

ORIGINAL

The Supreme Court of Ohio

State of Ohio ex. rel.  
Stephanie Y. Clough,  
Relator

2014-1122  
Original Action in Mandamus

v.

Franklin County Children's Services, et. al.,  
Respondents

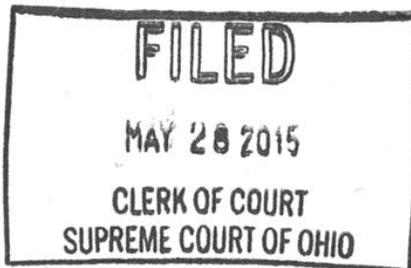
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Report of Special Master

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## REPORT OF SPECIAL MASTER

I was appointed pursuant to S. Ct. Prac. R. 12.10 as a Special Master for the purpose of reviewing the file which is the subject of this Mandamus action. That file is in the possession of Franklin County Children's Services (FCCS).

Prior to reviewing the file, I accessed this Court's public docket to review the pleadings in this case. Recognizing that access to the FCCS' file by other than necessary FCCS staff was the issue in this action, I have prepared this report from my notes being cautious to not disclose information asserted by FCCS to be confidential and not accessible within an exception to the confidentiality.

To arrange for an in-camera review of the file at the offices of FCCS at 855 West Mound Street, Columbus, Ohio, I left a voicemail on the general number for FCCS, identifying myself and requesting an appointment at a convenient time during normal working hours. I received a return voicemail from counsel for FCCS confirming an agreed time and offering to be available if I had questions. I declined the offer by return voicemail and then sent an email to both Relator and Counsel for Respondents confirming my planned review of the file on May 8th. I then received an email from the Relator asking if it was permissible for her to have a representative attend the in-camera review. I then responded by email jointly to Relator and Counsel for Respondents that I would be alone when I reviewed the file.

Prior to leaving my residence on May 8, 2015 to conduct the in-camera review, I checked the Supreme Court website and learned that Relator had filed an Emergency Motion in Opposition to Appointment of a Special Master earlier that morning. I proceeded with the file review I had been appointed to conduct notwithstanding Relator's filing.

I was met at the office of FCCS by legal assistant Erin Morgan, who provided me with a manila envelope marked "Clough 1866149". The envelope was stamped confidential. There were eighty-four (84) pages inside the envelope bound by a metal binder clip. The pages were otherwise not attached to each other. Ms Morgan confirmed the envelope contained the total file.

The outline of the file which follows was compiled from my notes taken on May 8th. The Report does not contain the entirety of these notes as a precaution against unintended disclosure of information alleged to be confidential.

I have referred to the file by page numbers one (1) to eighty-four (84), although the file had not been numbered in that manner by FCCS. However, since certain groupings of pages within the file were sequentially numbered I have noted those sub-sets of numbering when applicable.

Page one (1) of the file was a "To Whom It May Concern" letter. The letter asserted that the file was confidential and referenced R.C. 2151.421, 5153.17 and 5101.131. As are observation, those three code sections had been referenced in Respondent's Brief along with R.C. 3107.17.

Pages two (2) through six (6) consisted of JFS form 01441 (Rev. 02/2006), "Basic Intake Information". Those five (5) pages were numbered internally in the file as 1-5. The intake had occurred on June 24, 2009 shortly after 3:00 p.m.

Pages seven (7) through nine (9) consisted of JFS form 01647 (no Rev. date), "Case Detail". That portion of the file was numbered internally as 1-3. The intake history was in this portion of the file, although not in exact chronological order. That history repeated some of the Basic Intake Information contained on pages two (2) through six (6) of the file.

Pages ten (10) through nineteen (19) were described as "Family Assessment Detail". These pages were numbered internally as 1-10. This section of the file contained both demographic and historical information. This section ended with a signature page dated July 24, 2009, however no signatures were affixed.

Pages twenty (20) through twenty-four (24) were described as "Agency Safety Plan Screening" and were numbered internally as 1-5. This section of the file referenced a child interview and stated that mother had shown photos taken between June 21st and June 25th. It is likely this reference is to the copies of photos comprising pages eighty-three (83) and eighty-four (84) of the file.

Pages twenty-five (25) through fifty-four (54), inclusive, were numbered internally as 1-30 and entitled "Activity Log Report". The activity logs referenced in this section of the file span the time from June 25, 2009 through July 24, 2009. Some information was also included in this portion of the file from the Children's Advocacy Center (CAC), which had participated in the investigation of the allegations via interviews and certain physical exams. Please note pages sixty-five (65) through eighty-two (82) referred to later were the records received from CAC.

Page fifty-five (55) was a waiver from a required time-line to make contact on June 25th and June 29th, and can be described as an administrative document.

Pages fifty-six (56) and fifty-seven (57) consisted of copies of letters to the parents dated July 24, 2009 advising them that the claims of abuse were found to be unsubstantiated. Likewise, page fifty-eight (58) was a letter to the father only, apparently sent to satisfy a rule or regulation applicable in the cases.

Page fifty-nine (59) was a letter dated July 13, 2014 referencing a recommendation of counseling for the parents.

Pages sixty (60) and sixty-one (61) were notes from a written interview. Pages sixty-two (62), sixty-three (63) and sixty-four (64) reflected an exchange of faxes between the Broadview Heights, Ohio Police Department and FCCS which occurred between July 8th and July 19th, 2009.

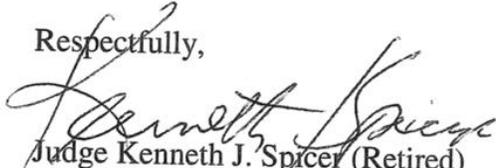
Pages sixty-five (65) through eighty-two (82) were seventeen (17) pages of documents from Child and Family Advocacy Center which reported the results of the previously referenced physical examinations and interviews.

Pages eighty-three (83) and eighty-four (84) each contained copies of four photographs (total of eight (8)) and probably are the same photos referenced under the Agency Safety Plan.

In summary, a review of the FCCS's file confirmed a report of suspected abuse was received, interviews took place, photos were provided and the Children's Advocacy Center (CAC) became involved. The Children's Services agency maintained Intake Information, Case Detail, Family Assessment Detail and a Safety Plan Summary. Activity logs were kept and constituted 30 of the 84 pages. There were conflicting accounts contained in the file as to what had occurred. The case was closed following the investigation with the determination that the report of abuse was unsubstantiated. The parents were advised of this by letter. My assignment was to review the file and report and I am not expressing any opinion or position as to whether the determination was correct or incorrect.

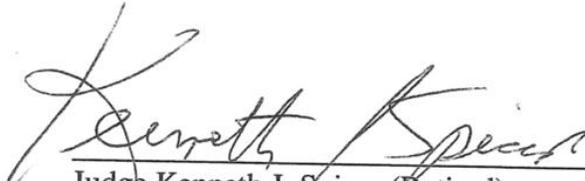
I thank the Court for appointing me to serve and I will take further action if directed to do so.

Respectfully,

  
Judge Kenneth J. Spicer (Retired)  
Serving as Special Master  
Attorney # 0016473

Certificate of Service

I hereby certify that on May 28, 2015 I served the foregoing upon all parties by regular U.S. Mail, postage prepaid.

  
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Judge Kenneth J. Spicer (Retired)

Serving as Special Master