

RAY KERRISON



AMY Neustein's struggle to regain custody of her daughter is the most publicized, controversial and longest-running sex-abuse case in New York.

For nearly five years, it has reverberated through courts, foster homes, government departments, private agencies, legislative hearings and the media. It may turn out to be one of the greatest legal travesties of the era.

At its center is Sherry, a 10-year-old child so distressed emotionally and physically that no one can be sure of her recovery or even survival.

Custody case a travesty of justice

It began when Amy Neustein accused her ex-husband, a medical doctor, of sexually abusing Sherry. In the aftermath, the child was placed in foster care for 16 months. Then her father was awarded custody. Two years ago, Amy was stripped of visitation rights.

From the beginning, the courts ruled out sex abuse and relentlessly branded the mother

"paranoid and delusional."

They were at it again in the Appellate Court in Brooklyn last week when Amy and her attorney, Julia Heit, appeared for oral arguments. Within minutes, Judge William Thompson brusquely declared: "The only sex abuse here is in the imaginations of the mother and the grandmother." He dismissed the case as "a total contrivance." Judge Vincent Ballella was equally derisive. He said: "The mother is responsible. She has brought it on by her own paranoia."

Bench arrogance aside, there are many facts in this case to suggest that the real problem is monumental judicial bias. Consider:

■ The Neustein case was set in concrete at the outset by Judge Leon Deutsch, notorious for his rulings against women in custody cases. Last year, Judge Deutsch abruptly resigned to avoid facing grievances filed against him with a state ethics panel.

■ Mrs. Chaya Berger, one of Sherry's foster mothers, made a midnight phone call to the child's foster agency to report that Sherry had confided that she had been sexually abused by her father on a weekend visit.

■ Dr. Anne Meltzer, a child psychologist, interviewed Sherry. Her finding: "I have strong reason to suspect that Sherry has been sexually abused on more than one occasion by her father. In addition to describing and demonstrating the sexual acts with the aid of anatomically correct dolls, Sherry expressed great fear of her father."

■ Records of the city's Human Resources Administration have a written entry stating that a nurse overheard Sherry tell her father: "You got me in this and you better get me out of it or I am going to tell them everything."

■ In her mother's custody, Sherry was happy, loved and nourished. Not even the courts dispute that. Four months after being transferred to her father's care, Sherry was taken to a hospital in such pitiful condition she was likened to a refugee from a concentration camp.

Seven doctors examined her and found her suffering from malnutrition, emaciation, clinical depression and severe anorexia nervosa. Dr. Jeffrey Birnbaum testified: "She was by far the worst case I have ever seen of emaciation. I thought she could die of malnutrition."

■ This may be the most dismaying fact of all. For taking Sherry to a hospital emergency room to be treated for starvation, the courts deprived Amy of visitation. The courts literally punished the mother for saving the child's life — an incomprehensible miscarriage of justice.

In court last week, Sherry's law guardian, Judy Wachsborg, could offer no timetable for the child's recovery. She said Sherry was seriously damaged and still suffering from anorexia nervosa.

Outside the court, Amy said: "Death from anorexia can be very sudden. There are no warning signs. One day, the heart simply stops as a result of prolonged starvation. Can the city of New York murder a child with impunity?"

Attorney Heit, in papers submitted to the court, declared: "As shocking as it might seem, the adversaries have a real motive to see this child dead. A dead child cannot talk and the truth will be buried with her."

This case cries out for urgent, impartial inquiry, independent of mother, father and New York's untrustworthy courts and agencies. It is a potential powder keg.

New York Post 7/1/80 page 2

Courts may let this little girl die