

Shame on You, Shame on Me

By Martin E. Friedlander, Esq.

Nowadays, it seems like not a week goes by in which we don't see headlines of someone being charged or arrested for abuse. Sometimes it is a teacher or a person in a position of power, at times even a parent, who was molesting or abusing a child. Other times, it is a story of domestic violence and abuse. Either way, abuse has been a plague that has increased with time. When I say increased, I mean that victims are now finding the courage to come forward and make a complaint – not that this issue has not been present in the past. But while progress has certainly been made, there is still a long way to go.

In our community, people regrettably still feel shame and are ostracized when this topic is raised. In my work in the matrimonial field, I have been involved in cases where a parent, teacher or childcare provider has inflicted the abuse, as well as countless cases of spousal abuse. In regard to children, state laws have changed and the list of mandated reporters (in the event that they observe or suspect abuse, they must report to the proper authorities) have increased. Day camp directors, teachers and principals are included in these categories, as well as psychologists and doctors. Additionally, the police department has taken a zero tolerance approach towards domestic abuse.

All this works, however, only if the victims seek help.

The number of people who file complaints today is a testament to the years that our community leaders and professionals spent bringing this issue to the forefront, as well as the countless professionals who have given courage to the victims. Yet much still remains to be done. The awareness in the Orthodox community must still be raised and there can be no room for non-reporting. Da'as Torah can only be one, and that requires the reporting of abuse claims to the proper authorities. There can be no shelter in the community for the perpetrators who inflict such abuse, especially those in a position of power. Abusers must not be led to believe that no one will report them, because that becomes their ticket to continue inflicting their abuse. Our yeshivahs, rabbonim and kallah teachers must be trained to convey what abuse is and how it must be handled.

I do want to digress for a moment to discuss the issue that has also, unfortunately, risen in our community. This is the issue of "false allegations" of abuse, specifically in the matrimonial field. In these instances, parents feel that they can use these allegations to control or stop visitation with the other parent or to gain some advantage in their case, and in many cases, some so-called "advisors" instruct people of what to allege. Of course, this is not referring to a reasonable suspicion that may ultimately come out as unfounded. I am referring to cases

in which the one reporting knows, without a doubt, that the abuse never occurred. It is not unheard of for people to later report that the so-called "advisors" told them to make these false reports so that they can get a better position. Sitting in the courthouse and seeing the allegations of false abuse makes this minority of reports and reporters so the more repugnant, especially while a large number of cases of real abuse goes unreported.

The trauma that allegations of false abuse puts the children through is immense. The children are asked questions with words that are not in the vocabulary of a yeshivah student. The type of questioning they are put through can cause severe emotional harm to the children, harm that can require years of therapy to deal with. In one case of alleged abuse in court, the alleged 16-year-old perpetrator did not even understand the words he was being asked by the detective.

The time has come for mental health professionals, community leaders and rabbonim to unite and proclaim that any and all abuse subjected to our children or adults, wherever this may be, will not be tolerated, that no matter who the perpetrator is, they will be held accountable and reported to the appropriate authorities. They must know that they are not welcome in the community and in our schools. Education is necessary. Mental health professionals and legal professionals should have regular forums in our school and shuls to ensure that our teachers, rabbonim, etc. are well aware of the telltale signs of abuse and where people should report the same. Similarly, a seminar as to the detrimental effects these false allegations of abuse have on children must also be communicated to the public. We do not need more victims. This must not be tolerated in the community.

In a recent case, after all the evidence was presented, a judge conducting a hearing on an abuse case concerning a parent found that no abuse had ever occurred. The result of the investigation and hearing caused the father in that case to be barred from normal visitation with his children for a period of four months. The judge had the parent who made the false allegation leave the residence in which she resided with her children and reversed the residence for four months in which the father was placed instead.

In conclusion, we have much work to do with the real issues of abuse and we must insure that in no way does that get diluted by people who join the bandwagon for their own benefit. ■

Martin E. Friedlander P.C. is a firm specializing in matrimonial matters in both secular courts and Beis Din. Martin E. Friedlander, Esq. is a musmach of Yeshiva Torah Vodaath, received Semicha (Rabbinical Ordination) from Rav Pam, zt"l, and is a Talmud of Rav Yisroel Belsky, Shlita. He is a graduate of Brooklyn Law School and has lectured extensively on matrimonial matters. He is also the former Co-Chair of the Family Law Section of the Brooklyn Bar Association.

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