

(Please use blue page numbers)  
(Upper right-hand corner)

THE STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

**RECEIVED**  
**Oct 02 2024**  
**SC Court of Appeals**

Appeal from Greenville County

Honorable G.D. Morgan, Jr.

Anthony Beasley, Individually and on behalf of the minor child, LB born 2014, Appellant,

v.

South Carolina Department of Social Services, South Carolina Department of Children  
Advocacy, Children's Advocacy Center of Spartanburg, Cherokee and Union Counties, Inc.,  
Defendants,

Of which South Carolina Department of Social Services, South Carolina Department of Children  
Advocacy are the Respondents.

Appellate Case No. 2024-000200

---

RECORD ON APPEAL

---

MELINDA INMAN BUTLER  
Butler Law Firm, LLC  
211 E. Main Street  
Union, South Carolina 29379  
(864) 427-8805  
Attorney for Appellant

STEPHANIE HOLMES BURTON  
Gibbes Burton, LLC  
308 E. St. John St.  
Spartanburg, South Carolina 29302  
(864) 327-5000  
Attorney for Respondents

W. MCELHANEY WHITE  
Holcombe Bomar, PA  
PO Box 1897  
Spartanburg, South Carolina 29304  
(864) 594-5300

(Please use blue page numbers)  
(Upper right-hand corner)

INDEX

Order filed January 16<sup>th</sup>, 2024..... 1

Motion to dismiss of Defendant filed November 20<sup>th</sup>, 2023.....4

Motion to dismiss of Defendant filed December 19<sup>th</sup>, 2023.....6

Complaint of Plaintiff filed October 4<sup>th</sup>, 2023.....8

STATE OF SOUTH CAROLINA  
COUNTY OF Greenville  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE

CASE NO. 2023CP2305153

Anthony Beasley et al  
PLAINTIFF(S)

Social Services South Carolina Department Of et al  
DEFENDANT(S)

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  Rule 43(k), SCRPC (Settled);  
 Other
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j), SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  
 Other
- STAYED DUE TO BANKRUPTCY**
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  
 Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order (formal order to follow)  Statement of Judgment by the Court:

See page 2 below

**ORDER INFORMATION**

This order  ends  does not end the case.  See Page 2 for additional information.

**For Clerk of Court Office Use Only**

This judgment was electronically entered by the Clerk of Court as reflected on the Electronic Time Stamp, and a copy mailed first class to any party not proceeding in the Electronic Filing System on 01/12/2024 .

NAMES OF TRADITIONAL FILERS SERVED BY MAIL

**Court Reporter:**

**E-Filing Note:** The date of Entry of Judgment is the same date as reflected on the Electronic File Stamp and the clerk's entering of the date of judgment above is not required in those counties. The clerk will mail a copy of the judgment to parties who are not E-Filers or who are appearing pro se. See Rule 77(d), SCRPC.

---

This matter is before the Court on Defendants' South Carolina Department of Social Services and South Carolina Department of Children's Advocacy Motion to Dismiss. Based on a review of the file, the submissions of the parties, and oral argument, the motions are GRANTED IN PART AND DENIED IN PART. As to the 2nd cause of action for negligence, the plaintiff is not entitled to recovery for simple negligence under the South Carolina Tort Claims Act and must prove gross negligence. As to the 5th cause of action, the plaintiff is not entitled to recover for intentional infliction of emotional distress. See S.C. Code Ann. Section 15-78-30(f). Finally, the South Carolina Tort Claims Act does not allow recovery for punitive damages. See S.C. Code Section 15-78-120. As to the remaining causes of action, the allegations, viewed in the light most favorable to the plaintiff, are sufficient at this stage to survive a Rule 12(b)(6) motion to dismiss. Doe v. Marion, 373 S.C. 390 (2007).

Therefore, the motions are granted as to the 2nd and 5th causes of action and as to punitive damages.

It is so Ordered.



Greenville Common Pleas

**Case Caption:** Anthony Beasley , plaintiff, et al vs. Social Services South Carolina  
Department Of , defendant, et al  
**Case Number:** 2023CP2305153  
**Type:** Order/Electronic Form 4

So Ordered

G.D. Morgan Jr.

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS

Anthony Beasley, individually and on behalf )  
of the minor child, LB born 2014, )

C.A. No. 2023-CP-23-05153

Plaintiffs, )

**MOTION TO DISMISS OF  
DEFENDANT SOUTH CAROLINA  
DEPARTMENT OF SOCIAL  
SERVICES**

v. )

South Carolina Department of Social )  
Services, South Carolina Department of )  
Children’s Advocacy, Children’s Advocacy )  
Center of Spartanburg, Cherokee, and Union )  
Counties )

Defendants. )  
 )  
 )

TO: PLAINTIFF ANTHONY BEASLEY AND HIS ATTORNEY MELINDA I. BUTLER:

Defendant South Carolina Department of Social Services moves the Court for an order dismissing Plaintiff’s claims against it pursuant to Rules 12(b)(5) and 12(b)(6) of the South Carolina Rules of Civil Procedure. This motion is made upon the following grounds:

1. Plaintiff fails to state a legally cognizable claim against SCDSS because SCDSS does not owe Plaintiff any duty as described in Plaintiffs’ Complaint.
2. Plaintiff’s claim for simple negligence is not actionable under the South Carolina Tort Claims Act.
3. Defendant SCDSS is entitled to absolute privilege as a matter of law concerning alleged defamatory matters either published by SCDSS in the performance of its official duties or contained in pleadings filed by SCDSS in any underlying Family Court action.

4. Plaintiff's claim against Defendant SCDSS for outrage is barred by the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.* and must be dismissed as a matter of law.

5. Plaintiff's prayer for an award of punitive damages and attorney's fees against Defendant SCDSS is barred by Section 15-78-120 of the South Carolina Tort Claims Act and must be dismissed as a matter of law.

6. Plaintiff's claims are barred by res judicata and/or collateral estoppel.

7. Defendant South Carolina Department of Social Services is entitled to an Order of this Court dismissing Plaintiff's claims against it as a matter of law.

This motion is based upon the pleadings filed in this action and applicable common and statutory law.

s/Stephanie H. Burton  
Stephanie H. Burton (#13089)  
Gibbes Burton, LLC  
308 East St. John Street  
Spartanburg, SC 29302  
sburton@gibbesburton.com  
Telephone: 864-327-5000  
Facsimile: 864-342-6884

*Attorneys for Defendant South Carolina  
Department of Social Services*

November 20, 2023

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF GREENVILLE )

IN THE COURT OF COMMON PLEAS

Anthony Beasley, individually and on behalf )  
of the minor child, LB born 2014, )

C.A. No. 2023-CP-23-05153

Plaintiffs, )

**MOTION TO DISMISS OF  
DEFENDANT SOUTH CAROLINA  
DEPARTMENT OF CHILDREN'S  
ADVOCACY**

v. )

South Carolina Department of Social )  
Services, South Carolina Department of )  
Children's Advocacy, Children's Advocacy )  
Center of Spartanburg, Cherokee, and Union )  
Counties )

Defendants. )

TO: PLAINTIFF ANTHONY BEASLEY AND HIS ATTORNEY MELINDA I. BUTLER:

Defendant South Carolina Department of Children's Advocacy moves the Court for an order dismissing Plaintiff's claims against it pursuant to Rules 12(b)(5) and 12(b)(6) of the South Carolina Rules of Civil Procedure. This motion is made upon the following grounds:

1. Plaintiff's Complaint fails to state facts sufficient to constitute any cause of action against the South Carolina Department of Children's Advocacy.
2. Plaintiff fails to state a legally cognizable claim against SCDCA because SCDCA does not owe Plaintiff any legal duty.
3. Plaintiff's claim for simple negligence is not actionable under the South Carolina Tort Claims Act.
4. Defendant SCDCA is entitled to absolute privilege as a matter of law concerning any alleged defamatory matters either published by SCDCA in the performance of its official

duties or contained in documents filed by any guardian ad litem in any underlying Family Court action.

5. Plaintiff's claim against Defendant SCDCA for outrage is barred by the South Carolina Tort Claims Act, S.C. Code Ann. § 15-78-10, *et seq.* and must be dismissed as a matter of law.

6. Plaintiff's prayer for an award of punitive damages and attorney's fees against Defendant SCDCA is barred by Section 15-78-120 of the South Carolina Tort Claims Act and must be dismissed as a matter of law.

7. Plaintiff's claims are barred by res judicata and/or collateral estoppel.

8. Defendant South Carolina Department of Children's Advocacy is entitled to an Order of this Court dismissing Plaintiff's claims against it as a matter of law.

This motion is based upon the pleadings filed in this action and applicable common and statutory law.

s/Stephanie H. Burton  
Stephanie H. Burton (#13089)  
Gibbes Burton, LLC  
308 East St. John Street  
Spartanburg, SC 29302  
sburton@gibbesburton.com  
Telephone: 864-327-5000  
Facsimile: 864-342-6884

*Attorneys for Defendant South Carolina  
Department of Children's Advocacy*

December 19, 2023

STATE OF SOUTH CAROLINA )

COUNTY OF GREENVILLE )

Anthony Beasley, individually and on behalf of )  
the minor child, LB born 2014, )

Plaintiffs, )

vs. )

South Carolina Department of Social Services, )  
South Carolina Department of Children )  
Advocacy, Children's Advocacy Center of )  
Spartanburg, Cherokee and Union Counties, )  
Inc. )

Defendants. )

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT  
Case No. 2023-CP-23-\_\_

**SUMMONS**

TO THE DEFENDANTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at 211 E. Main Street, Union, SC 29379 within thirty (30) days after service hereof exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Butler Law Firm, LLC

s/Melinda Butler

Melinda I. Butler, Attorney

SC Bar No. 78040

211 E. Main Street Union,

South Carolina 29379

melinda@butlerservingjustice.com

Union, South Carolina  
October 4, 2023

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS  
THIRTEENTH JUDICIAL CIRCUIT  
Case No. 2023-CP-23-\_\_\_

COUNTY OF GREENVILLE )

Anthony Beasley, individually and on behalf of  
the minor child, LB born 2014, )

Plaintiffs, )

vs. )

COMPLAINT  
JURY TRIAL DEMANDED

South Carolina Department of Social Services, )  
South Carolina Department of Children )  
Advocacy, Children's Advocacy Center of )  
Spartanburg, Cherokee and Union Counties, )  
Inc. )

Defendants. )

The Plaintiffs, complaining of the Defendants herein, would respectfully show and allege unto this Honorable Court as follows:

1. This action is brought for damages and other appropriate relief pursuant to the statutory and common law of the State of South Carolina, and the South Carolina Tort Claims Act codified at S.C. Code Ann. § 15-78-10 et seq. (Supp. 2014).
2. The Plaintiffs are residents of the County of Union, South Carolina.
3. This action is being brought using the minor child initials to protect her privacy.
4. Plaintiff Anthony Beasley is the biological Father and legal custodian of the minor child.<sup>1</sup>
5. Plaintiff LB born 2014<sup>2</sup> is the minor child.

---

<sup>1</sup> Greenville County Family Court Case Number: 2021-DR-23-3789.  
<sup>2</sup> See Confidential Redacted Identifier Form filed herewith.

6. The Plaintiff is informed and believes that the South Carolina Department of Social Services ("SCDSS") is a state agency created by the General Assembly of the State of South Carolina and is an agency of the State of South Carolina. It performs its services in Greenville, South Carolina.
7. South Carolina Department of Children Advocacy ("SCDCA"), formerly known as the Foster Care Review Board, is an independent state agency charged with ensuring that children across South Carolina receive adequate protection and care from services or programs related to the welfare of children offered by departments such as SCDSS.
8. Children's Advocacy Center of Spartanburg, Cherokee and Union Counties, Inc. is an entity in business to evaluate and perform forensic investigations/interviews with minor children and are tasked with having knowledgeable staff to conduct such.
9. That the employees of SCDSS, including within its county divisions and employees, were acting within the course and scope of their employment when they committed tortious acts that were the direct and proximate cause of the Plaintiffs' injuries. SCDSS, through its county divisions and employees, such as the Greenville County Department of Social Services, is charged with conducting its child protective services activities in accordance with sound professional standards for intervention into family lives. SCDSS county divisions and employees must be guided by law and be competent in law enforcement procedures, fact finding, evidence gathering, and effective social intervention, assessment and intervention into family lives.
10. On or about March 20, 2019, Defendant SCDSS filed an action alleging that the Plaintiff Father performed the following act(s) upon his four-year old daughter:

- a. "The Case was indicated for sexual abuse against Anthony Beasley as to the minor child, LB. The minor child disclosed that her father, Anthony Beasley, touched her genital area with his finger while she did not have on any clothes."<sup>3</sup> (Emphasis added).
  - b. "That legal and physical custody of the minor child remain with Clara Foster."<sup>4</sup>
  - c. "That the [c]ourt make a finding regarding the alleged abuse/neglect of the minor children (sic) by ... Anthony Beasley, and that the child cannot be protected from further harm without intervention ... including entry into the SCDSS Central Registry, if appropriate."<sup>5</sup>
11. SCDSS kept the Father from having any contact with his daughter for more than twenty months.
12. SCDSS dismissed its finding against Father by Order filed October 4, 2021: "I find that the Plaintiff had reasonable cause to intervene in this matter and provide services to this family. The [c]ourt makes no findings regarding the merits of the allegations set forth in [SCDSS] complaint....[the] in-house finding [against Anthony Beasley] shall be modified in accordance with this order.
13. After reviewing the video of the forensic interview performed by the Children's Advocacy Center of Spartanburg, Cherokee and Union Counties, Inc., Plaintiff retained the services of Dr. Allison Foster employed at Forensic Family Associates. Dr. Foster reviewed, *inter alia*, the forensic interviews performed at Children's Advocacy Center of Spartanburg,

---

<sup>3</sup> Complaint for Intervention filed March 20, 2023 at p. 2., para. 4.

<sup>4</sup> *Id.* at p. 2, para. A.

<sup>5</sup> *Id.* at p. 3, para. E.

Cherokee and Union Counties, Inc. by Ms. Heather Flassing In Dr. Foster's written report to the Family Court, she wrote the following beginning with the first interview:

"[Child] consistently denied that her father had done something to her or her body. In the second interview, [Child whom was four years old] became frustrated with the interviewer's questions and declared repeatedly 'you're really giving me a headache!' while also denying that anything happened to her. Further she declared numerous times that she wanted to leave the interview room ('I really want to get out of here now!') The interviewer persisted in questioning and disregarded the child's requests. The risk of this circumstance is that children perceive they need to say something different to satisfy the interviewer and make the meeting end."

14. Essentially Children's Advocacy Center of Spartanburg, Cherokee and Union Counties, Inc. held this four-year old child hostage until she would make a statement that her father touched her inappropriately.
15. By subsequent order of the family court for Greenville County filed May 2, 2023<sup>6</sup>, Father was granted sole legal and physical custody of the minor child.
16. A guardian *ad litem* investigated and found the conditions of the Mom's home to be "alarming". This was not long after both SCDSS and SCDCA- Guardian ad litem- had investigated in the DSS family court case.

---

<sup>6</sup> 2021-DR-23-3789

**FOR A SECOND CAUSE OF ACTION**  
**Negligence**

- 17. The Plaintiffs reallege and incorporate herein all of the relevant and consistent allegations in the foregoing paragraphs as fully as if repeated herein.
- 18. The Defendants, each of them, owed a duty of care to the said minor children.
- 19. Defendants failed to follow its' own policies and procedures. Defendant employees/agents were willful, wanton, careless indifferent, reckless and grossly negligent in their regards to the childrens' best interests and welfare.
- 20. The acts and/or omissions of the Defendants, as described above, were negligent, grossly negligent, willful, wanton and reckless and were done knowingly and with total disregard for the child's protection.
- 21. As a direct and proximate result of the negligence, gross negligence, recklessness, willfulness and wantonness of the Defendants herein, the children and the Plaintiffs have suffered damages as more fully set forth in this Complaint.

**FOR A THIRD CAUSE OF ACTION**  
**Gross Negligence Under the South Carolina Tort Claims Act**

- 22. The Plaintiff realleges and incorporate herein all of the relevant and consistent allegations in the foregoing paragraphs as fully as if repeated herein.
- 23. The Defendant, SCDSS and SCDCA, as an agency in general and through its employees, agents and servants, owed Plaintiffs a duty, both under the common law as well as a separate, special duty, by statute and regulation. Under the South Carolina Tort Claims Act, Section 15-78-10 et seq. of the Code of Laws of South Carolina 1976, as amended, and the Common Law of South Carolina, SCDSS is liable for its tortious acts and the tortious acts of its employees and agents performed in the scope of their employment.

- 24. The Defendant, SCDSS and SCDCA, including any and all agents and employees, had a duty to perform its child protective services of children in a professional and competent manner. During all times material to the claims herein, these Defendants' acts and omissions amounted to gross negligence, recklessness and a willful and wanton disregard for the safety and well-being of the minor children. The reckless, willful and wanton acts of these Defendant includes, but is not limited to: Failing to properly investigate the allegations; failing to manage its staff to docket this case properly; failing in placing this contested matter on a 15-minute docket; failing to timely move the case forward, resulting in father losing over two years of his daughter's life.
- 25. All of the above failures were the direct and proximate cause of the injuries suffered by the Plaintiffs herein, said acts being in violation of the South Carolina Code of Laws and SCDSS policies and procedures.
- 26. The Plaintiffs allege that each and every failure of the Defendants to protect the minor child constitutes a separate occurrence and delict.
- 27. That as a direct and proximate result of the negligence, gross negligence, recklessness, willfulness and wantonness of the Defendants herein, the minor child upon information and belief, suffered mental harm and injury, physical pain, emotional and mental distress, and loss of enjoyment of life, all resulting from having to suffer through days, weeks and months, and years of not having the protection of her father nor his presence in her life.

**FOR A FOURTH CAUSE OF ACTION**  
**Defamation**

- 28. The above allegations are incorporated as if rewritten verbatim.

29. That the Defendants, its employees, officers, or agents defamed the Plaintiff by publishing to others false statements that the Plaintiff sexually abused his daughter.
30. That the Defendants' defamatory statements were made with implied malice.
31. That the Defendants knew or should have known by due diligence through a proper investigation that the statements made about Plaintiff were false.
32. The false statements, which were made by employees, officers and/or agents of the Defendants were damaging to Plaintiffs' personal, community, and professional reputations because the statements accused the Plaintiff of harming/neglecting/abusing/sexually molesting a minor child.
33. The conduct of the Defendants was undertaken with a conscious disregard of Plaintiffs' rights, and in addition to presumed and actual damages.

**FOR A FIFTH CAUSE OF ACTION**  
**Outrage**

34. The above allegations are incorporated as if rewritten verbatim.
35. That the removal of the Plaintiff's child, from his life entirely, without a proper investigation, or even supervised visitations, recklessly inflicted emotional distress onto the Plaintiff.
36. The Defendants' conduct was extreme and outrageous and exceeded all bounds of decency in that the Defendants recklessly exercised its authority over the Plaintiff and the minor child.
37. The Defendants acted with knowledge that under the circumstances then existing, it knew that the Plaintiff was susceptible to emotional distress.

