

# Mothers Who Report Abuse Still Losing Custody ‘at Staggering Rates’

BY AMY NEUSTEIN

**T**wo weeks ago FX launched a groundbreaking five-part miniseries, “Children of the Underground,” focusing on a well-publicized 1980s

vigilante movement that ran safe houses in the U.S. and Europe to assist mothers in hiding with their children when family courts had erroneously ordered their children to live with a sexually abusive parent notwithstanding compelling evidence to support the abuse.

Though the Underground Railroad has become a relic of the past, the danger to children posed by errant judicial decisions is just as exigent today.

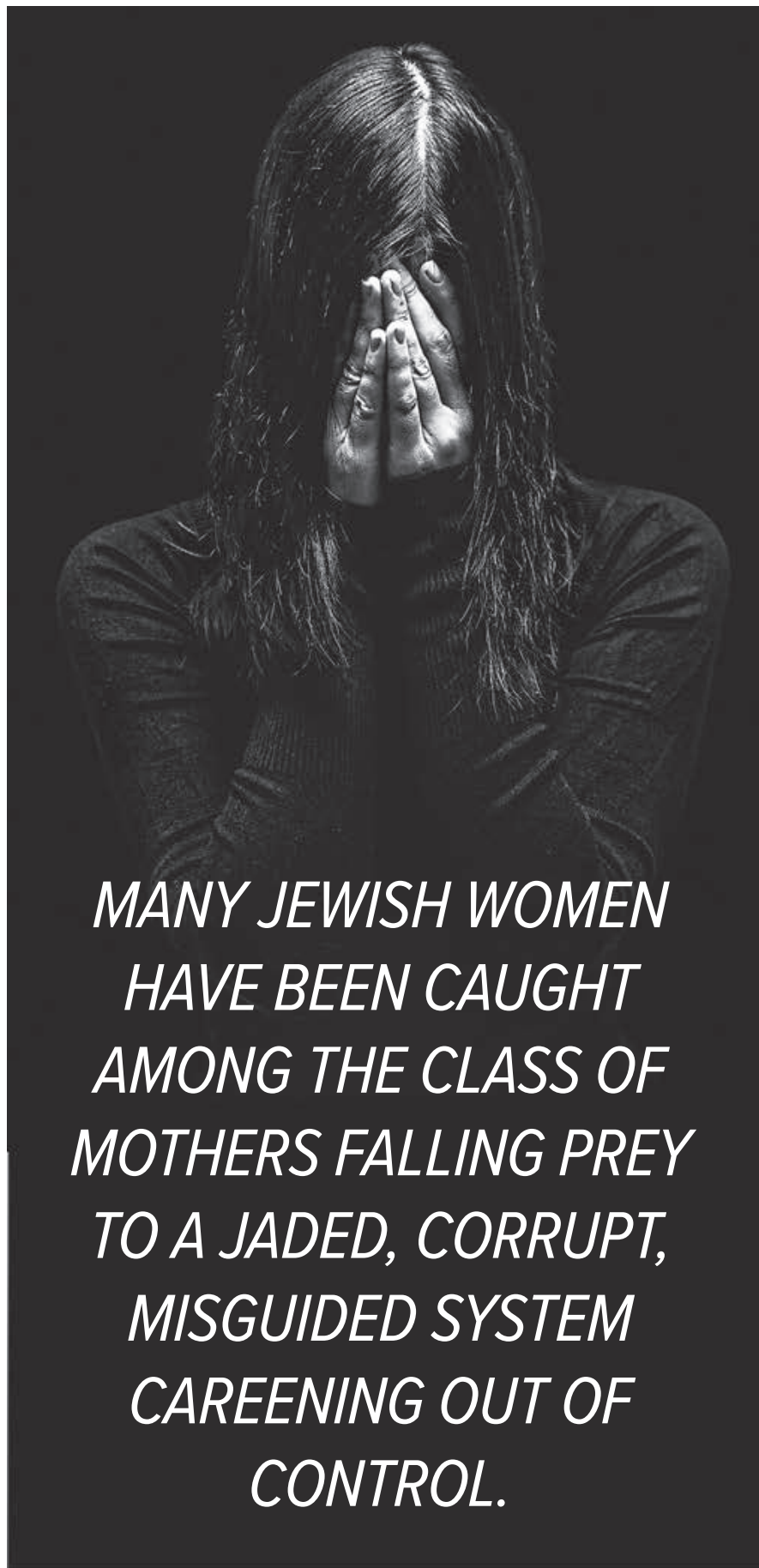
In 2019, The Washington Post, pointing to a trailblazing study conducted by a clinical law professor at George Washington University Law School, stated that “mothers who report abuse — particularly child abuse — are losing child custody at staggering rates.”

In fact, the study showed that in over 73% of the time when mothers presented credible evidence of abuse, and the other parent charges “parental alienation” — when a child refuses to have a relationship with a parent due to manipulation, an unsubstantiated theory invoked as a smokescreen — the family court judges who are easily persuaded by this fallacy will strip the mother of custody and relegate her to restrictive and limited contact with her child. This is usually at a court-approved institutional setting where a visitation supervisor is hired to monitor everything the mother says to her child to prevent any further discussion of abuse.

Sadly, such moratoriums even include when the children themselves initiate discussion in making new disclosures of abuse.

In most cases, the costs of supervised visitation become so prohibitive to the mother that she cannot continue to see her child. That is, the mother is forced to pay, in addition to child support, a few hundred dollars for each visit to cover both the costs of the supervisor and the institution, which provides the visitation setting.

Such visitation arrangements are structured after that mother has already been nearly bankrupted by attorney’s fees, court transcripts costs, expert witness fees, law guardian fees, and other litigation expenses. Yet, there is no structured government program to bankroll supervised visi-



tion, lest the government would “catch on” and see the outrage of such setups in the first place — deeming the supervision of the mother to be nothing other than pointless and punitive.

Accordingly, when mothers run out of funds to finance this canard — which can begin with a pre-school-age child and last until the child is 18 — the consequences to the mother and child are no less than dire. Not seeing Mommy anymore implants a terrifying message of abandonment in the psyche of the child, who has pleaded repeatedly to be protected from abuse by the other parent.

The child, who had once envisioned their

mother as anchor, protector and advocate, now sees their mother as powerless or worse — often as a co-enabler to the abuse the child is forced to endure living with the dangerous parent. Unfortunately, many children will turn against their mothers for abandoning them and when they reach adulthood they are reluctant to reunite with them.

Understandably, the system that has created such draconian conditions for mothers, has also harmed fathers — good fathers, loving fathers, caring fathers — who have been expunged from the lives of their children. But the devastation to mothers and children as a nationwide problem must be addressed too.

Many Jewish women have been caught among the class of mothers falling prey to a jaded, corrupt, misguided system careening out of control. Motherhood is the bedrock of Jewish society; it is the institution that nurtures, fortifies and sustains us. The ablation of mothers from the lives of their children has proven to take its toll on the mental health of such “orphanized” children, causing depression, low self-esteem, eating disorders or worse.

As a Jewish community, we have often taken the lead when confronted with social atrocities, from civil rights to reproductive rights, from school desegregation to gender equality in the military and in civilian life. No doubt Jewish women who were beacons in the earlier days of the feminist movement have been etched in history, and many still remain as household names today. At Judaism’s core is an enduring sense of moral justice that suffuses our history and modern-day existence.

The mothers across America badly need our help, and they cannot afford to wait. Whether the solution is a bipartisan congressional hearing, a full-fledged Justice Department investigation, or a proactive lobbying effort on Capitol Hill, we must not tarry.

We must gather and unite to assist mothers — Jewish and non-Jewish — so that women are no longer punished with the loss of custody of their children and the ensuing restrictive visitation that they cannot afford to sustain. To do anything less would be a disservice to mothers mired in the failed family court system. **JE**

*Amy Neustein is co-author of “From Madness to Mutiny: Why Mothers are Running from the Family Courts — and What Can be Done About It,” University Press of New England, 2005; second edition, Oxford University Press, forthcoming.*