

Jay C. Stephenson *Chf*

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

Rule: www.cobbsuperiorcourtclerk.com
Jay C. Stephenson
Clerk of Superior Court Cobb County

CHRISTOPHER CAMACHO,)
)
Plaintiff,)
)
v.)
)
LUCRECIA RAMIREZ CAMACHO,)
)
Defendant.)

CIVIL ACTION NO.: 11-1-11155-18

TEMPORARY ORDER

This matter came before this Court to be heard on Plaintiff's Verified Petition for Return of The Children and Divorce. Plaintiff was present in person and through counsel. Defendant was not present nor represented by counsel although Defendant was personally served with this Rule Nisi Hearing through Service of Process on December 9, 2011. Having considered the foregoing, this Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

This Court has jurisdiction under ICARA pursuant to 42 U.S.C. §11603 because this case involves the illegal removal of children under the age of 16 years from their Habitual Residence in the United States to their current location in Costa Rica.

This Court has jurisdiction over the divorce because Plaintiff has been a resident of the State of Georgia for more than six months and because Plaintiff and Defendant maintained a marital domicile in Cobb County until recently and because the parties' children last lived here for a period of more than six months pursuant to the UCCJEA.

Plaintiff and Defendant were married on October 11, 2000 in Cobb County, Georgia.

GEORGIA, COBB COUNTY
I HEREBY CERTIFY THE WITHIN AND FOREGOING
TO BE A TRUE CORRECT AND COMPLETE COPY OF
THE ORIGINAL THAT APPEARS OF RECORD
CASE NO. 11-1-11155 IN THIS OFFICE
THE 13 DAY OF Dec 2011
Sherry Smith
DEPUTY CLERK, COBB SUPERIOR
COURT, COBB COUNTY, GEORGIA.

The parties have been separated and living in a continuous state of separation since June 4, 2011.

There are two (2) minor children as issue of this marriage, to wit: Isabella Nicole Camacho, age 10, and Elena Nicole Camacho, age 5. In the last five years, the children have only resided with the parties at their home at 204 Copperbend Dr. Austell, Cobb County Georgia 30168. The children have done all their schooling here, have numerous friends and family here and have been fully involved in all aspects of family and cultural life in Cobb County, Georgia, United States of America. The United States of America is the children's Habitual Residence. The children were born here and have lived here their entire lives.

At the time of Defendant's wrongful removal from the United States to Costa Rica, Plaintiff has had and continues to have custodial rights to the children pursuant to O.C.G.A. §19-9-3(a)(1).

At the time of Defendant's wrongful removal of the children, Plaintiff was actually exercising his custodial rights in that he is the Father of the children and was exercising custodial rights over them here by caring for them and fully participating in the children's care, upbringing and nurturing each day of the children's lives.

On or about June 4, 2011, Defendant traveled to Costa Rica with the parties' children for the expressed purpose of vacationing there for three weeks. Some time after her arrival on Costa Rica, Defendant expressed that neither she nor the children were returning to the United States.

Plaintiff has repeatedly requested that Defendant return the children to the United States. Defendant has refused and continues to refuse to return the children from Costa Rica to the United States.

Defendant has removed the children from the United States. Defendant is retaining the children in Costa Rica. Plaintiff has never acquiesced or consented to the retention of the children in Costa Rica. Plaintiff has promptly taken all legal steps to ensure the children's return to the United States of America.

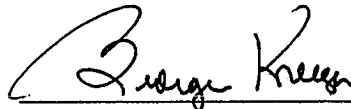
Defendant was personally served in Costa Rica on December 9, 2011.

It is in the children's best interests that they be returned to Plaintiff's custody immediately.

THEREFORE, this Court hereby ORDERS AND ADJUDGES AS FOLLOWS:

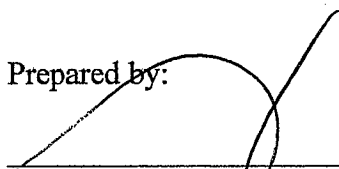
- a) Defendant shall immediately return the children to their Habitual Residence of the United States of America, more particularly, their home in Austell, Georgia.
- b) Plaintiff is hereby awarded temporary primary physical and legal custody of the parties' minor children.
- c) Defendant shall surrender the children to Plaintiff instantler;
- d) Plaintiff shall retain temporary exclusive, uninterrupted use of the Marital Residence.
- e) The issue of Plaintiff's attorney fees are hereby reserved until further Order of this Court.

IT IS SO ORDERED, this 13th day of December, 2011.



GEORGE H. KREEGER, Judge
Superior Court of Cobb County
Cobb Judicial Circuit

Prepared by:



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