

Abuse or Discipline

Case 1: In Re. S.L. 2018-Ohio-1111

Scott is the adoptive father of G.L. (age 13), B.L. (age 8), S.L. (age 7), R.L. (age 9) and L.L. (4). On May 23, 2017, Logan County Children Services ("LCCS") received a referral from an Indian Lake School official regarding the possible physical abuse of S.L. The abuse referral stems from S.L. missing school on May 22, 2017 due to injuries she received from being punished by Scott.

When S.L. returned to school on May 23, 2017, a school official spoke with her and observed bruising on her arm and severe bruising on her back. S.L. advised the school official that she was spanked with a belt by Scott a couple of days prior. With that information, the school official immediately notified LCCS of the child's condition, which was received by Ryan Pratt ("Pratt") intake supervisor with LCCS. That same day, Pratt, and Detective Mike Brugler ("Det. Brugler"), of the Logan County Sheriff's office, contacted Scott at his residence. Initially, Scott advised Pratt that while he and his husband, Walt, do spank the children with a belt, he suggested that S.L.'s bruises were a result of her falling out of bed. However, after interviewing Scott, Walt and some of the children, Det. Brugler arrested Scott for felony child endangering. Upon Scott's arrest, Pratt contacted the Logan County Prosecutor's office seeking a temporary custody order of the five children.

After arresting Scott, Det. Brugler re-interviewed him at the Sheriff's office wherein Scott told Det. Brugler that he had spanked S.L. with a leather belt, administering approximately 8 strikes, but stopped due to S.L.'s squirming. Scott further stated during his interview with Det. Brugler that the day after the 'spanking', S.L. complained of back pain. Scott also told Det. Brugler that S.L. laid on the couch all day with ice on her back the day after his spanking and that he permitted her to stay home from school on Monday (two days after the incident), due to the injury to her back.

Dr. Hauersperger, a physician in the emergency department and urgent care unit with Nationwide Children's Hospital, stated that on May 23, 2017, S.L. was brought to the urgent care unit for a medical examination. During the examination of S.L., she found "a confluence of bruising in the lower back, lower thoracic and lumbar area here, and then she had multiple linear bruises that go up the back." Dr. Hauersperger stated that S.L.'s bruises were the result of "the striking of the skin with some sort of straight edge" and would not have been caused by S.L. falling out of bed. Dr. Hauersperger diagnosed S.L. with child physical abuse, otherwise known as non-accidental trauma. He stated that the location of the bruises, being from up on

the lower part of the chest wall and lower part of the back, are where the kidneys are located, so depending on the strength of the strike, there could be kidney injury.

On May 24, 2017, LCCS filed abuse and dependency complaints, with motions for the emergency temporary custody of the children, in the Logan County Juvenile Court. The complaints alleged S.L. to be abused and dependent and the remaining children to be dependent. That same day, the trial court granted LCCS's motions for emergency temporary custody of the children.

However, on July 18, 2017, LCCS filed an amended complaint as to L.L., alleging L.L. to be an abused child in addition to the original allegation of dependency. The amended complaint was filed after Scott's oldest child, G.L., the 13-year-old sister of L.L., spoke to Det. Brugler. G.L. testified that on one particular occasion, L.L., age 3, had wet himself while attempting to go to the bathroom by himself. G.L. testified that after the incident, Scott told her to give L.L. a bath and clean him up. While bathing him, G.L. noticed red marks on L.L.'s back from being spanked with a belt and red marks on his chest, which she claimed were from Scott pinching him. G.L. took photographs of the marks on L.L. with her iPad.

Case 2: In re KB

2003-Ohio-3784

Two-year-old K.B. was taken to Children's Hospital by her paternal grandparents and found to have a significant bruise on her buttocks estimated to be five to seven days old and a slight bruise and scratch on the side of her face estimated to be one to two days old.

The doctor stated that K.B. had multiple bruises on her body. K.B. had bruises on her right cheek, left upper abdominal area, symmetric bruises on her thorax (back), linear bruise on the back of her right arm, and a linear bruise on her buttocks. The bruise on the back of her right arm appeared it was a result of someone grabbing her. The symmetric bruises on her back with the mark on her left upper abdomen were in a pattern as if an adult had placed their hands around her thorax and squeezed or shook her. The bruises are not normal bumper zone bruises that are routinely seen on toddlers whether they are from common falls or from a bicycle accident.

The doctor described the bruise on K.B.'s buttocks as an "outline of a hand." He explained that such a mark is "made when a force is generated strong enough to break the capillaries between the fingers as blood is pushed away from the point of impact. The other bruises on

her body, while they did not have this patterned appearance, were concerning because of their location and I could not explain them as being accidental." The doctor gave his opinion that:

"Even though we live in a society in which corporal punishment is acceptable, this hit to K.B.'s buttocks was not within moderation as to have caused significant tissue damage to leave a bruise lasting days and causing prolonged pain. My assessment with K.B. of physical abuse was the fact she had multiple bruises in areas not typical of accidental injury as described. The bruise that was clearly from a hand was on her buttocks that shows K.B. was subjected to excessive force and had prolonged pain and suffering. Therefore, my final assessment was that the physical findings were consistent with physical abuse."

Mother initially claimed the bruises were from playing with older children. She then said that "Terry" disciplined the child.

Case 3: Collier v. Bayless, 2d Dist. Montgomery, 2018-Ohio-3922

G, age 10, was at the library with his father. He stated he was talking back to his father while he was studying. After he misspelled a word, Father hit him in the nose. G. started crying, his nose began to bleed, and he immediately went to the bathroom to clean himself up. G stated father has whipped G. several times in the past and had recently grabbed him by the throat and put him up against a wall. G. is scared of father. Father stated that he only slapped G across the face, and his nose did not bleed.

The third-party witness stated that after asking G. to stop "mouthing off" several times, Father struck G. lightly across the face. Vaughn testified that after the incident, the children finished their homework and got up to leave. The witness testified that G. was not bleeding and that he never got up to go the bathroom. As they were leaving, Vaughn observed that G. "was dancing going out" of the library after she had complimented him on his basketball shoes.