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Family Courts Implicated in Infants' Murders

Two Young Boys Killed by Two Divorcing Dads in Past 10 Days

Points to Massive System Failure

SAN RAFAEL, CA – National and local advocacy groups are expressing outrage over what has become a disturbing national trend of divorcing Dads killing their children and themselves.

8-month-old baby Bekm was shot and killed by his father, Nicholas Bacon, in Meridian, Idaho just 48 hours ago, while 9-month-old baby Wyatt was killed by his father Stephen Garcia just ten days ago in San Bernardino County. Details are still emerging about the tragic Idaho murder-suicide of baby Bekm on Monday night.

In the Garcia case, three different judges refused multiple requests by the child's mother for restraining orders to protect her child, despite police reports and documented death threats by the father in text messages and on Facebook.

"The system failed Wyatt Garcia and Katie Tagle," said California Assemblymember Jim Beall, Jr., the lead sponsor of Assembly Bill 612, which aims to prevent the use of non-scientific theories in California family courts. "Wyatt's tragic death was completely avoidable."

Numerous sources report a significant spike in murder suicides across the country by violent fathers who kill their children and themselves, frequently after mothers' requests for protection of their children are denied by family court judges. In addition, the Leadership Council on Child Abuse & Interpersonal Violence (<http://www.leadershipcouncil.org/>) estimates that more than 58,000 children per year in America are ordered by family courts into unsupervised contact with physically or sexually abusive parents following divorce.

"The time has come for us as a society to speak out and put a stop to this growing national body count. Across the country, women and children are being killed because of judges' personal biases and junk science that tells them to disbelieve women's legitimate claims and evidence of abuse," said Rita Smith, the Executive Director of the National Coalition Against Domestic Violence.

According to court transcripts and eyewitness accounts, judges reacted with disbelief when mother Katie Tagle presented them with evidence of death threats against her son by the father.

Judge David Mazurek stated, “I get concerned when there’s a pending child custody and visitation issue and in between that, one party or the other claims that there’s some violence in between. It raises the court’s eyebrows because based on my experience, it’s a way for one party to try to gain an advantage over the other,” he said.

“This attitude permeates the courts, that women are lying about the danger they are in,” said Kathleen Russell from the Center for Judicial Excellence. “This attitude causes judges to ignore tangible evidence of death threats and abuse. The abusers’ lobby has convinced judges that shared custody is always the answer, and sadly, this case points out how deadly that approach can be,” she said.

According to a family member who was in the courtroom when Ms. Tagle last sought protection for her son, the judge reportedly said, “One of you is lying, and I think it’s you,” while pointing at Katie. Transcripts from this hearing are not yet available.

The National Coalition Against Domestic Violence and the Center for Judicial Excellence are part of a growing national advocacy movement to educate the public as well as litigants, lawmakers, judges, and social service providers about the need for comprehensive family court reform. The Center for Judicial Excellence and their allies worked with California State Senator Mark Leno and others to pass an audit request through the state legislature last July. The California State Auditor is currently investigating the use of court appointees in family courts because of growing evidence that children are being harmed there. The California Legislature is slated to consider additional family court reform bills being presented by the Center and the California Protective Parents Association in the coming months.

“We must assess what’s happening in our family courts, and that’s why I’ve requested a state audit to take a hard look at the performance and effectiveness of the family court system,” said Assemblymember Beall.

The State Auditor’s report about the California Family Courts has an expected release date of June 2010.

NCADV – The mission of the National Coalition Against Domestic Violence (<http://www.ncadv.org/>) is to organize for collective power by advancing transformative work, thinking and leadership of communities and individuals working to end the violence in our lives.

CJE – The Center for Judicial Excellence (<http://www.centerforjudicialexcellence.org/>) was established to improve the judiciary’s public accountability and strengthen and maintain the integrity of the courts. CJE has made a special commitment to protect the rights of children and other vulnerable populations in the courts.