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**RAY  
KERRISON**



**ONE** of the best things about the approach of 1990 is that two New York politicians will press forward with legislation to counter the horrendous legal abuse of children in custody cases involving alleged molestation. There could be no better way to launch the Decade of the Child.

As scandalous as it is incomprehensible, some judges banish mothers and award custody of children to their rapist-fathers. Details of this practice, with the distress and anguish it engenders, emerged when the two politicians, Democratic Assemblymen Oliver Koppell of The Bronx and Jerrold Nadler of Manhattan, held two public hearings.

**Two bills  
fight sex  
abuse by  
parents**

They produced 4,000 pages of transcript and introduced four bills to address the problem. Next month, when the new session opens in Albany, they will

add two more bills.

Assemblyman Nadler can't begin to fathom what is going on in the courts. "I just don't understand it," he said yesterday. "We know of at least 45 cases in New York in which abused children have been handed over to their abusers. There must be hundreds, if not thousands, of others who did not come to our attention. I'm infuriated by it all."

Some think that allegations of child abuse are a strategy used by desperate or vicious wives against their husbands in custody battles. In Nadler's 45 cases, not one fits that description.

"In every case, the custody arrangements had been amicable," said Nadler. "It was only years later that the mothers discovered evidence of abuse and reported it. Then petitions were made to strip the mothers of custody on grounds of neglect and allegedly filing false reports. It seems that the courts immediately assume such reports are false."

One of the most notorious cases is Sherry Neustein, the 8-year-old daughter of Dr. Amy Neustein, of Brooklyn. After allegations that the father had molested the little girl, the courts stripped Dr. Neustein of custody and handed Sherry over to her father.

**This horror  
must be  
exposed  
by courts**

"No case is more galling," said Nadler. "Here was a little girl, perfectly healthy and happy, who weighed about 62 pounds at six years of age. After two years with the father, the child's weight fell to 42 pounds and she was in danger of death. Judge Leon Deutsch ordered Dr. Neustein not to take the child for any medical examinations.

"The mother violated that order and took the girl to a hospital where doctors found her emaciated and dehydrated. She

was only a day or so away from death. Now you'd think a judge would say, 'Thank God the mother ignored my order and took the child in for treatment.' Not Judge Deutsch. He punished Dr. Neustein further by barring her from any contact with Sherry beyond quarterly reports. What's happened here is inhuman. I just hope the girl does not die. If she does, Judge Deutsch should be [held as] an accessory to it."

How do they get away with it? Easy. Everything is done in secret. Nadler said, "If a man rapes someone outside his family, he will be indicted and prosecuted in open court. If he rapes his own child, the hearing will be held behind closed doors. So judges can get away with murder, they can trample on the Constitution and no one can do anything about it."

Nadler believes the whole process has to be opened up. The four bills drafted to date call for court hearings into sex-abuse allegations before awarding custody, both parents must approve psychiatric witnesses, the courts must state in writing why they will not accept certain evidence and all proceedings should be held in open court.

"I think this last provision is the most important but it is the one giving the most problems," said Nadler. "There is concern about protecting the child, which I understand, but I think that can be done. We've got to open up the process."

Nadler and Koppell next month will file two additional bills. One will seek approval for interlocutory appeals so that judges can't tie up cases for years, the other will bar judges from private conferences with the child.

I don't know how this will all turn out, but Nadler and Koppell have thrown the spotlight on a dark and sinister practice in our courts, generating unspeakable suffering for children and a nightmare for mothers. It should not be tolerated for an instant.

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