



Court knew man jailed for a year for non-support was not child's father



Bill Rankin

Updated 4:42 a.m. Wednesday, July 15, 2009 Filed in [Metro Atlanta / State news](#)

None — Frank Hatley has languished in a South Georgia jail for more than a year.

The reason? He failed to reimburse the state for all the public assistance his “son” received over the past two decades.

The problem? Hatley is not the biological father -- and a special assistant state attorney general and a judge knew it but jailed Hatley anyway.

“I feel bad for the man,” Cook County Sheriff Johnny Daughtrey said Tuesday. “Put yourself in that man’s shoes: If it wasn’t your child, would you want to be paying child support for him?”

Daughtrey said he hopes a hearing Wednesday will resolve the matter. Hatley has been held at the county jail in Adel since June 25, 2008, costing the county an estimated \$35 to \$40 a day.

Even after learning he was not the father, Hatley paid thousands of dollars the state said he owed for support. After losing his job and becoming homeless, he still made payments out of his unemployment benefits.

Hatley’s lawyer, Sarah Geraghty of the Southern Center for Human Rights in Atlanta, said two independent DNA tests -- one nine years ago and one just a few days ago -- prove he is not the biological father.

“This is a case of excessive zeal to recover money trumping common sense,” she said. “What possible legitimate reason can the state have to pursue Mr. Hatley for child support when he does not have any children?”

It may be difficult for Hatley to get out from under the court order, said Atlanta family lawyer Randall Kessler, who is not associated with the case. “It’s definitely unfair,” Kessler said. “But at the same time, he’s dealing with a valid court order.”

Russ Willard, a spokesman for the state attorney general, said if Hatley can show at the hearing that he is indigent, the state will not oppose his release.

Willard said Hatley could have applied to the state Office of Child Support Services to request that he be relieved of his obligations. He said Hatley has not made such a request.

According to court filings, Hatley was never told that he could have a court-appointed lawyer if he could not afford one. Geraghty said she only recently took on Hatley as a client after the sheriff asked her to talk to Hatley about his predicament.

Geraghty said Hatley had paid a total of \$9,524.05 in support since April 1995, but records of payments before that time are not available.

In the 1980s, Hatley had a relationship with Essie Lee Morrison, who became pregnant, had a baby boy and told Hatley the child was his, according to court records. The couple never married and split up shortly after Travon was born in 1987.

In 1989, Morrison applied for public assistance through the state Department of Human Resources. The state then moved to get Hatley to reimburse the cost of Travon's support, and Hatley agreed because he believed Travon was his son.

But in 2000, DNA samples from Hatley and Travon showed the two were not related, according to a court records.

With the help of a Georgia Legal Services lawyer, Hatley went to court and was relieved of his responsibility to pay future child support. But he still had to deal with being a deadbeat dad when it was assumed that he was really the dad.

Homerville lawyer Charles Reddick, working as a special assistant state attorney general, prepared an order requiring Hatley to pay the \$16,398 he still owed the state for child support.

The Aug. 21, 2001 order, signed by Cook County Superior Court Judge Dane Perkins, acknowledges that Hatley was not Travon's father.

After that, Hatley paid almost \$6,000. But last year he was laid off from his job unloading charcoal grills from shipping containers. He became homeless and lived in his car. Still, Hatley made some child support payments using his unemployment benefits.

By May 2008, he apparently had not paid enough. In another order prepared by Reddick and signed by Perkins, Hatley was found in contempt and jailed. When he is released, the order said, Hatley must continue making payments to the state at a rate of \$250 a month.

SIGN UP FOR E-NEWSLETTERS

Want more news?

[Sign up](#) for free e-newsletters to get more of AJC delivered to your inbox.

WEATHER AND TRAFFIC

65°



MOST READ

1. Inability to smell peppermint linked to dementia, study says

2. In-Cumprinal Older guys, younger women, city politics

4. **Incubating: Older guys, younger women, city politics**

3. **Atlanta councilman, candidate robbed outside campaign headquarters**

THINGS TO DO



2017 Superior Plumbing North Georgia State Fair

Sun, Oct 1 11:00 am



Sweet Auburn Music Fest

Sun, Oct 1 11:00 am



Atlantic Station's Weekend Market

Sun, Oct 1 12:00 pm

Add Event +

SEE MORE →

MORE FROM AJC.COM

SPORTS →

NFL vs. Trump: Saints kneel before the national anthem

NEWS →

Temps drop, finally feels like fall weather