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Also back on June 23 an inquiry was made to the state about the case with the following response: “Due to confidentiality requirements in Sections 48.78 and 48.981(7) of Wisconsin State Statutes, the Department of Children and Families cannot confirm or deny if this family has been involved in any child welfare investigations or provide any information about a specific child or family.”

Insight

Michael and at least one person in law enforcement, who did not want to be identified, have notified the Record it is their perception that in addition to the criminal investigation against Smith and Falkner, there has been an another investigation into whether the system meant to protect Zoey worked properly.

The criminal complaint appears to lays out what appears to be compelling evidence possible abuse and possible justification for removing Zoey from the care of Smith and Falkner for her protection after all the reported injuries.

In the June 2022 “Child Protective Services Safety Intervention Standards” there is a section for “assessing child vulnerability” with nine categories of vulnerability: physical ability, intellectual ability, challenging behavior, powerless, defenseless, non-assertive, illness, invisible and age.

Under at least eight of the nine criteria (taking out invisible or “children no one sees”), Zoey would appear to have be classified as very vulnerable and which should have weighted in any decision about her living situation and care.

Elizabeth Champion, executive Director of Child Advocacy Centers of Wisconsin, works for a non-profit

that works with CPS and law enforcement for what she said, is the “best practices of investigating child maltreatment and minimizing trauma to the child.”

Champion said she is familiar with Zoey’s case but would not make direct comments on it.

“We need to remember that in most case removal from the family is not going to be beneficial,” she said. “Government is not the good parents. Basically foster care is a very dangerous place for children as well, so a lot of time they will screen in and work with the family to give them services to help keep their child in the house.”

It also appears that not every medical visit that could have raised a red flag resulted in a report to CPS.

Champion said there is the potential penalty of \$1,000 or six months in jail for a mandatory reporter not reporting but noted, “There would have to be concrete evidence that after a medical visit where there was concern for maltreatment and there had been no follow up with CPS,” she said.

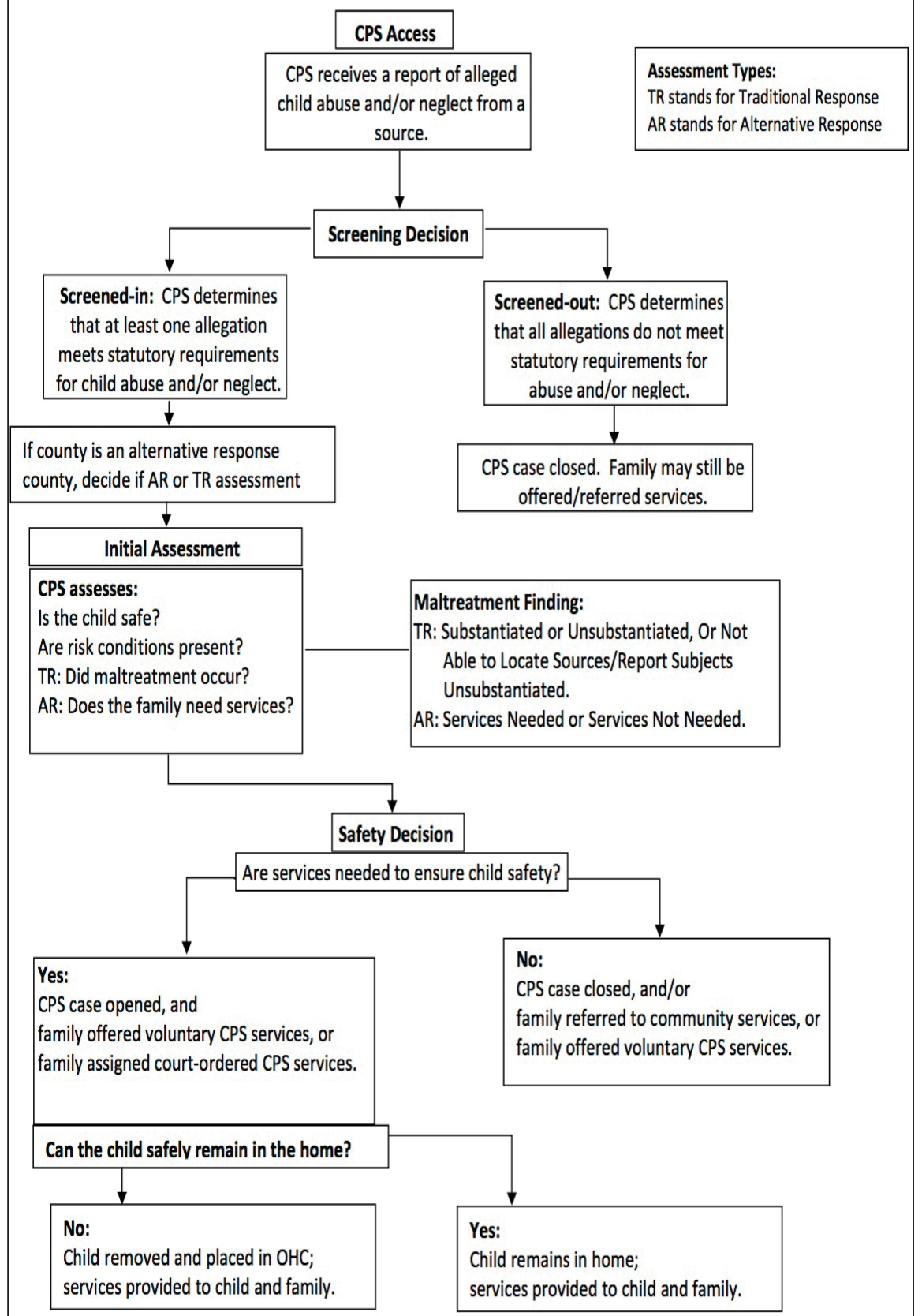
She also responded on how the media does tend to report the extremes of CPS cases where the system overreacts or appears to have not done enough, as possibly in Zoey’s case.

“No one wants to be accused of abuse, and no one want to really accuse people of abuse, but then you also need to recognize that it does happen and you don’t want to wait until it’s something as egregious as like a serious physical injury or death, so that’s kind of a struggle.”

Champion said having medical personnel trained in child abuse is critical for accurate reporting

“So there are definitely certain signs that if providers are trained to know more about abuse that they would refer to CPS ideally as mandated reporters,” she said.

An Overview of the CPS Process



This is a visual representation of the process Wisconsin Child Protective Services (CPS) uses for reports of alleged child abuse. WISCONSIN CHILD PROTECTIVE SERVICES



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