

From madness to mutiny

How one woman challenged the system

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The story reads like a fairy tale. Bright, young Jewish woman meets bright, young Jewish man. Friendship begins. Romance develops. Marriage results.

Only in this case, the fairy tale turns into a nightmare, the marriage dissolves, sordid allegations surface, a tragic custody battle ensues, and a national advocacy movement and best-selling book follow.

“From Madness to Mutiny, Why Mothers Are Running from the Family Courts — and What Can Be Done About It” (North-eastern University Press, \$26 hardcover) was written by sociologist Amy Neustein and attorney Michael Leshner.

The book alleges a serious dysfunction of the family court system that allows charges of sexual abuse by fathers to be dismissed and mothers to be denied custody. It is based on a study by the authors of 300 child custody cases over a 10-year period. They found, 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 lost custody to the allegedly abusive father.

Neustein was one of those mothers.

In a telephone interview from her New Jersey home, Neustein tells the painful story that transformed her life — and her work — and led to her impassioned crusade to reform the family court system.

Neustein met her future husband, Ozzie, on a Friday night at the Hillel at Virginia Commonwealth University in Richmond, Va. Then a doctoral student at Boston University, she was in Virginia to speak at a conference; he was a medical student at Virginia Commonwealth.

Neustein, raised in an Orthodox home in New York, was getting ready for the Sabbath when she realized that she did not have a *blecht*, the metal pan used by observant Jews to keep food warm during the Sabbath. Frantic, she knocked on the door of the university Jewish center, and her future husband, a newly observant Jew, answered. He located a *blecht*, then walked Neustein back to her room.

“He fit the criteria,” Neustein

now says with a laugh. “A nice Jewish boy, three years older and a half-inch taller.”

Four months later, the couple became engaged; 18 months later they married, and in 1980 their daughter Sherry was born.



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— Amy Neustein

The couple was living in Brooklyn when incompatibilities emerged; they divorced in 1983, and Neustein was awarded full custody of their daughter. Later, after a relative reported an incident of sexual abuse of Sherry by her father, she denied her former husband visitation.

In 1986, he went to court, challenging Neustein’s allegations. Neustein was charged with two inconsistent charges: failing to protect her daughter and fabricating the alleged abuse. When the failure to protect charge was dropped, her former husband pursued the charge of fabrication. Sherry was placed in foster care, and ultimately, Neustein’s former husband was granted custody.

It is a Kafkaesque scenario, says Neustein, and one that is allowed all too often to play out in the nation’s family courts.

“The system gets rid of the accuser — so the accusation gets hidden,” she asserts, suggesting that the proclivity to protect “male honor” coupled with the weaknesses of a legal and judicial system charged with protecting children often do just the opposite.

Leading New York divorce lawyer Raoul Felder suggests in the introduction of the book that a woman is given 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.”

Dale Wiebusch, director of systems advocacy for the Arizona Coalition Against Domestic Abuse, says cases similar to Neustein’s can and do occur in Arizona.

“Things are getting better, though,” he says. “Part of that is because of work like Amy’s.”

In 1986, Neustein founded HURT, Help Us Regain The Children, a legal research and advocacy center in New York committed to the plight of mothers who lost custody of children. The findings of her study were published in the *Journal of Sexual Abuse* and have been frequently cited in other published work. “Madness” is her attempt to reach a wider audience.

At the outset of the book, Neustein and Leshner (who learned of Neustein’s case as a reporter for the *Village Voice* and *New York Jewish Week*) make two points clear: first, not all family courts across the country are guilty of miscarriage of justice. And second, not every father accused of sexual abuse is guilty. That said, they make a compelling case for study and reform of a family court system that threatens the welfare of children it is charged to protect.

The authors detail the current legal landscape in family law and look at the roles of judges, lawyers, legal guardians and social-service agencies. They advocate for elevating the place of family courts in the judiciary and holding the practitioners of family law to the highest ethical and professional standards.

The book could be read as an indictment of the system; and, in many ways, it is. Yet it carefully lays out positive opportunities for change.

Neustein says that she is appealing to all the Jewish mothers among us.

“I’m hoping that the Jewish community will (embrace this issue) and see it as *tikkun olam*, repairing the world,” says Neustein, who says that her daughter remained with her father until she was 18 and has had no contact with her mother.

“As Jews we always have hope,” she says, adding that her faith has not been compromised by her ordeal.

“I hope Jewish women will address this.”

