



MEDICAL KIDNAP

Georgia Court of Appeals Blasts Judge in Juvenile Court that Denied Parents Justice Forcing them to Flee the State to Keep Their Children

Comments by Brian Shilhavy | August 24, 2019 6:48 pm



Photo courtesy of 11 Alive.

The Reveal, a weekly news show at **Alive 11 news in Atlanta**, has published a report about judicial corruption in Georgia's Juvenile Court, highlighting a case where parents were denied their Constitutional rights, forcing them to flee the state to try and prevent the state from kidnapping their children.

Judge Tripp Self from the Georgia Court of Appeals wrote in their decision:

We agree with the parents' view that this 'case is about much more than its individual facts. It is about the American legal system, about what our state and country require for every person brought before a court: fairness, respect, and a judicial system that should protect its citizens.'

Chief Judge Stephen Dillard went on to call the state's justification for removing the children, "nonsense on stilts," citing case law declaring parenting to be "a fiercely guarded right ... that should be infringed upon only under the most compelling circumstances."

The full hearing at the Court of Appeals was recorded, and can be viewed here:



This story is all too typical of the kinds of stories we have been reporting at Health Impact News for years now, where parents are often denied due process and their Constitutional rights in family courts where decisions are made to remove their children.

The judge in the case, County Juvenile Court Judge Joseph Wyant, used the excuse of “imminent danger” to order the removal of the children, even though the children’s lives were allegedly not in imminent danger.

The parents were denied legal representation and the opportunity to call their own witnesses and to cross examine the Division of Family and Children Services’ (DFCS) witnesses.

So feeling they had no options left in a corrupt judicial system, the parents packed up their children and fled the state.

“I’m sure there are going to be people who are going to be judgmental and be like, ‘You were stupid. You put their lives in danger.’ Everyone knows in the back of their minds, if you have children, you would probably do the same thing,” said Martha.

Newnan parents wanted for child abduction

By CLAY NEELY | Feb. 05, 2016 - 12:51 PM

THE NEWNAN TIMES-HERALD

Patrick and Martha Henderson

Federal, state and local authorities are currently searching for a Newnan couple who abducted their children after losing custody of them.

Following their custodial hearing on January 20, Patrick and Martha Henderson left the courtroom and immediately traveled to the home where their three children were staying and took them.

The children are identified as Collin Henderson, 11, Connor Henderson, 5, and Savannah Henderson, 1.

Felony warrants for custodial interference were issued for Martha and Patrick on Jan. 21 and

Photo courtesy of 11 Alive.

Fugitive Family: Couple flees Georgia to keep their children after ruling by juvenile judge

How much power should a judge have? When it comes to the child welfare system, it's a crucial role with limited oversight.

by [Rebecca Lindstrom](#), [Lindsey Basye](#)
[Alive 11](#)

Excerpts:

The Division of Family and Children Services (DFCS) shoulders the blame when a child is abused or dies. But there is only one authority that actually has the power to remove a child from their parents: a judge.

Yet, when families disagree with a court's ruling, holding a judge accountable for that decision can seem almost impossible.

That's why Patrick and Martha Henderson say when a Coweta County juvenile court judge ordered the temporary removal of their children, their first instinct wasn't to fight – but to run.

“I'm sure there are going to be people who are going to be judgmental and be like, ‘You were stupid. You put their lives in danger.’ Everyone knows in the back of their minds, if you have children, you would probably do the same thing,” said Martha.

Big picture – the Hendersons admit turning their family into fugitives wasn't a good idea. But the spotlight on their case has helped expose aspects of our child welfare system that the Georgia Court of Appeals finds troubling.

In its written ruling, Judge Tripp Self writes, “We agree with the parents' view that this ‘case is about much more than its individual facts. It is about the American legal system, about what our state and country require for every person brought before a court: fairness, respect, and a judicial system that should protect its citizens.’”

Chief Judge Stephen Dillard went on to call the state's justification for removing the children, “nonsense on stilts,” citing case law declaring parenting to be “a fiercely guarded right ... that should be infringed upon only under the most compelling circumstances.”

With the Georgia Appeals Court ruling, the Henderson's were able to file the proper motions to have their criminal convictions removed.

Still, the Georgia Attorney General's office stood by the original decision made in the Coweta County courtroom, taking the case a step further to the Georgia Supreme Court.

Read the Full Story at [Alive 11](#)