Abuse Case Tests Ohel’s Adherence To Reporting Laws

Counselors, higher-ups at Brooklyn social service agency grapple with reporting of abuse to secular authorities. An inside look at an agonizing treatment process involving a mother and her young son.

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As the story of child sexual abuse in the Orthodox community has unfolded over the last several years, the issue of when, and even whether, to report such allegations to law enforcement has emerged as perhaps the most important and the most complicated.

One of the focal points of this debate — report to secular authorities or deal with the problem from inside the community — has become Ohel Children’s Home and Family Services, a social service agency based in Brooklyn. Ohel has earned high praise in the community for the services it provides for foster children. Its work dealing with sexual abusers, however, is much more controversial, with many advocates and observers accusing the agency of functioning in a way that does more to protect the reputation of the community than the safety of its children.
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So when a distraught young haredi woman entered counseling at Ohel in 2008 and soon after revealed that she “may be” sexually abusing her own young son, her case would test Ohel — and its adherence to mandatory reporting laws — and expose the agency’s problematic role in this issue perhaps as never before.

The Jewish Week pieced together the timeline of the woman’s case over the course of several months through interviews with people who had intimate knowledge of the case. Some were involved, in one way or another, in treating the woman; others were told about the events either as they were unfolding or shortly after they happened. All but one asked for anonymity because of the sensitive nature of the case or their ongoing relationships with Ohel.

Ohel declined to comment on the case, citing the fact that “like all other social service agencies, hospitals, physicians, and therapists, [Ohel] is subject to various state and federal confidentiality requirements.”

The thirty-something mother initially sought counseling at Tikvah, a branch of Ohel on Kings Highway, because she was suffering in an abusive marriage and overwhelmed by the demands of parenting. But her problems didn’t end there. Once in therapy, the woman also revealed a terrible secret: she had been molested as a child by her grandfather.

In addition to working on these issues with her therapist at Tikvah, the woman was also referred to a support group there, facilitated by a psychologist and a social worker, for female survivors of sexual abuse. It was in that group that she disclosed that she thought she “may be” sexually abusing her own 5-year-old son.

Understandably, the other women in the group were both shocked and angered by this disclosure. While the mother claimed to be unsure about her own behavior, her comment was certainly cause for concern and, many in the group believed, a report to the Administration for Children’s Services (ACS), the city agency charged with investigating such matters. Under New York State law (other states define mandated reporters differently), people designated as mandated reporters — a list that includes social workers, psychologists, mental health counselors and mental health professionals — are required to make a report when, in their professional capacity, they have “reasonable cause to suspect a child is being abused or maltreated.” To the women in the group and those running it, this seemed to qualify as such a case.

The support group leaders promptly consulted with their Ohel supervisor, Hillel Sternstein, who dismissed the woman’s statement, positing that, as a result of her own traumatic past, she was likely suffering from delusions. No report was made.

Sometime after she began treatment, the woman’s son also began individual treatment at Tikvah. Indeed, it seems that despite the woman’s disclosure to the group, her son was brought to treatment not because of her possible abuse of him, but because she discovered he was being molested by a young male relative — something some at Ohel also felt merited a report to ACS. The supervisor overseeing this case, however, deemed a report unnecessary, according to someone knowledgeable about the boy’s case.

Over the course of many weeks, based on additional disclosures by the mother that she was touching and becoming sexually aroused by her son, counselors and their supervisors at Tikvah came to realize that sexual abuse was in fact taking place. Once again, despite their obligation to report the case under the law, a decision was made not to do so. Instead, those involved in the woman’s case, supervised and led by Sternstein, developed a “family safety plan,” which involved making the father responsible for monitoring the mother’s behavior around their son.

Underlying this decision seemed, in part, to be the fear that reporting the woman to ACS could have resulted in the child’s removal from the home. This was of particular concern here, as the mother herself had been removed from her home as a child and had repeatedly expressed to at least one person involved in her case that she would “kill herself” if her child were taken away from her.

After some time, however, because of what they came to see as a dysfunctional family situation, the counselors and supervisors determined that the safety plan was not viable and made a decision to report the abuse. This was viewed as a welcome development by some members of the team, who had begun privately to question the feasibility of the safety plan and the prior decision not to report, but who were also frightened to take it upon themselves to call ACS — an act they felt would be viewed as a subversion of their supervisor.

Before making the report, however, Sternstein told the team he would run the decision by Ohel attorney and quality control officer, Adam Lancer — standard Ohel protocol, claim several people familiar with its practices.

A few days later, according to Dr. Asher Lipner — a clinical psychologist who worked at Ohel for nine years — Sternstein notified the team that, based on feedback from Lancer, the team should not make a report. No further explanation was given. (Lipner, who now has a private practice and treats survivors of abuse in the Orthodox community, was the only person among several with direct knowledge of the case willing to speak about it for attribution.) Lancer did not respond to an e-mail about the case. Calls to Sternstein for comment were not returned.

Some members of the group agonized about this turn of events, feeling confused about the reasons for the decision but powerless to act against it; at this point, they feared that, given the lawyer’s directive, reporting could possibly cost them their jobs.

According to Dr. Michael Salamon, the director of the Adult Development Center in Hewlett, L.I., and a prominent psychologist in the Orthodox world, it is not uncommon for psychologists who work in large agencies to find themselves faced with such dilemmas.

“There has been a lot written on the subject of supervision which details the conflicts that arise between a supervisee, the supervisor and the agency they work for,” Salamon told The Jewish Week. “Goals at all three levels are not necessarily the same, supervisees often feel overburdened, even intimidated. As a result, expectations and deciding exactly how to handle things are not always clearly explained or understood.”

As it turned out, however, the issue quickly became moot as, about a week later, the woman suffered a nervous breakdown and was admitted to a hospital in the tristate area. Word of the woman’s hospital admission made it back to Ohel. Members of the team were told by Sternstein that the woman had disclosed the abuse of her son to hospital staff, and also that she had been in treatment at Tikvah. Sternstein also told team members not to talk to ACS — which was said
to be conducting an investigation into the case — if they were contacted by the agency; they were told instead to refer any inquiries to a supervisor or Ohel’s attorney.

The child stopped coming in to Tikvah for treatment. The Jewish Week was unable to determine the fate of the boy but did confirm that he was not removed from the home or put into foster care by ACS.

It is unclear whether ACS did in fact contact Ohel about the case, or investigate it at all. Elysia Carnevale Murphy, a spokeswoman for ACS, told The Jewish Week that it is not “possible for someone at ACS to respond to [questions about] the specific case you are looking into,” adding that “[while] we are very committed to transparency, we are also committed to upholding the laws around confidentiality.”

While this case may be the only one that has come to The Jewish Week’s attention to date of Ohel apparently acting in violation of mandatory reporting laws, the agency has long played a role in the handling of sex abuse that, while technically legal, many advocates and observers believe has put the community’s children at serious risk: treating known sexual abusers who have not been reported to law enforcement and whose proclivities are protected from being made public by confidentiality laws, should they drop out of treatment.

A 2000 Jewish Week article, entitled “Treating the Offenders,” described Ohel’s sex offender treatment program, which was started in 1997 in conjunction with the Brooklyn District Attorney’s office. Through the program, Ohel treated Orthodox sex offenders who had been sent to them by the court as well as “those whom the community pressured to seek help without notifying authorities.”

That formal program no longer exists — Ohel pulled the plug on it in about 2003, due to concerns about insurance coverage and potential liability, according to Brian Leggiere, who at one point ran the program. But information obtained by The Jewish Week indicates that Ohel continued to offer treatment at Tikvah to self-confessed molesters who were not court mandated as recently as late 2009.

(It is unclear whether Ohel has since stopped this practice. In response to a direct question about whether the agency currently treats self-confessed abusers who have not been reported, Ohel spokesman Derek Saker said, “[W]hen Ohel receives an inquiry on services for offenders not in the criminal justice system, Ohel provides information on private practitioners who may provide such services.”)

In 2009, The Jewish Week reported on the case of Stefan Colmer, who had been “sent” by rabbis to treatment at Ohel after he was discovered to have been sexually abusing boys in his Brooklyn neighborhood. Because neither the victims nor anyone else with knowledge of the situation reported Colmer to law enforcement at that time, his treatment at Ohel was not court mandated and thus considered voluntary. Further, because of confidentiality rules, the therapist treating Colmer was prohibited by law from notifying anyone in the community about the danger he posed to children unless Colmer signed a release or disclosed to the therapist that he was currently abusing or had serious thoughts of abusing a specific child (such information allows for the breach of confidentiality rules).
This meant Colmer could drop out of treatment at any time without suffering legal or social repercussions. And he did just that, ultimately going on to molest what police believe may be as many as 12 other boys, two of whom ultimately filed charges.

Another such case involves Emanuel Yegutkin, who was arrested in January 2009 on charges of child molestation and endangering the welfare of a child and is currently awaiting trial. At the time of his arrest, Yegutkin, then 30, was a principal at Elite High School, a private Jewish school in Bensonhurst. According to several sources close to Ohel, Yegutkin — who also worked as a camp counselor and volunteer Hatzolah medic — had been seen at Ohel for this issue prior to his arrest, apparently referred there by a rabbi in the community.

The fact that Ohel made a practice of treating unreported sexual abusers — instead of guiding referring rabbis to report to law enforcement — is something many advocates and observers find troubling, particularly given the context in which Ohel operates. In the ultra-Orthodox community, where most people do not report for fear of being branded an “informer,” because rabbis have instructed them not to and/or to avoid the social stigma of being a “victim,” therapy, these observers say, is one of the only means employed to deal with molesters.

Add to this the fact that therapists are bound (with some important exceptions) by confidentiality and it becomes clear that treating self-confessed abusers who have not been reported means there is likely to be a potentially dangerous lack of oversight and accountability in the treatment process.

This view seems to find support from The Association for the Treatment of Sexual Abusers, an international, multi-disciplinary organization dedicated to preventing sexual abuse that has 3,000 members. A position paper put out by the Association notes that it “supports the position that treatment of sex offenders does not replace a criminal justice response, but rather is one of several tools society can use in designing effective sentences for offenders. Treatment can be combined with other criminal justice responses such as probation, jail, incarceration, as well as community monitoring and supervision.”

None of this, of course, directly applies to the case of the mother, who did not come into treatment as a known molester and whose disclosures while in therapy clearly created a situation that would mandate a report, according to Charles Carson, assistant deputy counsel at the New York State Office of Children and Family Services, the agency that supervises ACS.

“A mandated reporter situation [certainly] comes into play,” Carson told The Jewish Week, “when either the child comes before the mandated reporter, or the parent, guardian or other person who is responsible for the child comes before the mandated reporter, in the reporter’s professional or official capacity, and provides information that creates reasonable cause to suspect that a child was abused or maltreated.”

Despite meeting these criteria, Ohel did not make a report, something that seems to contradict Ohel’s public statements.

“We comply with NYS mandated reporting requirements and are regularly audited by various city, state, and federal licensing and contract agencies regarding our provision of services to clients,” Saker, the Ohel spokesman, told The Jewish Week in an e-mail message. In an earlier, joint interview with Dr. David Pelcovitz (who co-edited a book with Ohel CEO David Mandel on sexual abuse in the Orthodox community), Mandel echoed this statement.

Jerry Schmetterer, a spokesman for the Brooklyn DA’s office, told The Jewish Week that, while he could not comment on this particular case without knowing all of the facts, “[The DA’s office has] investigated cases of failure to report and we’ve brought charges [against others] in the past. We certainly take any allegation of any crime seriously. We never dismiss anything out of hand. [If we had allegations of a failure to report], we would pursue it; we would look into it.”

The Brooklyn DA was Ohel’s partner in its now-defunct sex offender treatment program and currently partners with Ohel, among other agencies, on Kol Tzedek, a hotline the DA set up in 2009 to encourage victims of sex abuse in the Orthodox community to report abuse to law enforcement.

According to Carson, of the Office of Family and Children’s Services, in addition to potential criminal liability, a mandated reporter who fails to report under the required circumstances could be held civilly liable for any “proximate damage” caused by the failure to report (in this case, proximate damage would be the continued abuse of the child). If the mandated reporter is employed by a licensed state agency, the failure to report could also be a violation of the agency’s statutory responsibility.

Regardless of the law, the fact that Ohel did not report the case of the mother comes as little surprise to some, given its unique position standing in a sense between the community and law enforcement.

 “[Ohel] is the group in the community that works with children, with survivors and with abusers,” Rabbi Yosef Blau, mashgiach ruchani (spiritual adviser) of Yeshiva University’s Rabbinical Elchanan Theological Seminary and a longtime advocate for abuse survivors, told The Jewish Week referring to the mother’s case as well as others of which he has knowledge.

“They have been the point men for the community [on this issue] and they have accepted the approach of the community, which is never to go to the police. They endlessly [hide] behind technicalities,” Rabbi Blau continued.

“Because [Ohel is] an agency that does wonderful things for children,” Rabbi Blau added, referring to the homes and services Ohel provides for foster children, it is not an agency he would like to see disappear. However, with respect to the handling of child sexual abuse, Rabbi Blau believes that Ohel “is the problem, in a nutshell. They [have shown that they are] not able to deal with the situation that they are legally required and morally required [to deal with]. The workers are all sincere people,” the rabbi added. “Solutions [to the current problem] would involve changing [Ohel’s] leadership. [And] you will know there’s change when they start reporting.”

Despite the particular issues at play in the Orthodox world, some observers see Ohel’s behavior in general — and in the case of the mother and her little boy specifically — as reflective of society’s approach to this issue more generally.

“This is a paradigmatic story of how we deal with child sex abuse in the United States, and also another example of the inadequacy of New York’s reporting laws,” said Marci Hamilton, a professor at Cardozo School of Law and a prolific writer and speaker on the issue of clergy sex abuse.

“At every level, the adults protected adult interests. While the adults dithered in their own interest, this young child was left to fend for himself. It is tragic, and all too predictable.”
