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'SHUT UP!' She can't discuss custody case with any third person, including this newspaper

By [Art Peterson](#)
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A Lake County judge had two words for Annette Zender on Wednesday: Shut up.

She believes that court's demand violates her constitutionally protected right of free speech and is the only way the local family court system can fend off her complaints.

She says the court is systematically biased and has said so for years.

She has been at war with that system for nearly a decade, and she believes it has been at war with her.

Though the court order also demands silence from the lawyers and the father of Zender's child, she said Wednesday afternoon that she believes the court order is aimed mostly at stifling one person's political dissent — hers.

Associate Judge Joseph Waldeck issued the order through the Lake County Circuit Court.

Zender believes the order is threatened retribution to keep her from criticizing the courts' handling of her case in general and specifically from saying the name of her child in public.

In conversations with a News-Sun reporter and editor, she declined to say the child's name though she nodded affirmatively to confirm the spelling when she was shown the name on a piece of paper.

Zender and the girl's father, Thomas Boettcher of Minnesota, have been embroiled in furious proceedings in family courts for 11 years.

Zender initially had been granted full custody in Minnesota, but after moving to Illinois, Boettcher followed, gained sole custody for himself and was successful in having her cut off from visitation. He then moved back to Minnesota with the girl.


Waldeck's order bans both parents and their lawyers from "discussing this matter" while the case is pending "with any third person, including over the Internet, in a newspaper, magazine, television, radio or any public media."

The motion for the ban had been pushed by Boettcher's attorney, Norman Kurtz, and guardian ad litem, Gary Schlesinger of Libertyville.

Zender, a Woodstock resident, asked for time to talk with an attorney about how the order affects her right to free speech. Waldeck responded by repeating the order and telling her that a violation would be a criminal

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offense.

The order contends Zender has released the name of the girl and "it would seriously endanger the minor child's emotional and mental well-being should the matter continue to be publicized and if the child's name was mentioned."

Outside of court, Zender's friend Carroll White of Wadsworth said that neither Zender nor the organization she founded to help other mothers in similar situations, the Illinois Coalition for Family Court Reform, have ever released the daughter's name.

"We always try to keep the children out of it, to protect them," she said.

On her own Web page, Zender has posted messages, listing only the girl's first name or nickname, expressing her love and a mother's hope to see her again, White said, adding, "that Web page will be taken down today."

Zender has not seen or spoken to her daughter in five years though she fought continually to end the separation.

However, Zender and White contend it is preposterous to demand a biological mother not utter the name of her child. They further contend the order is aimed at Zender because she has spent much of this decade protesting what she sees as a fundamentally unfair system. She claims that as her right as a citizen and that the court is punishing her for it.

Zender "has done nothing wrong," White said. "She is just a mother trying to protect her child, who hasn't heard her voice in five years."

White added: "They're trying to put her in jail, as they've done to others in Lake County. They want to shut us mothers up for good, but we won't go away."

White is familiar with child custody proceedings, having gone through the process herself. She has retained an attorney, she said, in case the courts "retaliate" against her for speaking on Zender's behalf.

A Geneva-based attorney, Peter Storm, a well-known expert on First Amendment and constitutional law, when contacted by The News-Sun, said Waldeck "may be over-reaching with the gag order."

If the court kicked out the media from proceedings, Storm said, "that would be a much larger constitutional issue."

"Just because a proceeding involves a juvenile, that doesn't mean the court can automatically seal a proceeding just because they feel like it," he said. "There has to be a statutory basis."

In a separate order Wednesday, Waldeck approved payment, split between the parents, of a \$3,500 bill from Schlesinger.

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