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NEWS

Mothers Push Reforms in Family Courts' Handling of Custody Cases

By [Jennifer Friedlin](#)

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Amy Neustein's marriage lasted less than four years; her battle to reform the court system that barred her from seeing her daughter following a nasty custody dispute has raged for nearly two decades. Now, Neustein, an Orthodox Jew with a doctorate in sociology, says she sees some light at the end of what has been a very long tunnel.

Over the past few years, a growing number of women who, like Neustein, say they were stripped of their parental rights after they lodged good-faith claims of sexual, physical or emotional abuse against their former partners have begun speaking out and pushing for change.

This year, mothers helped win passage of legislation designed to correct a host of problems in the family court systems in Tennessee and Alaska; a Delaware woman ran for state senate in November on a mothers' rights platform, and women's rights activists, lawyers and family court experts are currently joining forces to campaign for reform.

"There's been a marvelous groundswell of activism that I didn't see 20 years ago," said Neustein, 47, co-author of the forthcoming "From Madness to Mutiny: Why Mothers Are Running From the Family Courts — and What Can Be Done About It" (University Press of New England).

According to mothers who have been through the family court system and experts familiar with custody cases involving allegations of abuse, the problems are pervasive. Although there are no official statistics, they say that thousands of women around the country have lost custody of their children after alleging spousal or child abuse, even in instances where evidence existed.

Experts say that in many cases, judges are predisposed to discrediting claims of abuse, and that they often fail to consider evidence of violence. In some of these cases, corruption might be to blame. Robert Geffner, president and founder of the Family Violence and Sexual Assault Institute, a San Diego-based training facility, said it is not uncommon to find judges who have relationships with the people appointed to represent the interests of the child, as well as with the evaluators and mediators who are supposed to offer unbiased testimony about the parents.

Another problem, Geffner said, is that family court judges do not receive enough training to understand the intricacies of domestic violence and sexual abuse. Meanwhile, over the last decade, the father's rights movement has grown stronger, successfully touting an unproven theory known as Parental Alienation Syndrome that has gained acceptance in many courtrooms. According to this theory, women who claim that their former spouses or partners are abusive are simply using the allegations to try and alienate their children from their fathers.

"PAS is a variant on a theme to undermine the credibility of the mother by showing that she is conniving or obsessed or mean-spirited," said Randy Burton, founder of Justice for Children, a Houston-based nonprofit advocacy organization.

While father's rights groups say that 80% of the allegations of paternal violence are unfounded, professionals who deal with these issues say the figure is closer to 8%.

According to Neustein, she is one of the statistics. In 1983, after divorcing her husband, Ozzie Orbach, Neustein was given custody of her daughter, Sherry, then three years old. She maintained custody until three years later, when Neustein's mother allegedly caught Orbach sexually molesting Sherry.

A child protection agency investigated the claim and declared that Neustein had brainwashed Sherry into making false accusations. The Brooklyn Family Court placed the child in foster care and eventually Orbach received custody while Neustein was given visitation rights.

However, during one visit, Neustein became concerned about her daughter's severe weight loss and took her to the hospital. Although doctors expressed concern about Sherry's weight, Neustein says, the judge's reaction was to terminate her visitation rights.

"A parent in jail for murder gets to see their child," said Neustein, who has not seen Sherry, who is now 24 and living in Europe, since she was 9.

An e-mail sent to Orbach was not answered, and Sherry could not be reached for comment. Judith Waksberg, Sherry's former law guardian, declined to comment, saying that Sherry had been adamant about her request for privacy.

In addition to losing contact with her daughter, Neustein says the Orthodox community in Manhattan Beach, Brooklyn, where she was born and raised, shunned her for speaking out about the alleged abuse.

"My name was blackened in the Orthodox community," she said. Neustein, who now lives in Edgewater, N.J., says she still considers herself Orthodox but does not belong to an organized religious group.

The community backlash has not kept Neustein from speaking out about her case. Between 1986 and 1998, when Sherry turned 18 and the court battle ended, Neustein successfully garnered the attention of several New York politicians and members of the media. More recently, Neustein received support from Rabbi Yosef Blau, a prominent Yeshiva University faculty member.

Some of her supporters, however, seem to have backpedaled. Blau said that after reviewing documents given to him by Neustein's ex-husband, he now had some concerns about both Neustein and Orbach. And last year, Rep. Steven Israel, a Democrat from New York, said he was working on legislation to protect mothers from being prosecuted when they bring good-faith charges of child abuse against their husbands. But this year, a spokesman for Israel said that the congressman "is no longer seeking a legislative solution."

None of that is deterring Neustein. Bolstered by a new wave of support from women's groups such as the National Organization for Women, Neustein has stepped up her efforts to expose the problems.

Recently, Neustein and several other women's rights activists met with Justice Jacqueline Silberman, the New York State administrative judge for matrimonial matters, to explain their position. And she will also travel to Washington next month to meet with the Senate Judiciary Committee in the hope of convincing legislators to open a federal investigation into the family court system.

A groundswell of activism across the country has also bolstered Neustein. For example, in Michigan, Illinois, Arizona, California and North Carolina, women are working to get versions of the Protective Parent Reform Act passed. And child welfare advocates are promoting legislation at the federal level.

After more than 18 years of fighting her own battle, Neustein says she sees all the recent activity as a sign of hope that one day soon her work might be done and she will be vindicated.

"I hope to make myself obsolete," Neustein said. "I wish this had never happened. No one wants to go through this."