

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA: FAMILY DIVISION**

JANE HIGDON

PLAINTIFF,

v.

ALEX HIGDON,

DEFENDANT.

CIVIL ACTION  
FILE NO.  
2010CV184629

**DEFENDANT’S AMENDED MOTION FOR CONTEMPT**

NOW COMES, Alex Higdon, Defendant in the above-styled matter, and files this AMENDED MOTION FOR CONTEMPT against the Plaintiff, Jane Higdon, and shows this Honorable Court the following:

1.

On or about June 9th, 2010, this Court entered a Standing Order Governing All Domestic Cases in the above-styled case, a copy of which is attached hereto as Exhibit "A" and made a part *hereof*.

Paragraph 4 of said Standing Order states as follows:

“Each party is hereby enjoined and restrained from doing, or attempting to do, or threatening to do, any act of injuring, maltreating, vilifying, molesting, or harassing the adverse party or the child(ren) of the parties.”

2.

On or about February 4th, 2011, this Court entered a Temporary Order on in the above-styled case, a copy of which is attached hereto as Exhibit "B" and made a part *hereof*.

Paragraph 1 of said Temporary Order states as follows:

"To the extent that the process for resolving disagreements with regard to healthcare have not been followed, the Court hereby ORDERS the parties to consult with their chosen medical experts and have their medical experts consult with each other as disagreements arise as required in the Temporary Consent Order Regarding Custody and Possession of the Marital Residence entered on June 9<sup>th</sup>, 2010 and the Amended Temporary Order entered on November 3<sup>rd</sup>, 2011.

Furthermore, Paragraph 4 of said Temporary Order states as follows:

"If either party wishes to have [REDACTED] and [REDACTED] Higdon evaluated by an expert of his or her choosing, said evaluation shall be completed no later than February 15<sup>th</sup>, 2011. Copies of all reports shall be provided to the parties and the Guardian Ad Litem. If either party disagrees with the finding of the other party's expert, with said review, assessment and consultation of both parties' experts are to be completed no later than March 15<sup>th</sup>, 2011. If there is any disagreement between the parties regarding treatment plans for the children, the parties shall follow the Orders previously entered by this Court and submit their dispute to their chosen medical professionals to confer and agree on a treatment plan."

3.

Upon information and belief, the facts in this case demonstrate that unlike the Defendant, who obtained recommendations for treatment and further testing for the twins some eight (8) months ago (Exhibit "C"), the Plaintiff has willfully failed and refused to abide by both the Letter and Spirit of the terms and conditions of both the Standing Order and the Temporary Order in that she has not secured recommendations for treatment for the twins as of August 1<sup>st</sup>, 2011. This failure to comply is eight (8) months and two (2) weeks after she received the initial testing during the first Emergency Hearing on December 15<sup>th</sup>, 2010.

4.

This failure to act upon and respect the court's orders in a reasonable amount of time comes after the Plaintiff received on December 15<sup>th</sup>, 2010 the initial medical testing performed

on the twins and the retesting demanded by her own expert confirming the veracity of the initial testing on March 1<sup>st</sup>, 2011. Furthermore, even after the Plaintiff's expert Dr. Nathanson-Lippett revealed to the Defendant and the Plaintiff her grave concerns about the incredible pathology indicated by the results of the twins medical testing, the Plaintiff still has not secured an appointment for the twins or an expert opinion nearly six (6) months after those results were proven to be true and faithful. I humbly ask the court to strongly consider that such actions by the Plaintiff do not represent behavior consistent with "the best interests of the children," but in fact, her actions put the Higdon children's health in peril.

5.

With a combination of personal pettiness in pursuit of custody control and her penchant for self-deception and denial, the Plaintiff continues to neglectfully endanger her children by denying them the medical evaluation and care they desperately need. The Plaintiff has denied them this care by continually defying the court's wishes to have them examined. The Defendant humbly inquires as to what additional information is needed to compel the court to stop the Plaintiff from harming her children.

6.

During most hearings including, but not limited to, the Defendant's two (2) Emergency Motions and the Final trial, the Honorable Judge Gail S. Tusan heard testimony from the Plaintiff, her counsel, and the Guardian Ad Litem claiming the Higdon Twins, [REDACTED] and [REDACTED], were perfectly developing twins with no issues of development except for a quickly remitted bout of torticollis. The Plaintiff proclaimed several times that her twins were receiving "some physical therapy but only for torticollis." Exhibits E and F clearly demonstrate that the Plaintiff and her counsel have violated the court's standing order by

continually lying to the court about the status of the twins about the reasons twins were in both Physical and Occupational therapy for 10 months. Exhibits E and F are summaries based on the multiple assessments given to [REDACTED] and [REDACTED] Higdon in July of 2010 by the Premier Children's Therapy Center which state the following:

Paragraph 10 of said Exhibit E states as follows:

"[REDACTED] is a sweet and friendly 15 month old child who is demonstrating deficits in motor strength and endurance, sensory processing deficits, and poor self regulation resulting in modulation difficulties. Functionally, [REDACTED] is functioning below age expectations. The combination of sensory processing deficits is impacting his performance in activities, self-regulation and social/emotional skills. Overall, standardized testing validated the therapist's interpretation of observational data."

Paragraph 9 of said Exhibit F states as follows:

"[REDACTED] is an adorable, friendly and very smart 15 month old child who is demonstrating deficits in motor strength and endurance, sensory processing deficits, and poor self regulation resulting in modulation difficulties. Functionally, [REDACTED] is functioning below age expectations. The combination of sensory processing deficits is impacting his performance in activities, self-regulation and social/emotional skills. Overall, standardized testing validated the therapist's interpretation of observational data."

7.

Please note that the Plaintiff knew of these assessments when she lied about the health status of her children during three (3) status conferences, two (2) emergency hearings, and the final trial. She also never provided the Defendant these documents or alerted him of their existence. Such behavior is further evidence as to the lack of fitness possessed by Plaintiff and her inability to make decisions and judgments consistent with the best interests of her children.

8.

One of the most disturbing and distressing recent behaviors exhibited by the Plaintiff was her

resistance to having [REDACTED] Higdon examined by a speech and language pathologist. After considerable effort to cajole and compel the Plaintiff to have [REDACTED] examined for speech delay, the Plaintiff relented and [REDACTED] has been diagnosed with Developmental Speech Apraxia and Expressive/Receptive Language Disorder by Heather Taylor, an accredited speech pathologist and founder of Cobblestone Therapy Group in Alpharetta. Exhibit D is a summary of [REDACTED]'s assessment given by Dr. Taylor which states the following:

Based on formal testing, dynamic assessment, and therapy data, [REDACTED] exhibits childhood apraxia of speech (CAS) coexistent with a diagnosis of receptive/expressive language disorder. CAS is a disorder of the nervous system that affects the ability to sequence and say sounds, syllables, and words. It is not due to muscular weakness or paralysis. The problem is in the brain's planning to move the body parts needed for speech (e.g., lips, jaw, tongue). [REDACTED] often knows what he wants to say, but the brain is not sending the correct instructions to move the body parts of speech the way they need to be moved. As such, [REDACTED]'s attempts to speak have historically led to marked frustration, noncompliance, and speech reticence which negatively affect his ability to communicate with family, peers, and teachers across all settings. Regarding receptive and expressive language, [REDACTED]'s receptive language score fell below that of his expressive language score to a statistically significant level. As such it is imperative that his hearing be evaluated thoroughly by an audiologist to rule out hearing impairment.

9.

It is the Defendant's most fervent wish that the court will once and for all dispose of the notion that it has clung to along with the Plaintiff, the Guardian Ad Litem and the Pediatrician Dr. Abrams that the Higdon Twins are healthy and developing normally. As the Defendant has been suggesting to the court for fourteen (14) months based on medical testing and clinical assessment performed by some of the most highly qualified medical professionals in this country, the Higdon twins, most especially [REDACTED] Higdon, are not, and have not been healthy and developing normally.

10.

[REDACTED] Higdon has begun speech therapy but only after his mother, the Plaintiff, was convinced that her refusal to provide speech therapy could further endanger his development of not only speech,

but of other interrelated skills and abilities. The Plaintiff's handling of this situation with her son is yet another example of her profoundly neglectful behavior vis a vis the children for whom she is charged to care for and protect. Again, the Defendant humbly inquires as to what the Defendant needs to do in order to help others see the Plaintiff and her behavior for what they truly are, neglectful.

11.

On or about June 9th, 2010, this Court entered a Standing Order Governing All Domestic Cases in the above-styled case, a copy of which is attached hereto as Exhibit "A" and made a part *hereof*.

Paragraph 5 of said Standing Order states as follows:

"Each party to a divorce or separate maintenance action is hereby enjoined and restrained from selling, encumbering, trading, contracting to sell, or otherwise disposing or removing from the jurisdiction of the court, any of the property belonging to the parties except in the ordinary course of business."

Upon information and belief, the Defendant will show that the Plaintiff has encumbered the Defendant from obtaining property from their marital home that he possessed before his marriage to Plaintiff. This property is clearly not owned by the Plaintiff and her resistance to turning over his belongings is yet another example of her contemptuous behavior displayed throughout the entirety of this civil action.

12.

On or about June 9th, 2010, this Court entered a Standing Order Governing All Domestic Cases in the above-styled case, a copy of which is attached hereto as Exhibit "A" and made a part *hereof*.

Paragraph 6 of said Standing Order states as follows:

"Each party to a divorce, custody, separate maintenance or modification of support action is hereby enjoined and restrained from altering, suspending or terminating any active insurance coverage."

Upon information and belief, Defendant shows that the Plaintiff knowingly and willfully cancelled the Defendant's health insurance policy with Blue Cross Blue Shield of Georgia. She clearly understood that she was violating Georgia Law by flouting the standing order and continues to violate that law as of August 1<sup>st</sup>, 2011.

13.

With the Guardian Ad Litem out front trumpeting the call, this court's repeated insistence that "there is in place a process" that serves the best interests of the children by effectively mediating parental differences is belied by the reality of the last fourteen (14) months. Not only has the process been shown to fail in facilitating the delivery of effective decision making for the Higdon children by the ease with which it can be thwarted by the Plaintiff, this process has dangerously impeded the recovery of the Higdon children by empowering the Plaintiff to forestall and/or forego their medically necessitated treatments and evaluations.

14.

In this Amended Motion for Contempt, the Defendant shows once again that with the Plaintiff's failure to comply with the terms and conditions of the Standing and Temporary Orders, with her continual lies regarding the health status of the twins, and with her resistance to having the twins assessed and treated according to their developmental delays, with her incessant efforts to penalize the Defendant by denying him property and insurance benefits, she has willfully and intentionally defied the wishes of this court and therefore should be found to be in contempt.

**WHEREFORE**, Defendant respectfully prays as follows:

- (a) That process and summons issue as provided by law;
- (b) That the Defendant be granted at least 2 hours in order to make his arguments to the court as to why this Plaintiff should be held in contempt.
- (c) That the Defendant be granted full temporary Legal Custody over medical decisions to restore the successful treatment protocol coordinated by Dr. Rachel West;
- (d) That the Defendant be granted at least half-time physical custody of the Higdon children;
- (e) That Plaintiff be served with a copy of Defendant's Petition for Citation of Contempt;
- (f) That Plaintiff be held in contempt for failure to obey the terms of the Court's Orders;
- (g) That a Rule Nisi Hearing be set ordering Plaintiff to come to Court and tell the Judge why Defendant's Petition should not be granted;
- (h) That Defendant be awarded any other relief this Court finds right and proper.

This the 1st day of August, 2011

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Alex Higdon, Pro se  
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