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Press Release

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**Four educators charged for failing to report suspected child abuse**

On the morning of August 11, 2016, a 12 year old boy was found near railroad tracks in Galien Township by a railroad worker. The boy lived nearby and had been reported missing the evening before.

Police took custody of the boy and placed him with the Department of Health and Human Services. As a result, the boy was examined by a physician who reported the boy weighed 47 pounds (substantially below the 5th percentile of boys his age in weight and height), was bruised, dehydrated and exceptionally skinny. Further, the physician found a cut lip, old cigarette burns and each rib was observable and well defined.

When interviewed the child told police his father and step-mother kept him from eating. He ran away because he “was tired being treated like a dog and he didn’t think he would reach his 13th birthday.” The physician confirmed that his condition was serious and life threatening.

An investigation led to child abuse, torture and other felony charges against his father, Aaron Zemke, and step-mother, Alicia Zemke. Earlier this year, both pled no contest to Child Abuse 1st Degree and each received a prison sentence of 20 to 80 years.

Through the course of the investigation and court process it was discovered the boy’s condition was noticed by school personnel at Three Oaks Elementary School as much as two years prior to his running away in August of 2016.

Michigan’s Child Protection Law (MCL 722.621, et. seq.; found here: [https://www.michigan.gov/documents/DHS-PUB-0003\\_167609\\_7.pdf](https://www.michigan.gov/documents/DHS-PUB-0003_167609_7.pdf)) requires certain individuals to report information to the Department of Health and Human Services if child abuse is suspected.

More specifically, pertinent parts of the law indicate the following:

- “Child abuse” means harm or threatened harm to a child’s health or welfare that occurs through non-accidental physical or mental injury, sexual abuse, sexual exploitation, or maltreatment, by a parent, a legal guardian, or any other person responsible for the child’s health or welfare...
- “Child neglect” means harm or threatened harm to a child’s health or welfare by a parent, legal guardian, or any other person responsible for the child’s health or welfare that occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care; or, placing a child at an unreasonable risk to the child’s health or welfare by failure of the parent, legal guardian, or other person responsible for the child’s health or welfare to intervene to

eliminate that risk when that person is able to do so and has, or should have, knowledge of the risk.

- An individual who has reasonable cause to suspect child abuse or neglect shall make an immediate report, by telephone (855-444-3911) to the Department of Health and Human Services. Those individuals who must report under this act are a physician, dentist, physician's assistant, registered dental hygienist, medical examiner, nurse, a person licensed to provide emergency medical care, audiologist, psychologist, marriage and family therapist, licensed professional counselor, social worker, licensed master's social worker, licensed bachelor's social worker, registered social service technician, social service technician, a person employed in a professional capacity in any office of the friend of the court, school administrator, school counselor or teacher, law enforcement officer, member of the clergy, or regulated child care provider.
- A notification to the person in charge of a hospital, agency, or school does not relieve the member of the staff of the hospital, agency or school of the obligation of reporting to the Department of Health and Human Services as required.
- And finally, a person who is required by this act to report an instance of suspected child abuse or neglect and who knowingly fails to do so is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

It is alleged that Heidi Clark, of Three Oaks, Three Oaks Elementary School principal; Matt Cook, of St. Joseph, Three Oaks Elementary School guidance counsellor; Diane Balling, of Michigan City, Indiana, Three Oaks Elementary School special education teacher; and Sherrie Bender, of Sawyer, Three Oaks Elementary School teacher; all had information, much of which was shared between them, that falls directly into the definitions noted above in relation to the boy's weight, aggressive behavior in obtaining food, and physical well-being over an extended period of time.

While in December of 2015 the Department of Health and Human Services was involved in investigating this situation, it is alleged there were several months before that no report was made by the four named above; and then subsequent to the DHHS investigation, there were observations made by the same four causing continued concern for the boy's health with no report to the Department. Thus, each is charged with two counts of Failing to Report Suspected Child Abuse or Neglect. Count 1 is for a time period during 2015 and count 2 for a period during 2016. All counts are 93 day misdemeanors.

Pre-trial conferences for the four are set for the week of June 5 in St. Joseph.

The Berrien County Sheriff's Department conducted the investigation.

The charges are merely accusations and the defendants are presumed innocent until proven guilty.

Press release available at County Web site:

<http://www.berriencounty.org/ProsecutingAttorney/pressreleases>