

# THE JEWISH VOICE

## AND OPINION

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### **Dr. Amy Neustein: Battered Mothers Custody Conference “Woman of Valor”**

On Sunday, Jan. 8, Dr. Amy Neustein, an Edgewater, NJ-based activist for mothers who are faced with serious injustice at the hands of Family Courts when they seek to protect themselves and their children from abuse, will be presented with the Woman of Valor award by the Battered Mothers Custody Conference (BMCC), held at Siena College, near Albany, New York.

Now in its third year, BMCC brings together many of the top experts in the field, including family law and civil rights attorneys, psychologists, policy mak-

ers, and domestic violence-prevention advocates. This year’s conference is entitled “Battered Women, Abused Children, and Child Custody: A National Crisis Requiring Unity and Action.”

At issue is what Rockland County attorney Barry Goldstein calls “custody-visitation scandal cases,” in which protective mothers lose custody of, and often even visitation privileges with, their children to fathers who have been accused of abuse. Typically in these cases, no one has accused the mother of abuse, but rather than simply deciding

there is a lack of evidence to act against the accused father, Family Court judges unilaterally remove the children from the mother all together.

“Over the past two decades, the systemic corruption of family court legal processes has become increasingly serious and pervasive. The legal scenario faced by battered women has reached a new nadir. All across the country, these ‘custody-visitation scandal cases,’ are becoming the norm. The injustice inflicted on such mothers and their children rises to the level of human

rights violations, atrocities, a national scandal,” said Dr. Mo Therese Hanna, BMCC conference chairman.

#### **Networking and Collaboration**

According to Dr. Hannah, a professor of psychology at Siena, the BMCC was established to facilitate networking and collaboration among the professionals, grass-roots groups, and litigants who are working to expose the problems and develop solutions. This year’s event will emphasize the promotion of unity among those concerned with abuse issues and the development

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of action-steps to combat the problems.

Mothers selected for the group’s Woman of Valor award have struggled with custody-visitation scandal cases or have battled to protect their children, no matter what the eventual outcome of the case. They have supported, organized, or otherwise worked on behalf of other mothers who are undergoing custody/visitation litigation.

In announcing Dr. Neustein’s selection for this year’s award, Dr. Hannah called her “the grandmother of the protective mothers movement.”

“Although many people have been working on these problems for a long time, no one has been laboring in this field as long as Amy has,” she said.

### **Contradictory Charges**

Raised in an Orthodox-Jewish home, Dr. Neustein, who holds a PhD in sociology from Boston University, expected to make her mark as a specialist in linguistics. Nevertheless, in 1986, she found herself in Brooklyn Family Court when her ex-husband, Dr. Ozzie Orbach, suddenly sued for custody of their daughter, Sherry, then six, just after he was accused by Dr. Neustein’s mother of sexually abusing the child.

Although no one had accused Dr. Neustein of child abuse and, indeed, it was not even she who originally accused Dr. Orbach, she was contradictorily charged by the Family Court Judge with failing to protect her child from abuse and, simultaneously, fabricating the alleged abuse.

“If there was no abuse, then what did I fail to protect her from? And if I failed to protect her, then there must have been something endangering her,” said Dr. Neustein.

### **Seeking Medical Care**

Sherry was placed in foster care through Ohel and, ultimately, Judge Leon Deutsch of the Brooklyn Family Court awarded full custody of Sherry, by that time 8, to Dr. Orbach.

For a short while, Dr. Neustein was given supervised visitation privileges with Sherry, but she was forbidden by Judge Deutsch to seek medical attention for the child without Dr. Orbach’s permission.

In 1988, alarmed by Sherry’s precipitous weight loss and Dr. Orbach’s reluctance to seek medical care for the child on that issue, Dr. Neustein and the court-approved Rebbetzin who was supervising her visitation took the child to the Kings

County Hospital Emergency Room. Sherry was admitted to the hospital, diagnosed with life-threatening anorexia nervosa, dehydration, anemia, hypoglycemia, and hypothermia.

The pediatrician on-call testified that Sherry was “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.

### **Parental Alienation**

Nevertheless, when Judge Deutsch learned that Dr. Neustein had brought the child to the Emergency Room, he discontinued all her visiting privileges. Dr. Neustein has not seen her only child, now a 25-year-old law student at Columbia, in almost 18 years.

Perhaps displaying what some experts call “parental alienation syndrome,” Ms. Orbach now refuses to see or have anything to do with her mother. Although as a child she testified that she had been abused by her father, Ms. Orbach now says the abuse never occurred. While Dr. Orbach has allegedly remained part of the observant-Jewish community in Long Island, his daughter has said that she no longer considers herself Orthodox.

Asked by email if she, as a budding attorney, had any idea why the judge had terminated all contact between her and her mother, Ms. Orbach had no response.

### **Helping Others**

Dr. Neustein’s behavior in light of her loss at the hands of the Family Court is what has prompted the BMCC to present her with its award. Dr. Neustein has spent the last 18 years tirelessly publicizing her story through press interviews and conferences, hoping that someone might help her regain her child. While that goal has not been met, in the process, she has helped many other women who were undergoing the same treatment, making certain their stories were not allowed to remain buried.

“Amy courageously exposed the horrors of her experience of losing custody of her only child to an abusive ex-spouse. Despite the anguish of her own loss, she has consulted with literally thousands of battered mothers over the past two decades, attracting widespread publicity for her own and other mothers’ cases” said Dr. Hannah.

Last spring, Dr. Neustein’s study and experiences culminated in a new book, which

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Dr. Hannah called “the definitive text on the protective mothers movement.”

### Broken System

Written with attorney Michael Leshner, *From Madness to Mutiny: Why Mothers Are Running from the Family Courts and What Can Be Done about It* (North-eastern University Press) is based on Dr. Neustein’s study of 300 child custody cases over a ten-year period. She found that in 70 percent of the cases, mothers

were forced to send their children on unsupervised visits or to share custody with alleged abusers. In 20 percent of the cases, mothers, such as Dr. Neustein herself, lost custody to the allegedly abusive father.

Mr. Leshner, who is part of the Orthodox community in Passaic, became involved in Dr. Neustein’s case in 1996 when he was assigned to write about it as a reporter for the *Village Voice*.

The book is the latest effort in their

impassioned crusade to reform the family court system in the US.

### Hiding the Accusation

“The system gets rid of the accuser, so the accusation gets hidden,” said Dr. Neustein. She suggested that while some male judges may be motivated to protect “male honor,” others simply use the weaknesses in the legal and judicial system to maintain their own fiefdoms.

Leading New York divorce attorney Raoul

Felder wrote in the introduction to *From Madness to Mutiny* that woman in Dr. Neustein’s position are presented with a Hobson’s choice.

“Keep quiet about a belief of sexual abuse and put her child at risk of it continuing, or speak up and risk losing the child to the abuser,” he said.

### HURT

In 1986, Dr. Neustein founded HURT, an acronym for Help Us Regain the Children, a New York-based legal research and advocacy center committed to the plight of mothers who have either lost or are in danger of losing custody of their children. Dr. Neustein’s findings have been published in the *Journal of Sexual Abuse* and have been frequently cited in other publications as well.

*From Madness to Mutiny* was an attempt by her and Mr. Leshner to reach a wider audience. The book, which is now in its second printing, has already been acquired by more than 228 university and law school libraries, including those at Yale, Princeton, Stanford, and, especially bittersweet for Dr. Neustein, Columbia.

“I often wonder what Sherry’s reaction to the book is, or if she has read it,” said Dr. Neustein, who still harbors hope that she and her daughter will some day reconcile. From her apartment in Edgewater overlooking the Hudson, Dr. Neustein can see the Columbia campus, the closest she can come to her daughter.

She said that although she is very gratified by the response to the book and the interest of so many professionals in the field, receiving the award is not all pleasure. She said she would love nothing more than to have Sherry by her side as she accepts it.

"I'm still separated from my own daughter who I know remains a victim of the system. I'm hoping my work helps to ensure that no other woman experiences what the Family Court did to my daughter and me," she said.

### **No Broad Brushes**

Dr. Neustein and Mr. Leshner readily acknowledge that many Family Courts and the judges who preside over them are fair and honest. Those which are not, however, threaten to discredit the entire system.

Further, they said, not every father accused of child abuse is guilty. "But even when he is innocent, or there simply is a lack of evidence to prove the charges against him, why should the mother lose her children?" said Dr. Neustein.

In their book, she and Mr. Leshner, made a powerful case for revamping the court system. As a first step, they said, the status of Family Court, where decisions that impact on so many lives are made, should be raised within the judiciary system. Those who practice in Family Court, including judges, attorneys, children's law guardians, and social-service agencies, must be held to the highest ethical and professional standards.

### **Jewish Values**

Both Dr. Neustein and Mr. Leshner agreed that adherence to Jewish values prompted their struggle for justice.

"Family Court malfunction, which has caused such a terrible backlash against mothers who try to protect their children from sexual abuse, cuts across all demographic boundaries, equally afflicting all ethnic and religious groups. Orthodox women are not immune," said Dr. Neustein.

In fact, she said, for many reasons, it is appreciably harder for Orthodox women to fight the Family Courts. "Orthodox women do not have the same options that are open to other women," said Dr. Neustein.

### **Restrictions**

For example, she said, Shabbos and kashrut restrictions make it all but impossible for Orthodox women to take a child and go into hiding. In addition, not only do Orthodox women frequently lack a network of support, they may in fact be ostracized by their communities for daring to accuse a spouse of abusing a child.

"Even their own families may turn

against them. I know of two women in Orthodox communities who committed suicide in despair over trying to fight the Family Courts all alone," she said.

For this reason, Dr. Neustein said, she has made special efforts to reach out to Orthodox-Jewish women.

### **Orthodox Representation**

She is hoping representatives of the community will make an effort to attend the conference. Although it begins on Friday night and continues on Saturday, Dr. Neustein and Mr. Leshner will not be arriving until Sunday, Jan 8, when they

will jointly deliver the conference's keynote address.

Kosher food will be available.

For more information on the conference, contact Dr. Hannah at 518-210-2487.

"Because Orthodox Judaism holds family life so dear, my hope is that the Orthodox community will take the lead in correcting this catastrophic problem that has torn so many children from the arms of mothers trying to protect them," said Dr. Neustein. S.L.R.