

Mothers in US Family Courts can't breathe either

George Floyd's death is one example of legal frameworks that have sacrificed the lives of citizens in a misdirected show of force.

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Mother and Child

“I Can’t Breathe” has become the rallying cry of oppressed minorities all over the world. It started with George Floyd, an unarmed Minneapolis African American man who died on Memorial Day at the hands of a local policeman. His tragic death immediately galvanized populations across the globe to cry out against any killings of minorities by racially biased members of police forces, and against a culture of callousness that may serve to protect those in uniform who do not reflect what that uniform symbolizes. That protest soon degenerated into violence and looting, but I know the pain of the original protestors all too well, though I am Caucasian, Jewish, and female.

It was nearly 34 years ago that I would forever lose my only, dearly loved child. I

had a beautiful six-year-old daughter, named Sherry, who meant more to me than life itself. She was a happy, healthy little girl who was thriving in my home. All that would change when, after a complaint of sexual abuse was made against my ex-husband (see footnote), a controversial peace officer agency – known as the Brooklyn Society for the Prevention of Cruelty to Children (BSPCC) – descended upon me with false legal papers, false charges, and the use of threats and force, including guns and batons. I was flummoxed, bewildered, and terribly confused, just as anyone can be when an unexpected force attacks them.

When I appeared in court I would witness something that could only happen in a place rife with discrimination, where minority mothers are treated as common criminals. I had to come to court without counsel to represent me because it was only two days earlier that I had received the summons from BSPCC. I did try my very best to find counsel within that short window of time, but was wholly unsuccessful, as lawyers told me the BSPCC had a reputation of filing false ethics violations against lawyers with the Brooklyn Bar Association when they tried in earnest to represent mothers fighting to keep their children. One veteran Brooklyn family court specialist phrased it well. He said he “would not go near the BSPCC with a 10-foot pole.”

Though I had no counsel at my side, my late father, who was both a law professor at City University of New York and a prominent Orthodox rabbi in Brooklyn, accompanied me to court. However, he could not represent me because he had no expertise in family law. I asked the judge for an adjournment so that I could find a family court lawyer and he seemed to nod his head in my direction. Then suddenly the BSPCC and my ex-husband’s attorney started a barrage of motions, asking that the court remove the child from my sole legal custody, which had been awarded to me at the time of my divorce several years earlier, and thrust my then six-year-old daughter into a foster home. The words were bone chilling, especially since this was right before the Jewish New Year and my daughter was at such a tender age.

My father quickly raised his hand to ask the judge to be allowed to represent me for that one day since although we thought I’d be given an adjournment, motions were now spewing forth from the other side. What happened next was no less than shocking. The judge gestured to the bailiffs. My father was immediately grabbed tightly by the arm, one bailiff on each side. He lost his balance and slid to the floor. He was already a man in his 70s at the time and couldn’t raise himself from the floor. I extended my hand to help him but the bailiff pushed me back. I saw my father, a man of dignity and accomplishment who spent his life rendering rabbinic counseling to others, dragged out and thrown into the corridor outside the courtroom. He would later need a permanent

steel rod in his right hip in order to walk properly again.

My daughter was sent into a series of foster homes which treated her with disdain. She never forgave me for not saving her from this wretched fate, and has cut me out of her life. I understand her pain. She was only six years of age, and her happy home life was shattered so suddenly. She was shuffled from one foster home to another, passed off from one agency social worker to another, and forced to make countless visits to a hostile judge in his chambers who would speak so disparagingly of me that she would come to internalize all the negativity she heard from him. I lost my daughter forever to an unfeeling family court system, a system that has also habitually subjugated African American mothers who do not have the means to fight back and single mothers, struggling to feed their families, who certainly can't fight the behemoth of a family court engine.

If George Floyd's tragic death teaches us anything, let it be to shed light in the dark corners of legal and law enforcement bureaucracies that have sacrificed the lives of men (and women) in a misdirected show of force, whether due to racism, lack of investigation, or other discriminating factors. If my daughter's permanent loss of a loving mother and a stable home life teaches us anything, let it serve as an impetuous to end the cruel and senseless treatment in our nation's family courts.

Footnote:

I had had sole custody for 3 years when my ex-husband sexually abused my daughter. It was during his allowed visit with my daughter and I was not home at the time. But my mother was there. She walked into the room and was shocked by what she saw, screamed at my ex-husband and threw him out of the house. She reported the abuse, but the charge landed in the hands of the BSPCC whose attorney was notorious for disbelieving women and would frequently charge them with Neglect for making a "false" charge notwithstanding compelling evidence. My ill health prevented me from snatching my daughter from one of the many foster homes in which she was placed, and going into hiding as other women in my position have done.

Dr. Amy Neustein lives in Fort Lee, NJ. She is the author of *From Madness to Mutiny: Why Mothers are Running from the Family Courts – and What Can be Done about It* (Northeastern University Press, Gender, Crime and Law Series) and editor of *Tempest in the Temple: Jewish Communities and Child-Sex Scandals* (Brandeis University Press, American Jewish History, Culture and Life Series)