

A 20-Year-Old Custody Battle Brings Charges of Abuse to the Orthodox Community: In Edgewater, a Mother Waits for Her Daughter To Come Home

By Rachel Bluth and Susan Rosenbluth

Almost 20 years ago, Dr. Amy Neustein of Edgewater, now 47, lost custody of her daughter, Sherry, and has not seen her only child since. In a new book due to be published this spring, Dr. Neustein and her co-author, attorney Michael Leshner of Passaic, detail the first major study of the problems mothers face at the hands of judges when reporting abuse in family courts. Renowned matrimonial attorney Raoul Felder wrote the book's foreword.

While no one denies that the reverse side of the coin exists and that some fathers have been falsely accused of abuse and suffer greatly as a result, Dr. Neustein has fought for nearly two decades to publicize the truth about her daughter's case and others like it. She has devoted her professional training (she holds a Ph.D. in sociology) to exposing the maltreatment accorded to mothers who lose custody of their children as a result of reporting sex-abuse allegations against the children's fathers.

The book, which will be published by the University Press of New England, is entitled *From Madness to Mutiny: Why Mothers Are Running from the Family Courts—and What Can Be Done about It*.

Still Estranged

Now 24, Sherry Orbach is still estranged from her mother, her mother's family, and, as far as Dr. Neustein knows, from the entire Orthodox-Jewish community.

"She seems to have put distance between herself and everything connected with her childhood," says Dr. Neustein. "Considering what was done to her childhood, I'm not really surprised. Why should she trust the Orthodox community she grew up in? At critical moments when the Orthodox community could have helped, it didn't."

In fact, Dr. Neustein and her co-author believe mother and daughter were torn apart by powerful arms of the Brooklyn Orthodox community. Despite the supportive attention she has received over the years from a number of formidable politicians and officials, some of whom have noted publicly that she has been the victim of "a criminal conspiracy" between social workers, courts, and rabbis, nothing ever happened to help her case.

Orthodox Family

Dr. Neustein's late father, Rabbi Abraham Neustein, was a prominent Orthodox educator and *rav* of the Jewish Center of Brighton Beach. Dr. Neustein, Mr. Leshner, and Dr. Neustein's former husband, Dr. Ozzi Orbach, are also Orthodox Jews.

One of Dr. Neustein's goals in writing the book is to reach someone who may know Sherry Orbach and help the mother effect a reconciliation with her daughter. Ms. Orbach graduated from the University of Pennsylvania in 2002 and is now reported to be living in Hoboken. She has an unlisted number, but, discovering her address, her mother called the building, only to be told that the daughter has left instructions to ignore her mother's calls.

"I'm so tired of spending Pesach alone. I'd give anything to have a relationship with my child," says Dr. Neustein.

Equally important, she says, is the fact that cases like hers are still being adjudicated unfairly, especially in Brooklyn.

"A federal investigation into Sherry's case cannot come a moment too soon. After all, I am still receiving calls

from mothers who are suffering at the hands of the same lawyer and judge who took Sherry from my home. These current cases clearly show that the crimes are ongoing and must be stopped once and for all," she said.



Dr. Amy Neustein

Sole Custody

In 1983, Dr. Neustein divorced her husband, Dr. Orbach, an internist at the Veterans Administration Hospital in St. Albans. Although she says she had been severely abused during the marriage, at the time of their divorce, there was no dispute over custody. Sherry, then 3, remained with her mother.

Although Dr. Orbach did not request visitation rights, Dr. Neustein says she saw to it that he could visit Sherry whenever he wished.

Three years later, however, during a visit between Sherry and her father at the Neusteins' Ellenville, New York, summer house, Dr. Neustein's mother, the late Shirley Neustein, witnessed an incident which she later testified about in court.

"He [Orbach] was lying on the floor in the hallway with Sherry on top of his pelvic area," said Shirley Neustein. "He was holding her wrists and gyrating back and forth. I immediately pulled Sherry off of his pelvis to find his pants were unzipped, and he was wet."

Dr. Neustein was not present when the incident occurred.

Strong Evidence

Child psychologist Anne Meltzer, who co-authored some of the guidelines on sex abuse used in New York courts, later interviewed the child and reported that there was "strong reason to believe

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that Sherry had been sexually abused on more than one occasion by her father.”

Sherry told Dr. Meltzer and a supervisor from the Brooklyn Society for the Prevention of Cruelty to Children (BSPCC) that her father had abused her. To another psychologist, she expressed anxiety about being in his presence.

BSPCC, however, filed charges in Brooklyn Family Court against both parents, claiming that Dr. Neustein had made a report that was “not totally true” – when in fact the report had come from her mother—and that Dr. Neustein had failed to protect Sherry from abuse, when in fact she had not been present at the time.

According to Dr. Neustein, she has since learned from many matrimonial attorneys that the now-defunct BSPCC often used such tactics to gain control over a mother in a case of alleged abuse.

Foster Care

At BSPCC’s urging, Brooklyn Family Court ordered both parents to undergo psychiatric and psychological testing. When Dr. Neustein missed an appointment with a BSPCC psychologist because she had gone instead to a hospital, suffering chest pains, the Family Court judge ordered Sherry removed from her mother’s home and placed in foster care.

According to Dr. Neustein, the judge acted without giving her notice, even though Dr. Neustein had already rescheduled her appointment and Dr. Orbach had not yet been tested either.

Dr. Neustein’s and Mr. Leshner’s research indicate there is no legal basis in the State of New York for removing a young child from her home under such circumstances, particularly since there was no evidence of any danger to Sherry from her mother or grandparents, who shared the house with her.

“At the minimum, the removal of Sherry Neustein from her home violated the Constitution, our state statutes, decisions of our highest court, and decency,” wrote Jeremiah B. McKenna, former counsel to New York State’s Select Committee on Crime and Correction, in his 1987 report to then-State Senator Christopher Mega on this issue.

At Odds with the Community

To her surprise, Dr. Neustein discovered that her struggle to bring her daughter home pitted her against many figures in her own Orthodox-Jewish community. In his report on the case,

Mr. McKenna noted that he learned the BSPCC had gained a reputation for assisting Orthodox-Jewish men in custody-related cases.

Granted visiting privileges with Sherry at the offices of Ohel Children’s Home, which oversaw Sherry’s foster care, Dr. Neustein says she was astonished to hear Bracha Ingber, an Ohel social worker, tell the child that she had been removed from her mother’s home because “you lied about your father.”

“Sherry had told everyone exactly the same thing, which was what my mother had seen with her own eyes. And here was this social worker telling her, right in front of me, that she was a liar,” says Dr. Neustein.

Immediately afterwards, Sherry wrote a note and handed it to her mother. Written

in a child’s scrawl, it read: “I am not lying. I want to go home.” Dr. Neustein has kept the note preserved to this day.

“Ohel acted like judge and jury,” she says.

“Brainwashed”

Sherry was never returned to Dr. Neustein, who was accused of “brainwashing” her daughter into believing she had been abused.

In a 1992 article about the case, published in the Manhattan-based *Village Voice*, reporter Sheila Weller pointed out that, long before the case went to trial, “an official from the Ohel foster care agency...threatened Neustein with the termination of her parental rights and [admitted] to having talked to Ohel’s attorney

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about putting the child up for adoption.”

Ohel's records, subpoenaed by Dr. Neustein's attorney, confirmed that Ohel had discussed placing Sherry for adoption at one of its monthly staff meetings, despite the fact that Ohel had no legal power to proceed.

“What Do I Have To Do?”

Dr. Carmen Alonso, a board-certified child and adult psychologist chosen by Sherry's law guardian, appointed by the court to protect the child's rights, reported being asked by Sherry, “What do I have to do to get back to Mommy?”

After examining Dr. Neustein, Dr. Alonso reported finding no mental-health issues and concluded that it was “unfair to make Sherry suffer by keeping her away from the only home she has ever known.”

But Ohel and the family court had other plans. While Sherry's visits with Dr. Neustein were riddled with restrictions, Dr. Orbach, though accused of abusing his daughter, was allowed overnight visits.

Another Incident

A few months after Sherry's placement in foster care, her foster mother, Chaya Berger, reported her suspicion of a new incident of sexual abuse by Sherry's father.

Ohel was legally re-

quired to convey the foster mother's report to New York's Central Investigation Unit hotline, but, according to Dr. Neustein, the name of the investigator Ohel claimed to have contacted turned out to be fictitious.

Dr. Neustein holds Ohel responsible for a great deal of the misfortune that befell her and her daughter. Dr. Sidney Fein, a psychiatrist who examined Sherry, testified in family court that the child termed her stay in Ohel's foster care “miserable.”

A Relationship

Ohel does seem to have sided completely with Dr. Orbach, which Dr. Neustein feels is consistent with the agency's practice of supporting men over women. In 1996, the *Village Voice* reported that an Ohel advisory board member, Susan Schulman, commented that she always deferred to rabbinic advice before making a child-abuse report, although she acknowledged that she “could be arrested” for doing so.

Nevertheless Ohel is considered an Orthodox community bulwark which shares officials with many important Orthodox groups, including the National Council of Young Israel and the Orthodox Union.

In 1990, Democratic NY



Sherry, age 6, living with her mother



Sherry, age 8, living with her father

State Sen. David Paterson, today the minority leader, said, “The more I read about [Dr. Neustein's] case, the more I felt there was a relationship between Ohel, the BSPCC, and family court.”

Still Married

In late 1988, Brooklyn Family Court Judge Leon Deutsch awarded custody of Sherry, then 8, to her father, relying on the testimony of Dr. Arthur Green, a court-appointed psychiatrist who, according to Mr. Leshner, had gained a reputation for testifying against divorced mothers in custody disputes. Dr. Green testified that Dr. Neustein suffered from “circumscribed psychosis,” leading Judge Deutsch to label her as “paranoid delusional” and blame her for brainwashing Sherry into believing she had been abused.

Dr. Neustein's visitation with her child was limited to four hours per week and she was not permitted to bring Sherry into her own home.

During the proceedings, which began in 1986, Dr. Orbach claimed he did not know he and Dr. Neustein were ever divorced, and his suit, therefore, was for divorce and custody of Sherry. When Dr. Neustein's attorney countered that, three years earlier, Dr. Orbach had given her a *get*,

a Jewish writ of divorce, that the two had not lived together for three years, and that they had each filed tax returns for the past three years as singles, Ohel's lawyer objected and Judge Deutsch allowed the objection to stand.

“Judge Deutsch did not find anything unusual in Orbach's statement that he didn't know he had been divorced for three years,” said Dr. Neustein.

Delay

Dr. Orbach based his claim on the fact that Dr. Neustein and her family delayed making the abuse allegations for a month after the incident, filing charges five days after he instituted his suit for divorce and custody.

Dr. Neustein says charges were not filed against Dr. Orbach immediately because her father, the rabbi, did want to embarrass his family by publicly airing an issue that is so taboo in the Orthodox community.

“Orbach's visits were sporadic anyway, and, after he was found sexually abusing Sherry, my mother yelled at him to leave and never come back, and he didn't argue,” says Dr. Neustein.

One month later, however, Dr. Neustein says, she received in the Brooklyn *continued on page 34*

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home she shared with her parents and daughter, legal notification from Dr. Orbach that he was suing her for divorce and asking for custody of Sherry.

"We assume he filed because he must have been worried that we would file and someone told him he would be better off against charges of abuse if he could show that he had gained custody," says Dr. Neustein.

Easier Route

Mr. Leshner believes Dr. Orbach knew quite well that he had been divorced for three years, but rather than asking for a change in custody, which can be difficult, he decided to proceed as if it were a new divorce case and he was asking for custody.

According to Dr. Neustein, at about the same time that she received notice that Dr. Orbach was suing her, her family began getting crank phone calls and windows were discovered broken. When Dr. Neustein's mother went to the police to complain, she was asked if she had any idea what might have caused the disturbance. Mrs. Neustein then told the police about the abuse incident, and the police filed the official report about it.

In court, Dr. Orbach also produced a tape recording of a conversation between himself and Dr. Neustein after the alleged abuse incident in which she said she wanted to forget about his new divorce proceedings, see if there could be a reconciliation between them, and even

have another child together.

Dr. Neustein says she spoke that way to her former husband because she feared he was "out of control" and she hoped she might be able to placate him even though, she says, she meant not a word of it.

In court, Dr. Orbach alleged that Sherry had been coached into believing that she had been abused and that the Neusteins had fabricated the charge to prevent him from gaining custody of the child.

Interrelated Power

A few months after awarding Sherry to her father's sole custody, Judge Deutsch was forced to resign based on an ethics grievance lodged against him by Mr. Paterson. Mr. Paterson said he acted because, during hearings he was holding on child abuse cases, Judge Deutsch's law secretary, Steven Mostofsky, sat in "with the intention of intimidating mothers whose cases were before Judge Deutsch from testifying to the committee."

According to Mr. Leshner, Mr. Mostofsky sat on the board of the Council of Jewish Organizations of Flatbush, was president of the Young Israel of Midwood, and, before that, had served as president of the Redwood synagogue in Brooklyn where Dr. Orbach was a regular congregant.

According again to Mr. Leshner, Mr. Paterson's hearings invited the fury of many others in the Brooklyn Orthodox community. In a June 1995 letter to the Child Exploitation and Obscenity Section of the Justice Department, Mr. Paterson

alleged that he had been warned by an Orthodox state assemblyman not to hold the hearings and a Gentile NYC Councilwoman told him that if he persisted, "the Orthodox-Jewish and Chassidic 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."

Asked about this state of affairs, a rabbi, who served as spiritual leader for the synagogue attended by Dr. Orbach, told the *Village Voice* that Ohel probably called the assemblyman and said, "Get Paterson off our back."

Back Again

In 1989, a *New York Daily News* article accused Judge Deutsch of being "extremely weak on child sex abuse" and said that at least two mothers whose cases were before him had been driven to suicide.

In 1990, Assemblyman (now Congressman) Jerrold Nadler (D-NY) and NYC Councilwoman Susan Alter joined together to force Judge Deutsch from the bench.

But, about three months later, he was back, having been appointed by the administrative judge in New York State to the matrimonial division of Brooklyn Supreme Court. He is still there.

But BSPCC is gone. The city ended its contract with the agency after Mr. McKenna's report was released. BSPCC's lead attorney, Harvey Jacobs, moved from that agency to Ohel.

Provocative Behavior

In 1988, after hearing about Dr. Neustein's plight, Rebbetzin Rachel Anolick, then living in Passaic, volunteered to supervise the mother's visits with her daughter, allowing them to meet in her home rather than in an institution. Although Mrs. Anolick knew neither Dr. Neustein nor her daughter before this involvement, she says she has never been able to forget the child's behavior both in her home and on the trips to and from her father's house in Woodmere.

"I was repeatedly surprised at Sherry's sexually provocative behavior, which seemed to me very unusual for a girl her age, particularly one raised in an Orthodox-Jewish environment," Mrs. Anolick later wrote in a sworn affidavit. "For instance, Sherry was sitting on the couch in my living room with me, my children, and

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Sherry's grandfather. Sherry spread her legs and fondled her [genitals]...Sherry would dance in a sexually provocative way, thrusting out her hips and chest. To my surprise she informed me that her father had taught her this sort of dancing."

Ms. Anolick testified that Sherry would become "very stiff, her head went down," when "going back again" to her father's house after a visit with her mother.

Losing Weight

Also disturbing was the fact that Sherry was steadily losing weight. Mrs. Anolick testified that Sherry "began exercising excessively and compulsively" and dieted obsessively. Eventually, Sherry's condition deteriorated to the point that Mrs. Anolick could not believe that Sherry's father and the court-appointed therapist did not notice.

"Her bones stuck out of her legs," Mrs. Anolick testified. "Her face became gray and wrinkled, her cheeks were hollow, her eyes were sunken. If you hugged her, you could feel the bones beneath the thickness of a down coat."

"She looked like a concentration camp victim," said Mrs. Anolick.

According to Dr. Neustein, when she asked Dr. Orbach to do something for Sherry, the child's father, a medical doctor, told her she was overreacting.

Emergency Room

Although Dr. Neustein was forbidden by court order to seek medical attention for her child without Dr. Orbach's permission, in March 1989, she consulted her attorney and, acting on his advice, she and Mrs. Anolick took photographs of Sherry and then brought her to the Kings County Hospital Emergency Room.

Doctors at Kings County found Sherry to be suffering from life-threatening anorexia nervosa, dehydration, anemia, hypoglycemia, and hypothermia.

The physician on call that evening, Dr. Jeffrey Birnbaum, called Sherry "by far the worst case of emaciation I have ever seen."

He told Dr. Neustein that if she had not been hospitalized, the child could have died.

Abnormal Behavior

Dr. Birnbaum later testified that "the child was emaciated, with very bizarre behavior consistent with anorexia nervosa which is very abnormal in an eight-year-old child."

In his testimony, Dr. Birnbaum was also struck by Sherry's sexualized behavior. "I remember that Sherry, during

her admission to the hospital, used language, some of it of a sexual nature, that seemed grossly inappropriate for a girl her age," he wrote.

Meeting with Dr. Orbach later that night, Dr. Birnbaum detailed the seriousness of Sherry's condition. Dr. Birnbaum described the father's response as "very cold and offish."

Seductive Poses

Dr. Neustein says she will never forget the irony that her emaciated eight-year-old was nevertheless wearing lipstick and fingernail polish.

But Dr. Neustein said she was not surprised. In photographs taken of Sherry by a member of Mrs. Anolick's family almost a year earlier, the child is seen posing


seductively and wearing make-up.

In April 1995, Kathy Rosenthal, president of Children's Rights of America, wrote to the Chief of the Child Exploitation and Obscenity Section of the US Department of Justice that Sherry's poses in the photographs are "suggestive of having been prompted to pose in coy, seductive-type poses that closely resemble photography of a child who might be in the process of being 'groomed' for more explicit sexual material that might be offered as 'child erotica.'"

"I'm Going To Tell"

For reasons of his own, Dr. Orbach had his daughter transferred from Kings County to Brookdale Hospital, where *continued on page 36*

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she remained for six weeks hooked up to an IV.

Rosalie Harman, a supervisor for New York's Human Resources Administration, testified at Mr. Paterson's 1993 legislative hearing investigating the case that she had seen a notation in Sherry's Brookdale Hospital file that a nurse had heard the child tell her father, "You got me into this. If you don't get me out of here, I'm going to tell everything."

Although the nurse reported the statement to a child welfare worker, according to Ms. Harman, "There was no follow-up on what the child said."

Ms. Harman said that when she inquired about Sherry's file in 1992, her only motivation was to ascertain if the child was still alive. Nevertheless, she testified, she was severely reprimanded.

Punishing the Rescuer

When the issue of Sherry's visit to the Emergency Room reached Brooklyn Family Court, Judge Deutsch reacted by punishing Dr. Neustein with an indefinite suspension of her visitation privileges. Dr. Orbach was never charged with abuse or neglect in connection with this incident, despite testimony from experts that such severe anorexia in a

child of Sherry's age can be a symptom of sexual abuse.

Court-appointed psychologist Steven Klee, who examined Sherry, submitted an April 1989 affidavit suggesting that the "early onset of this disorder would raise the suspicion that she might have had a very early introduction to sex."

But Judge Deutsch barred Dr. Klee and Dr. Winston Price, who also examined Sherry, from divulging their suspicions.

Continuing Issue

According to Mr. Leshner, Dr. Orbach contended that the visits between Sherry and her mother contributed to the child's anorexia. But the symptoms continued well after the judge stopped the mother's visitations. According to a report in *Newsday* in 1992, three years after Dr. Neustein stopped seeing her daughter, Sherry lost 11 pounds in two weeks.

In 1993, Mr. Paterson described the forces arrayed against Dr. Neustein as "an intensely ferocious effort made by judges, service and law-guardian agencies, rabbis, and elected officials to protect the father from an investigation."

Mr. Leshner, who first met Dr. Neustein in 1996, said officials who have tried to help Dr. Neustein in her struggle to regain her child believe that

the way her case has been handled may be linked to powerful players within Brooklyn's Orthodox-Jewish community who have been offended by her periodic public broadcasts against Orthodox leaders, and sympathetic to an Orthodox father accused of molestation.

In 1996, Mr. Leshner wrote

He had no comment when asked about the charges of abuse, but when presented with Dr. Neustein's claim that he was a "cold father," he told the paper, "I have custody of the child. I think that speaks for itself."

"All I can tell you is that I've been cleared," he told Mr. Leshner, adding, "Your story isn't going to change anything."

And he was right.

Defies Logic

Dr. Neustein initially contacted Mr. Leshner because she had seen some of his articles in the *Village Voice*, and, knowing he lived in Passaic as a neighbor of the Anolicks, she thought he might be able to help.

His first impulse was to walk away. "Everything that happened in this case defies logic so completely that you keep thinking there must be something you're missing or overlooking," he said.

He pored over her documentation, and concluded—as did so many others outside the Brooklyn court system—that what she was saying was the truth.

"No amount of staring at the facts of this case will make any sense of them. It's as though no one in a position of power was watching what was happening," he said.

Watching

But people were watching. In November 1992, Mr. Nadler wrote to child welfare officials, saying about Sherry, "If this child dies, you will be guilty of accessory to murder."

Sherry didn't die, but the relationship between her and her mother is comatose, teetering beyond life support. Still Dr. Neustein lives on hope.

"Perhaps this Pesach we will see redemption," she says. ✪

an op-ed in the *New York Jewish Week* about the case, citing Thaddeus Owens, Jr, an activist who had gained fame by attempting to reconcile the African-American and Jewish communities in the wake of the 1991 Crown Heights riots. At one of Mr. Paterson's hearings, Mr. Owens testified that rabbis he had spoken to about Dr. Neustein suggested her tirades against the Orthodox community that she felt had betrayed her had rendered her a "self-hating Jew" and that because she had publicly accused an Orthodox Jew of child abuse, her daughter's death, presumably from anorexia, "would only be justice."

Nothing Will Change

In August of 1996, Mr. Leshner interviewed Dr. Orbach for an article the *Village Voice* was doing on the issue, even though it had long since passed out of the courts. According to the report, which was published in October of that year, Dr. Orbach's demeanor was "detached and he spoke in an almost mechanical fashion, saying repeatedly, 'I have nothing to prove.'"

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