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# Psychologist faces official complaint

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State regulators have filed a seven-count complaint against a Barrington psychologist who sometimes testifies in McHenry County divorce cases, alleging gross negligence and unethical conduct.

Daniel DeWitt, a licensed clinical psychologist, has been listed with the McHenry County Bar Association since at least 1999 as an expert available to conduct child-custody evaluations.

But two Woodstock women, a woman with a divorce case in Lake County, and the Illinois Department of Professional Regulations said DeWitt failed to report allegations of abuse and was negligent in his recommendations that fathers be awarded custody of their children.

DeWitt has denied the allegations.

DeWitt's attorney, Barbara Weiner, said the allegations made against her client are nothing more than a well-orchestrated effort from bitter mothers who lost custody battles.

"I have no doubt that once the hearing is held, it will become clear that Dr. DeWitt did an outstanding job and no action should be taken against him," Weiner said.

DeWitt has filed a 12-page written response denying the allegations and requesting that the complaint be dismissed.

Annette Zender of Woodstock said her dealings with DeWitt have been a nightmare. She said she has not been able to see her 12-year-old daughter, who now lives only 20 miles away, since one supervised visit last summer.

"I am going through hell trying to get my daughter back," she said.

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In September 2001, DeWitt recommended that the girl's father be awarded custody despite allegations against the father of sexual and physical abuse, which state regulators said DeWitt ignored in his evaluation.

**Zender**, a licensed foster parent, said she was awarded sole custody of her daughter in Minnesota after lengthy litigation in 1997. She then lost custody about three years later when the case moved to Lake County, which **Zender** said was a result of DeWitt's evaluation.

**Zender** suggested that some psychologists, such as DeWitt, recommend the parent with the bigger bank accounts are awarded custody for their personal financial benefit. State investigators did not make that allegation.

"We're not loser, bust-out mothers," **Zender** said. "We were primary caregivers before the litigation and we're all of the sudden no longer fit to be caregivers?"

In **Zender's** case, Mary Doherty, chief of health-related prosecutions for the Illinois Department of Professional regulations, said DeWitt ignored several pieces of evidence when he conducted his evaluation.

Doherty said DeWitt failed to address multiple reports of violent behavior with regard to the father, including affidavits from the father's co-workers about his violent conduct and Illinois Department of Children and Family Services reports about allegations of emotional, physical and sexual abuse.

**Zender** said she believes the problem of faulty custody evaluations is a statewide issue that is seriously affecting the lives of children. She said judges often place blind faith in such evaluations to determine custody.

"They have all the weight in the world. [Judges] negate all of the evidence and go right to the back page and see what the recommendation is," she said.

Weiner disagreed and said **Zender** and parents like her are doing a disservice to the courts. The attorney said she has represented many health-care providers whose reputations are sullied by false allegations.

"Mrs. **Zender** received a full hearing represented by an attorney and a judge who heard all the evidence including whatever witnesses Mrs. **Zender** wanted to represent and [a judge] reached an informed conclusion," Weiner said.

"Mrs. **Zender** appears to have made it her personal mission to file complaints against all the professionals involved in this case and has worked hard to defame them when each of them were carrying out their duties in a professional manner," she added.

Weiner also said the Department of Professional Regulations failed to recognize that divorce cases are scrutinized by judges and involve angry parties who complain to anyone who will listen when rulings do not go their way.

Weiner said such actions have caused psychologists to shy away from performing custody evaluations because of future legal headaches.

"Well qualified people like Dan DeWitt have decided 'Why do custody evaluations?' And that is a shame," Weiner said.



The Illinois Department of Professional Regulations complaint charges DeWitt with engaging in unprofessional and unethical conduct, gross negligence and willfully failing to report instances of suspected child abuse. It wants a state board to suspend or revoke his license to practice psychology.

A spokesman for the department said DeWitt's case is scheduled for a hearing on Monday, but said he believed that hearing will be continued. Weiner said she believes that the case could last as long as a few years.

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