

A Child's at Stake

A Custody Fight Becomes a Political Nightmare

BY ADAM FIFIELD & MICHAEL LESHER

Seven and a half years have passed since Amy Neustein last saw her daughter. Inside the Manhattan Beach house where she lives with her parents, enlarged photos of Sherry eerily adorn the walls. Taped to the fireplace mantle is a roughly scrawled note by the then six-year-old girl proclaiming, "I want to go home!"

"This feels like a shivah," says Neustein, who occasionally slips into the grief-stricken nostalgia of a parent who has lost a child. But Sherry is not dead. Now 16, she lives with her Orthodox Jewish father—whom Neustein believes has sexually abused her.

In her father's care since 1988, Sherry has suffered from anorexia nervosa so severe that at one point she was hospitalized with an atrophied brain, and what one pediatrician described as "the worst case of emaciation I have ever seen." Neustein received a court report filed by Sherry's father in early August indicating that Sherry is still below her appropriate height and weight. She is isolated in her father's strictly Orthodox world in Woodmere, Long Island, cut off from contact with her mother and maternal grandparents.

As Mayor Giuliani and his newly appointed head of the Administration for Children's Services, Nicholas Scoppetta, begin to draft reforms for the beleaguered child welfare system, it is important that Sherry Neustein not be forgotten. Her case is unusual in the scrutiny it has received from a number of outside sources. But the results have been the same: The child is still living with her accused abuser, and her case file is lost somewhere in the vastness of the child welfare system.

The Neustein case has involved a quagmire of city and judicial agencies, the intervention of several prominent politicians, TV talk show appearances and newspaper columns, and even a request for movie rights. In October, HarperCollins will publish a book by investigative reporter Karen Winner on the legal abuse of women in the courtroom that features the Neustein case.

Thirty-nine-year-old Amy Neustein, who has a Ph.D. in sociolinguistics, has devoted the past 10 years to getting her daughter back and helping other women in similar situations. When Neustein's mother accused her son-in-law, Dr. Ozzie Orbach, of sexually abusing Sherry in 1986, Neustein found herself assaulted by every arm of the child welfare system.

In mid August, the *Voice* visited Dr. Orbach at the Veterans' Administration Hospital in St. Albans, where he is an internist. His demeanor was detached, and he spoke in an almost mechanical fashion, saying repeatedly, "I have nothing to prove." When asked about charges of abuse, he said, "No

and Human Services). A *Voice* request for an interview with Scoppetta has not been answered.

Amy Neustein "is the victim of a criminal conspiracy," says Jeremiah McKenna, former counsel to the state senate's now-defunct Select Committee on Crime for 17 years, who con-

1987.

After the divorce, she allowed Orbach to regularly visit the child until May 1986. While visiting Sherry at Neustein's parents' Ulster County summer home, Amy's mother says she saw Orbach molesting the child. "He was lying on the floor in the hallway with Sherry on top of his pelvic area," she later testified at State Senator Paterson's hearings. "He was holding her wrists very tightly and he was gyrating back and forth. I immediately pulled Sherry off of his pelvis to find his pants were unzipped, and he was wet."

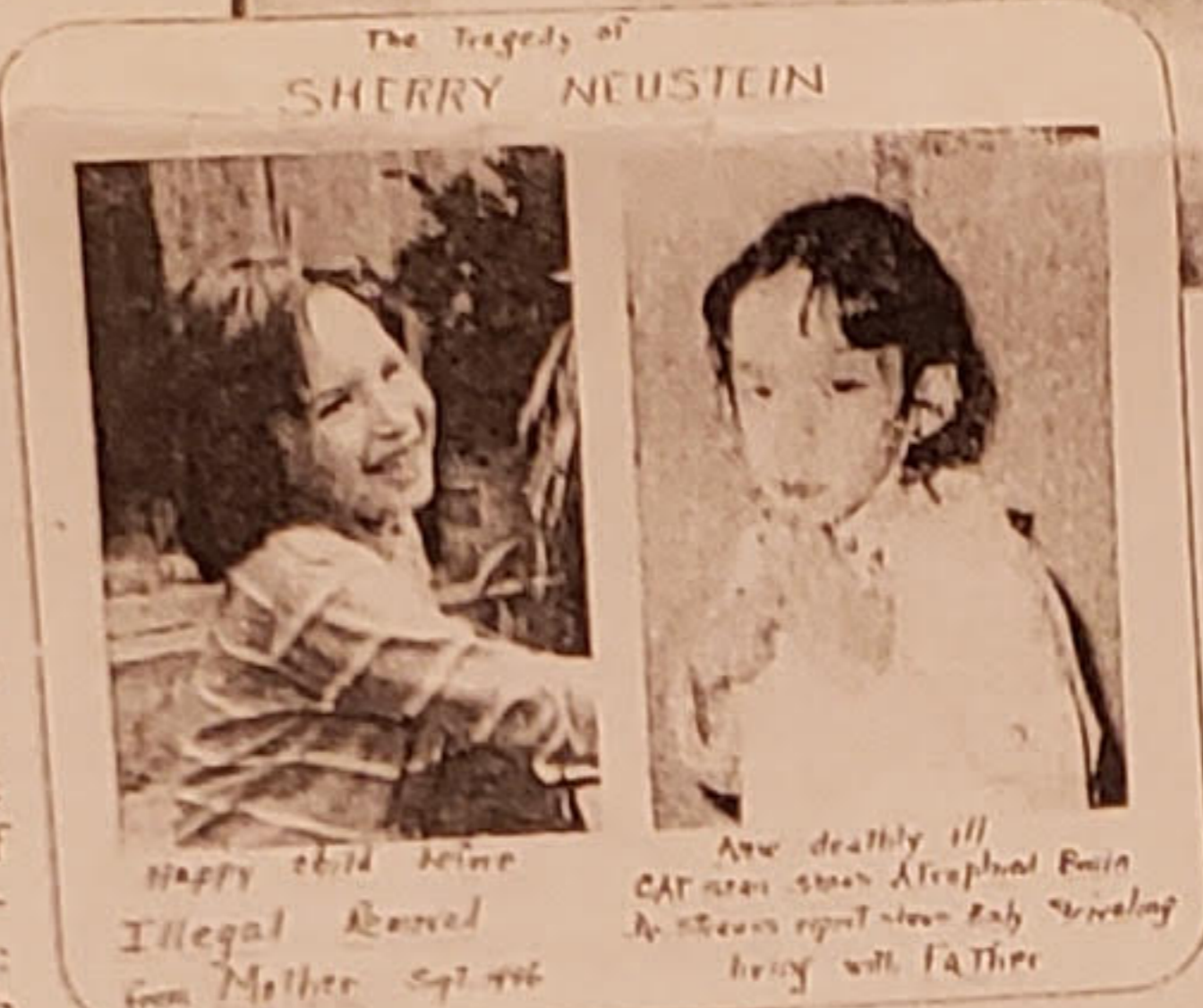
Child psychologist Anne Meltzer, who coauthored some of the guidelines on sex abuse used in New York courts, interviewed Sherry after the alleged incident and indicated she had "strong reason to believe that Sherry had been sexually abused on more than one occasion by her father." Sherry told Meltzer and a caseworker from the Brooklyn Society for the Prevention of Cruelty to Children (BSPCC) that her father had abused her and expressed anxiety about being in his presence to another psychologist.

According to Jeremiah McKenna, the Ulster County D.A. initially pursued charges against Orbach but dropped the case after someone from the BSPCC called the office to say the child had recanted the abuse charges. But BSPCC agent Robert Sloan later testified to the exact opposite in court. Ulster

County assistant D.A. John Prizzia says he spoke to Sloan, telling the *Voice*, "I do have in my notes that she had recanted," but that he could not remember whether it was Sloan who told him so. Both Neustein and her mother were interviewed by BSPCC, but a full six months after the allegation, Orbach had not. When contacted by the *Voice*, Sloan refused comment.

Last Friday, Orbach provided the *Voice* with a copy of an unsigned letter addressed to Senator Paterson and sent after his 1993 hearings. The letter charged, among other things, that the Neusteins' credibility could be called into question because they made the abuse allegation just five days after Orbach filed for custody of Sherry, and that they allowed Orbach to visit her after the alleged abuse took place. Neustein says her mother waited to make the abuse report because her father, Rabbi Abraham Neustein, did not want to embarrass his family by publicly airing an issue that is taboo in the Orthodox community. She also admits that she allowed Orbach to visit the child under supervised conditions to avert a further custody proceeding.

Orbach also points to a tape-recorded phone conversation between



Amy Neustein's "war room," where she fights for custody of her daughter

ducted an investigation of the Neustein case for the committee in 1987. Senator Paterson, who has held two sets of hearings into Brooklyn Family Court's handling of the case in 1989 and 1993, has described "an intensely ferocious effort made by judges, service and law-guardian agencies, rabbis, and elected officials to protect the father from an investigation." Paterson, McKenna, and others believe that the handling of this case may be linked to powerful players within Brooklyn's Orthodox Jewish community, who have been both offended by Neustein's periodic, public broadsides against Orthodox leaders and sympathetic to an Orthodox father accused of molestation.

Amy Neustein and Ozzie Orbach were married in 1979 and divorced in 1983, with Neustein receiving custody of the couple's only child, three-year-old Sherry. According to Neustein, Orbach was "gallant" and "charming" before they married but changed abruptly after the wedding. "It was a total cessation of social activity, sexual relations, and companionship," she told Carmen Alonso, a psychiatrist designated to evaluate her during family court proceedings in

comment." When presented with his ex-wife's claim that he was a cold father, he remarked, "I have custody of the child—I think that speaks for itself. All I can tell you . . . is that I've been cleared." He added, "Your story isn't going to change anything."

He may be right. Appeals to child protective agencies by former City Council president Andrew Stein, Congressman Jerrold Nadler, and State Senator David Paterson have failed to prompt a reexamination of the Neustein case. Children's Rights of America's appeal to Scoppetta in May to release Sherry's files has not been granted. Also in May, Congresswoman Carolyn Maloney appealed to U.S. Attorney General Janet Reno for a federal review of the case (her office was informed in July that the matter had been referred to the Department of Health

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himself and Neustein, made after the alleged incident of abuse, in which Neustein says she wants to forget about the court proceeding, get back together with Orbach, and have another child with him. Neustein says the tape was doctored and omits part of the conversation in which Orbach threatened her, and that her comments grew from an "emotional reaction" and were intended to "placate" Orbach. Finally, Orbach alleged that Sherry had been coached into believing she had been abused and that the Neusteins had fabricated the abuse charge to prevent him from gaining custody of the child.

The BSPOC—at that time under city contract to investigate child abuse claims—eventually dropped its case against Orbach, declaring that the sex abuse charges were groundless, despite Sloan's own testimony in court that Sherry displayed "emotional symptoms which were similar to a child that might have been sexually abused." (A cursory investigation by the Brooklyn D.A.'s office, which canceled its only appointment with Neustein, also found no evidence of sexual or other abuse.) Instead, the BSPCC hit Neustein with a "neglect" charge for failing to protect her daughter from abuse—and then, oddly enough, charged her with making a false abuse report.

On October 21, 1986, Brooklyn Family Court judge Jeffrey Gallet issued a preliminary order removing Sherry from her mother's custody on the grounds that Neustein had failed to attend a psychological evaluation. According to McKenna's report, Sherry Neustein was removed and placed in foster care for 16 months without a legally required hearing and on the basis of a preliminary court order that did not cite grounds for removal. "That order is illegal on its face," insists McKenna, who has campaigned gratis on Neustein's behalf since 1987. "At the minimum, the removal of Sherry Neustein from her home violated the Constitution, our state statutes, decisions of our highest court, and decency," he wrote in a 1987 memo to State Senator Christopher Mega. When reached by the *Voice*, Judge Gallet refused comment.

Sherry's time in foster care was overseen by the Orthodox-run Ohel Children's Home and Family Services, which cares for Orthodox Jewish children. A psychiatrist, Dr. Sidney Fein, would later testify in family court that Sherry said her stay in foster care was "miserable . . . she was treated terribly." While Ohel sharply limited Neustein's access to Sherry, her father—although accused of molesting her—visited her at the home of her then foster father, pediatrician Max Bulmash. In the fall of 1987, Chaya Berger, a foster mother under Ohel's supervision, reported that Sherry had complained that her father had molested her during a visit. While Ohel claims to have made the required report to the state child abuse hot line, there is no record that it did so.

Later, in 1992, Bulmash was reportedly investigated by the Brooklyn D.A. for apparently failing to make legally required child abuse reports in a case involving eight-year-old Yacov

Riegler, who was beaten to death by his mother. In the Riegler case, Ohel also failed to report suspicions of abuse to the state hot line. This apparent pattern dovetails with a comment of Ohel Advisory Board member Susan Schulman—in a tape-recorded lecture made available to the *Voice*—that she always defers to rabbinic advice before making a child abuse report, although she acknowledged that she "could be arrested." Ohel's executive director, David Mandel, when reached by the *Voice*, refused comment on any specific case and insisted that "Ohel does follow the judicial system."

The denouement of Sherry's case was as bizarre as its beginnings. In November 1988, Judge Leon Deutsch—who inherited the case from Gallet—awarded permanent custody to Orbach. The judge's decision relied in part on the findings of Dr. Arthur Green, a court-appointed psychiatrist, who has gained a reputation for testifying against divorced mothers in custody disputes. Green claimed that Neustein suffered from "circumscribed psychosis," leading Judge Deutsch to label her as "paranoid delusional" and to blame her for brainwashing Sherry into believing she had been abused. But questions have been raised about the credibility of Green's assessment.

In 1986, five experts on incest charged him in the *Journal of Interpersonal Violence* with making "many unsubstantiated claims that could mislead clinicians and legal decision makers . . . to the detriment of a large number of children . . . who have actually been sexually abused." Green, a published expert on sexual abuse in custody disputes, told the *Voice* he is "vigilant" in disproving false abuse complaints.

One indisputable fact is that Sherry's health precipitously deteriorated after she was placed in her father's permanent custody. Neustein's attorney, Julia Heit, says that on one visit with the child in March 1989, eight-year-old Sherry "looked like a concentration-camp victim." Rachel Anolick, who also saw her at the time, offers a chilling description: "Her skin was grey. Her eyes were sunken. She was so thin, her skin wrinkled around her eyes." Neustein rushed her to Kings County Hospital, where Dr. Jeff Birnbaum said that had she not been hospitalized, she could have died.

But her father, himself a practicing physician, removed Sherry from Kings County and transferred her to Brookdale Hospital, where she remained for six weeks hooked up to an IV. When the matter reached Brooklyn Family Court, Judge Deutsch punished Neustein with an indefinite suspension of her visitation privileges. Orbach was never charged with neglect or abuse in connection with this incident.

Orbach contends in the 1993 letter to Paterson that the visits between Sherry and her mother contributed to the girl's anorexia. But Sherry's anorexia continued well after Neustein's visitation was indefinitely suspended. According to a *Newsday* story, Sherry lost 11 pounds in two weeks in the summer of 1992, three years after Neustein had last seen Sherry.

Court-appointed psychologist Steven Klee, who examined Sherry, submitted an April 1989 affidavit to the state senate suggesting that the "early onset of this disorder [anorexia >>

nervosa] would raise the suspicion that she might have had a very early introduction to sex. . . ." But Judge Deutsch barred Klee and Dr. Winston Price, who also examined Sherry, from divulging their suspicions.

When Andrew Stein wrote to former Child Welfare Administration commissioner Robert Little about the Neustein case, he characterized Deutsch as "notorious for his rulings against women in child custody cases." In another sex abuse case heard by Deutsch, he was accused by the mother's lawyer, Steven Mandel, of attempting to persuade the Bureau of Child Welfare that the mother had "brainwashed" her children into believing they had been abused—although an official's report substantiated the abuse.

Neustein could not, however, get the heart of her case heard on appeal. Moreover, State Senator Paterson—who examined the case in 1989 and 1993 hearings—contends that Justice William Thompson, who presided over one of Neustein's appeals, approached him at a political fundraiser and "warned me to cease my inquiries into the Neustein case." Thompson denies the allegation.

Veteran child welfare caseworker Rosalie Harmon—who was handed a 30-day suspension in January for a comment she had made on the Elisa Izquierdo case on *World News Tonight*—also took heat on the Neustein case. In 1992, when she inquired about Sherry's file—all she wanted to know was whether the girl was alive or dead—her sworn affidavit indicates she was severely reprimanded. According to Harmon, Sherry's file shows a history of inaction. For instance, a nurse at Brookdale Hospital in 1989 overheard the emaciated girl tell her father, "If you don't get me out of this hospital, I'm going to tell everything," and reported the statement to a child welfare caseworker. But, according to Harmon, "There was no follow-up on what the child said."

This series of events cannot be ascribed solely to the system's failure. Several individuals and agencies may have played a part in protecting Orbach.

• Ohel Children's Home is an Orthodox community bulwark, which shares officials with such groups as the Orthodox Union and the National Council of Young Israel. Marcel Weber, an attorney for Ohel, is board chair of the Orthodox Union. Power brokers, including State Assemblyman Dov Hikind, Assembly Speaker Sheldon Silver, and Mayor Giuliani, have been feted at Ohel functions. Orbach's former brother-in-law, Martin Berger—who has denounced Neustein and serves as Orbach's spokesperson—has a cousin, Sandy Berger, who sits on Ohel's board of directors. Rabbi Israel Kravitz, the only rabbi to testify on Neustein's behalf at Paterson's 1993 hearings, told the *Voice*: "The others are afraid. The opposition frightened them." When asked to identify the opposition, he names Ohel Children's Home.

• In a tape of the May 1987 evaluation session with Dr. Arthur Green that Neustein secretly recorded, Green tells her he had already spoken with the judges and others involved in the case who "think it [the sex abuse] didn't happen." The American Bar Association Code of Judicial Conduct states that a judge is compelled to recuse

himself in any proceeding "in which his impartiality might reasonably be questioned."

• Several individuals in the agencies that Neustein has accused of conspiring against her charge she is "paranoid," citing Green's findings. Neustein has raised hackles by relentlessly charging conspiracies in the child welfare system and through a series of talk show appearances. Paterson says that when he first met Amy Neustein, "I was somewhat turned off. She seemed totally obsessed." But, he adds, "The more I read about her case, the more I felt there was a relationship between Ohel [Children's Home] and the BSPOC and family court."

• In 1990, Senator Paterson formally complained to the State Commission on Judicial Conduct that Judge Deutsch's law secretary, Steven Mostofsky—an Orthodox Jew who is on the board of the Council of Jewish Organizations of Flatbush—sat in on his hearings on the Neustein case to intimidate the witnesses. Mostofsky, currently president of Young Israel of Midwood, was the former president of the Redwood synagogue in Brooklyn, where Orbach was a regular congregant. Neither Deutsch nor Mostofsky returned *Voice* calls.

• In a June 1995 letter to the Child Exploitation and Obscenity Section of the Justice Department, Paterson alleged that he received a phone call from State Assemblyman Dov Hikind, an Orthodox spokesperson. He claims Hikind "issued a stern warning to me that I should not hold the hearing. The assemblyman insisted that Dr. Orbach is innocent of sexual abuse." Paterson also wrote that council member Una Clarke advised him "that if I proceeded with my investigation, the Orthodox Jewish and Hasidic community would be coming after me, and that it would be unlikely that I would ever be elected to office again in New York City." Clarke says she does not recall the comment. Moshe Faskowitz, Orbach's rabbi at the time, told the *Voice*: "Ohel probably called Hikind and said, 'Get Paterson off our back.'" Hikind did not respond to the *Voice*'s repeated requests for comment.

• Orbach and Martin Berger paid Paterson a visit in his Harlem office, Paterson says, to persuade him not to hold the hearings. When contacted by the *Voice*, Berger confirmed that the two men met with Paterson to tell him that the hearings would "upset" Sherry. He later referred to Paterson as a "jerk" and a "liar" and to Congressman Nadler, also a Neustein advocate, as an "idiot." Berger says that in 1993, before Paterson's hearings, the two men also met with Hikind. Berger contributed to the assemblyman's campaign in May 1993 because "he's very good for the Jewish community, and that's my way of thanking him." Although refusing to allow Paterson, Nadler, and others to see Sherry, Berger furnished the *Voice* with a 1992 videotape of the child's bat mitzvah in which a noticeably thin, but not malnourished, Sherry celebrates with her friends.

Sherry, who has taken her father's last name, Orbach, is now completely estranged from her mother. For Neustein, the only knowledge of her daughter comes in bimonthly medical reports sent to her by Orbach. "I'm living in limbo these past 10 years," she says. "I just want this to end." ♦