



Commentary

MOTHERS FACE CIVIL RIGHTS CRISIS IN THE FAMILY COURTS – UNITED STATES DEPARTMENT OF JUSTICE MUST INVESTIGATE

Is it of any wonder that in such a toxic environment a judge can trample upon a mother's civil rights to self-determination to feed her infant from her own breast?



Amy Neustein, Ph.D.
February 16, 2023

Share: [f](#) [t](#) [in](#) [r](#)

Earlier this month, *The Washington Post* ran a headline story about a Virginia judge who ordered a mother to stop nursing her four-month-old infant daughter so that the father, who abandoned the mother right before the child's birth, could have visitation four days a week at his home and soon be awarded overnights and weekends. The judge gave the mother the option of expressing her milk when she sent her baby on liberal visitation to the father. Anyone who has breastfed knows that once the baby stops nursing, even temporarily, the mother's milk production eventually slows down until it ceases altogether. Similarly, infants cannot easily swing back and forth between the breast and the bottle. This leaves a nursing infant unable to draw milk from a bottle. When infants come back from those long visits with their fathers, traces of blood can be seen in their diapers from dehydration as the infant was unable to take its mother's expressed milk from the bottle.

Mothers' protestations against such draconian arrangements have no effect on the court: the goal is to habituate the infant to the father – even a violent father who has deserted his partner during her pregnancy – so that his petition for full custody of his child will be subsequently granted. This is a clever stratagem devised by men's rights groups that trumps biology. In essence, the court artificially creates a "primary caretaker" role for the father – wrenching a nursing infant from its mother soon after its birth – so as to award him sole custody of the infant. In fact, a whole new field of litigation "specialists" who solely represent fathers in custody cases involving *nursing* infants has emerged to outpace Mother Nature. In so doing, they have twisted, contorted, and demoralized motherhood – accusing mothers of "weaponizing" breastfeeding.

Those who study the courts were not surprised by this Virginia judge's ruling. Starting back in the mid 80s women whose husbands sued them for custody lost 70% of the time. Feminist author Phyllis Chesler pointed this out in her seminal book, "Mothers on Trial." Later, other works corroborated those hapless findings. For forty years mothers have been stripped of custody of their children, and many have lost visitation privileges altogether. In the surreal world of family courts where combat rules are blurred and where court proceedings are duplicitous, mothers are vanquished. This is because the courts are rife with massive civil rights violations against mothers. For example, mothers are threatened with contempt of court if they try to enter credible evidence of sexual abuse against the father. Mothers are threatened by trial court judges that they will never be allowed to have their children for an overnight if they don't withdraw their appeals. Mothers are retaliated against with the loss of custody and visitation if they avail themselves of the police and the child protective services to report abuse by the father. Adding to the misogynistic climate of the courts are the popular mental health theories throwing every woman to the ground, ascribing to her the worst of moral intention if she tries to protect her child from abuse. Is it of any wonder that in such a toxic environment a judge can trample upon a mother's civil rights to self-determination to feed her infant from her own breast?

The United States Department of Justice has a civil rights division. Why not avail ourselves of the full force of the DOJ to clamp down on the putrid conditions of the family courts? Every mother who has lost custody has a court record to show massive deprivations of her due process rights. To recap, she cannot present evidence without fear of being arrested; she cannot see her child unless she pays hundreds of dollars a week to a court-contracting visitation center to provide "supervision" when her only crime was to have reported credible sexual abuse by the father; she cannot nurse her offspring in a natural way, often swelling up with milk waiting anxiously for the father to bring back her baby from his overnight visitation; and she cannot appeal the flagrant civil rights violations in the trial courts for fear of not seeing her children. The courts have devolved into a shameful RICO enterprise and the mothers have become its casualties. It's time for the DOJ to march into the family courts and rescue the children. Women deserve better.

About the Author: Amy Neustein, Ph.D., co-author, *From Madness to Mutiny, 2nd Edition*, Oxford University Press, forthcoming