

# Judge Quashes Criminal Charges Against Mom Arrested for Having Teen Daughter Babysit Siblings!

*In State vs. Melissa Shields Henderson, Union County Superior Court, Georgia, Case No. 2021-CR-103-BL, ParentsUSA's Motion to Quash the Accusation was granted!*

ATLANTA, GEORGIA, USA, March 22, 2023 /EINPresswire.com/ -- Remember the mom arrested during the early days of the pandemic because her 14-year-old daughter looked after her younger siblings? Melissa Henderson's nearly 3-year nightmare is over thanks to ParentsUSA's successful Motion to Quash the Accusation that charged her with "Reckless Conduct."

RECAP: On May 5, 2020, during the COVID shutdown, Melissa's company called her in to work a few hours. Her children's daycare and schools were closed so she put her eldest daughter in charge. While Melissa was gone, her young son went next door to play with his friend. The friend's mom called Melissa's ex-husband's sister, who told her to call the Sheriff's Office. A Deputy arrived, Melissa was contacted and came home, everything was fine and this Deputy filed an incident report. On May 11, 2020, a different Deputy "came across" this incident report, applied for an arrest warrant, and, with



Melissa Henderson and her children



ParentsUSA logo

several other Deputies, went to her home, handcuffed, arrested, and booked her into the county jail, after which her ex-husband posted her bond, as this Deputy had pre-arranged.

Finally, the criminal prosecution is over! ParentsUSA argued that Georgia's "Reckless Conduct" statute was unconstitutionally applied under these facts. The Judge granted the motion to quash the criminal prosecution on February 17, 2023, but this news was withheld for more than 30 days to ensure the State no longer could appeal.

Melissa said, "It's still hard to believe my children and I suffered years of turmoil just because I had my eldest care for her siblings. My kids were never in danger, but my parental rights were. I'm grateful for ParentsUSA standing up for me during this horrible experience."

Melissa's teen daughter, Linley, expressed relief, "My Mom never should have been arrested and face criminal charges just for having me watch my little brother and sister. Our lives were turned upside down. I am so relieved and happy it's over."

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*Linley, Melissa's teenage daughter*

call, getting the arrest warrant a week later, and in prearranging for him to bond Melissa out of jail after her arrest! This injustice was made possible by the fragility of parents' rights and the enormous power of government.



Linley and her Mom, Melissa

David DeLugas, Executive Director of ParentsUSA, said, "What Melissa did was not a crime; it was an everyday parenting decision that was hers and hers alone to make. ParentsUSA is proud to defend Melissa and, by doing so, to stand up for all parents who have the constitutional right to make such decisions for their children."

What came to light during discovery in the criminal case was that Melissa's arrest may have been motivated not to enforce the law or to protect her children, but by Melissa's ex-husband. ParentsUSA learned that the ex-husband may have had a role in the neighbor calling the Sheriff's Office, in a Deputy, not the Deputy who responded to the May 5

Not the government and not her neighbor, but only Melissa has the constitutional right to make these types of decisions. Her children were not at risk and suffered no harm, at least, not until their mother was wrongfully arrested and endured a lengthy legal battle.

ParentsUSA is proud to defend Henderson and her right to make reasonable everyday parenting decisions. Not that there was any doubt, but her decision was in keeping with Georgia's Department of Family and Child Services' guidelines: "Children thirteen years and older, who are at an adequate level of maturity, may be left alone and may perform the role of babysitter, as authorized by the parent, for up to twelve hours." No parent should be subjected to arrest and criminal charges, as Melissa was, under such circumstances.

Early on, the prosecution offered Melissa a plea deal, but she was unwilling to enter a guilty plea out of principle. She knew she did nothing wrong. She bravely faced the possibility of a year in jail and a \$1,000 fine rather than compromise her principles and her resolve has now been vindicated!

Next up: If the District Attorney will consent to the entry of an order "expunging" the incident report, arrest application and warrant, jail booking information including the mugshot and processing, and the other information held by the DA, the Clerk, the Sheriff's Office, and the Georgia Crime Information Center (GCIC), then an Order of the Court can be entered easily and without much expense. If the DA will not consent, alas, more attorney time, effort, and fees will be expended to get such an order!

Also, sadly, Melissa is now facing a custody battle. Her ex-husband filed an action in January 2023, to get custody of their two young children based in part on her arrest and criminal charge. Because this custody case does not raise constitutional issues of parents' rights, Melissa is relying on private legal counsel to help her. Our Executive Director, as a private attorney and not in his official capacity with ParentsUSA, is helping her navigate the custody action.

ParentsUSA thanks each person who supported our work defending Melissa. Those who raised their voices and generously donated are partners in our efforts to protect parents' rights. Parents' rights are under attack across America. ParentsUSA believes that, as the US Supreme Court has held repeatedly, parents, not government, have the right to make decisions for their children unless parents harm their children or put them in actual risk of harm. With continued support from so many, we can fight for all parents.

In 2022, ParentsUSA successfully supported Stephanie and Brian Evans' [appeal before the Idaho Supreme Court](#) about their right to shield their children from toxic family members and, in a case for another parent, ParentsUSA also obtained a court order setting aside a legally insufficient grandparent visitation order! This is a nationwide challenge, and we rely on the help from engaged members of the public. If you want to make a tax-deductible donation by credit card, Venmo, or PayPal, [visit our website](#) or donate to the [GoFundMe for Melissa's case](#) which donations will be apportioned to help Melissa in her custody battle.

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