to any, "confusion," [REDACTED] may have when it comes to whether her mother really loves and cares about her because her mother absolutely does, and she has every right to know what her mother has gone through and done for her, especially at her current age.

WHEREFORE, I, The Petitioner, prays The Court reconsider its ruling.

This 1st day of March, 2024.

Presented by:



LAKIEVIA JOHNSON, Petitioner
Pro Se
309 E Martintown Rd.
Apt N3
North Augusta, SC 29841



IN THE SUPERIOR COURT OF BURKE COUNTY
STATE OF GEORGIA

LAKIEVIA JOHNSON,
Petitioner,

v.

ELAINE SMART and
JEREMY CURD,
Respondents.

Civil Action File No.:
2024-D-0011

FINAL ORDER

This matter came before the Court by way of a hearing on February 20, 2024 pursuant to Petitioner's Request for Change of Visitation. Both parties were present and elected to proceed *pro se*. Upon consideration of the pleadings, stipulations, and testimony presented together with the entire record herein, the Court finds and enters the following:

Findings of Fact

1.

The Court finds that it has subject matter jurisdiction, that the parties are subject to the jurisdiction of this Court, and that venue is proper in Burke County, Georgia.

2.

The Court further finds that the Petitioner and Respondent Jeremy Curd were previously married and are the biological parents of [REDACTED], a female born in 2005 and [REDACTED], a female born in 2007. The parties were divorced by Order of the Richmond County Superior Court in Civil Action File No. 2010RCD01181.

3.

The Court further finds that Respondent Jeremy Curd was granted sole physical custody of the parties' minor children with Petitioner receiving supervised visitation once per week with the paternal grandmother, Respondent Elaine Smart, as the supervisor.

4.

The Court further finds that Petitioner filed a Complaint for Modification of Visitation in the Superior Court of Richmond County on May 12, 2014 (Civil Action File No. 2014RCD00615). The case was remanded to the Juvenile Court of Richmond County for a

determination and recommendation on all issues relating to custody and visitation. The Juvenile Court entered an Order Granting Visitation on February 6, 2015 (Civil Action File No. 2014J00204) granting the Petitioner visitation with the minor children on either Saturday or Sunday from 8:00 a.m. and 8:00 p.m.. Petitioner was also granted phone visitation with the minor children on Monday and Thursday between the hours of 6:30 p.m. and 7:30 p.m.

5.

The Court further finds that Petitioner filed for a modification of custody and visitation in March 2018 in the Juvenile Court of Richmond County (Civil Action File No. 2018RCJP16). The Juvenile Court ordered Petitioner to undergo a mental evaluation in June 2018. In August 2018, Petitioner's visitation rights were temporarily suspended. In December 2018, a Motion to Intervene and For Custody was filed by the Respondent Elaine Smart, which was granted by the Juvenile Court. In January 2019, the Juvenile Court suspended visitation again upon the Guardian ad Litem's recommendation after continued police involvement during the Petitioner's visitation with the minor children. The Juvenile Court granted Respondent Elaine Smart full legal and physical custody of the minor children with all decision-making authority. The Juvenile Court further ordered that the Petitioner shall have no visitation or contact with the minor children. The minor children could initiate supervised phone visitation if they so desired.

6.

The Court further finds that the instant action was brought seeking a modification of visitation regarding the minor child, [REDACTED], the youngest child of Petitioner. [REDACTED], the Petitioner's eldest daughter, has reached the age of majority and is no longer within the jurisdiction of this Court.

Order

When determining whether to institute a change of child custody and visitation, the Court must determine whether (1) there has been a material change in circumstances affecting the welfare of the child since the last custody determination and (2) the requested modification to custody and visitation would be in the best interest of the minor child. Upon consideration of the procedural history involving the parties in the instant action,

the evidence submitted, and the testimony of the parties, the Court is unpersuaded that such a material change in circumstances has occurred to warrant the modification of the Juvenile Court's Final Order in Civil Action File No. 2018RCJP16 for several reasons. The minor child is aware that she can initiate contact with Petitioner but has chosen not to do so. The minor child has not seen or spoken to Petitioner since the final hearing in the Juvenile Court on February 5, 2019. The minor child's sixteenth birthday is approaching and the Court declines to enter an Order forcing the minor child to interact with Petitioner. The record is devoid of any evidence to support a finding that the minor child has any type of bond or relationship with the Petitioner or is interested in forming a bond or relationship. However, the minor child's legal custodian, Respondent Elaine Smart, testified on the record that when asked about future communications with Petitioner, the minor child responded that she was indifferent but is open to the idea of communicating with Petitioner. Due to the minor child's willingness to consider engaging in communications with Petitioner, the Court enters the following Order.

IT IS HEREBY ORDERED that Respondent Elaine Smart shall continue to have sole legal and physical custody of the minor child, [REDACTED]

IT IS FURTHER ORDERED that Petitioner shall have supervised phone visitation with the minor child on the first Sunday of each month between 2:00 p.m. and 2:30 p.m. beginning March 1, 2024.

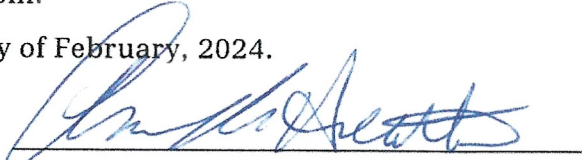
IT IS FURTHER ORDERED that the minor child's conversation with Petitioner shall be supervised and monitored by Respondent Elaine Smart. Respondent Elaine Smart is authorized to terminate the phone call if she finds the conversation to be inappropriate. The minor child does NOT have to accept or return Petitioner's phone calls. The minor child can extend the phone call with Petitioner if she so wishes.

IT IS FURTHER ORDERED that if Petitioner attempts to contact the minor child outside of the aforementioned parameters set by the Court, Petitioner's phone visitation privilege shall be immediately TERMINATED and Respondent Elaine Smart shall immediately inform the Court.

IT IS FURTHER ORDERED that the minor child may initiate supervised phone visitation with the Petitioner at any time she wishes but is under NO obligation to do so.

IT IS FURTHER ORDERED that all other terms of the Juvenile Court's Final Order entered in Civil Action File No. 2019RCJP16 shall remain in full force and effect except for the provisions specifically modified herein.

IT IS SO ORDERED, this 28th day of February, 2024.

A handwritten signature in blue ink, appearing to read "Amanda N. Heath", is written over a horizontal line.

Honorable Amanda N. Heath
Judge, Superior Court of Burke County
Augusta Judicial Circuit

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing MOTION FOR RECONSIDERATION via PeachCourt Statutory Electronic Delivery and depositing the same in the United States Postal Service, sufficient postage affixed, and addressed as follows:

Ms. Elaine Smart

248 Del Rio Road

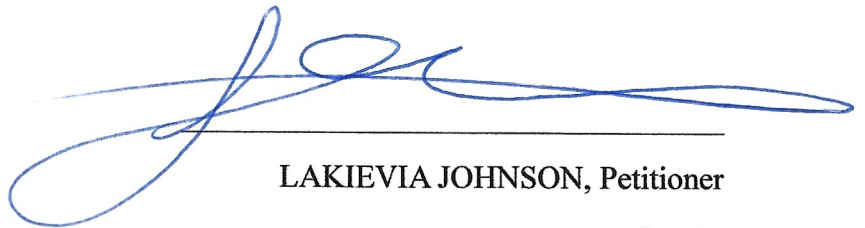
Hephzibah, GA 30815

Mr. Jeremy Curd

236 Hannah Lane

Keysville, GA 30816

This 1st day of March, 2024.



LAKIEVIA JOHNSON, Petitioner

Pro Se

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