

2 win custody, but son has vanished

By STEWART AIN and DONALD FLYNN

"The system stinks," a 21-year-old Long Island mother complained yesterday as she and her husband continued a frustrating search for the 2-year-old son they won back in a custody battle, but who has vanished with his adoptive parents.

"We have no idea where they are or where the baby is," said Debbie Gardner Russini of Westbury, L.I., who has made the story public because she said she doesn't know what else to do. Sunday was the second birthday of her missing son, whom she and her husband, Anthony, know as Anthony Joseph Russini Jr.

The missing boy was named Matthew Jason Smiley by his adoptive parents, Barry and Judith Smiley, formerly of Jamaica Estates, Queens, who quit their jobs, sold their home and vanished when ordered to return the child to the Russinis.

The poignant story began March 8, 1979, when Debbie gave birth while unmarried and put up the child for adoption. She says that although she did not want to give up the child, she was under pressure from her parents at the time.

DEBBIE AND THE CHILD'S father married the following September, and by then already had launched a legal battle to get the child back. Russini argued that, as the legal father, his permission was needed for adoption and that he never gave it.

In November 1979, Queens Family Court Judge Kevin Fogarty ruled that the Smileys must surrender the child, even though it was "a great tragedy" for all concerned. The Smileys lost appeals to the Appellate Division and the state Court of Appeals and were directed to hand the child over on June 6, 1980.

"When we got to the (Smileys') house to pick up the child, there was nobody there," Debbie said yesterday. "I was shocked and angry."

Smiley, a former assistant deputy director of the city's Department of Personnel, and his wife, who worked for the city's Department of Labor Relations, had sold their home, quit their jobs and vanished.

The Russinis hired private investigators, who traced the Smileys to Israel and then back to the United States, but the whereabouts of their son and his adoptive parents is not known now. An arrest warrant has been issued for the Smileys.