

**THE STATE OF SOUTH CAROLINA  
in The Court of Appeals**

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APPEAL FROM CHARLESTON COUNTY  
In the Family Court

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SC Court of Appeals

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Family Court Case No. 2020-DR-10-2130  
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Jennifer Renee McMaster ..... Petitioner,  
v.  
James Michael McMaster ..... Respondent.

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**RESPONDENT’S RETURN TO APPELLANT’S MOTION TO SUPPRESS RECORDED  
COMMUNICATIONS**  
\_\_\_\_\_

**Introduction and Statement of Facts**

Petitioner asks this court, pursuant to the provisions of S.C. Code § 17-30-170, seeks “an Order to suppress intercepted communications between Petitioner and non-parties, and between Petitioner and the minor child and Petitioner’s family members by the Respondent.” The Respondent is not intending to use any intercepted communications that do not involve the parties’ minor child. To the extent Petitioner seeks an order that would suppress any intercepted recordings that do not involve the minor child, Respondent would consent to this order.

However, Respondent intends to use communications involving the parties’ minor child.

These recordings should not be suppressed. Petitioner argues “Respondent herein offers no basis why he believed “in good faith” he needed to leave a continuously recording device in the home occupied by Petitioner and the minor child which would record all conversations between any individuals who were within earshot of that device.” Motion, p. 6, emphasis in original. However, Respondent only seeks to use recordings involving the minor child. While Petitioner includes Respondent’s Notice, Memorandum in Support and Emergency or Expedited Motion for Temporary Relief as Exhibit A to her motion to suppress, she fails to include Respondent’s affidavit as part of that Exhibit, despite it being attached as Exhibit 1 thereto. That affidavit, attached hereto as Exhibit A, demonstrates Respondent’s good faith belief. It is noteworthy that Petitioner failed to include this affidavit the exhibits to her motion [providing this court an incomplete Exhibit A] and failed to supply her own affidavit explaining why Respondent’s affidavit was inaccurate. By denying this court the ability to review Respondent’s good faith basis for recording the parties’ teenage daughter, and by failing to counter Respondent’s affidavit in her motion, Petitioner should be precluded from refuting the allegation of Respondent’s affidavit.

Respondent’s affidavit with the lower court explains his good faith basis for the recording. The pertinent facts in this case are as follows.

All recording at issue before the court are from a spy camera purchased on September 1, 2020 and installed in the marital home sometime between September 3-5, 2020. At the time of its installation the Respondent had dominion over the marital home at 1509 Bourne Crossing, Mt. Pleasant, SC 29466 and he still resided there. The Respondent also still had full custody rights of his daughter at the time of the spy camera’s installation. His custody continued after a private

family lawsuit was filed and a joint custody order was entered by the parties. (See Exhibit 1, ¶'s 1-4).

On Friday August 21, 2020, the Respondent Father was accused of verbal/physical abuse and false allegations to the Mount Pleasant Police Department of threats made by him against the Petitioner utilizing a gun which incident allegedly took place on Thursday, August 20, 2020. The Police did not bring charges against the Respondent. (See Exhibit 1, ¶'5).

The Respondent's relationship with his daughter had been good prior to the reporting to the Police. The respondent even received a text from his daughter prior to mother and daughter reporting that said, "Love U". (See Exhibit 1, ¶'s 7).

The reporting to the Police by Wife and Daughter occurred prior to the Respondent purchased and installed the cameral in the marital home on August 21, 2021. (See Exhibit 1, ¶' 6).

Additionally, the Petitioner filed an Emergency Protective Order, On Monday August 24 2020, claiming the Respondent had threatened to kill her and her daughter with a gun respondent purchased in the Spring of 2020. The family court on August 26, 2020 denied her petition due to "Failure to prove facts of alleged abuse." (See Exhibit 1, ¶ 8).

After the Petitioner's allegations failed with the Mount Pleasant Police Department and Family Court, she removed the Respondent's daughter to Florida to live with Respondent's mother-in-law and father-in-law. The incident was then reported to the South Carolina Department of Social Services (hereinafter, SCDSS). The Petitioner removed the daughter to Florida without consultation with the Respondent. SCDSS issued a safety plan on August 28, 2020, without having talked to the Respondent and characterized him as "the aggressor" in a

domestic violence incident. That information had to come from the Petitioner. As the SCDSS undertook further investigation they revised the safety plan to state that Petitioner/wife and the Respondent “were involved in a domestic violence incident.” This revised plan no longer characterized the Respondent as the aggressor. (See Exhibit 1, ¶ 9).

While SCDSS undertook its investigation, the Respondent could see signs from the SCDSS dictations that the Petitioner was coaching his daughter. As way of example on November 15, 2020 interview of the caseworker of his daughter, the daughter said that the Respondent was trying to communicate with her knowing that he has no contact with her at this point. The November 9, 2020, consent order in this case, did not have any limitation on the Respondent’s contact with his daughter. The only “no contact” information was from the DSS safety plan (which is not the current order) and even at that it allowed for text or phone communication with supervision by the Petitioner. It was evident from this that the petitioner was discussing the safety plan with her daughter in order for her to be aware of the “no contact” provision. (See Exhibit 1, ¶ 10).

The Respondent knows that the allegations of physical abuse made against him by his daughter and wife since August 2020 are false and therefore, he believes that his daughters’ allegations were false. (See Exhibit 1, ¶ 11.) The truth of his knowledge in those facts is supported by Dr. Jeff Marcino’s affidavit, who is the joint therapist for the Respondent and his daughter, summarizing the daughter’s own account from December 2020 through March 2021 states as follows: “...an incident where [minor daughter’s name] stated that one time her father sat on her while he was tickling her. Despite this report [daughter’s name has never mentioned or indicated any physical abuse by her father in our sessions.” (See Exhibit 2, Dr. Jeff Marcino

Affidavit, ¶ 4, 03/26/21).

Additionally, the Respondent's mother-in-law, has been involved with the current case and is familiar with how the social services, family court and the Police authorities work given her history in working with the juvenile justice system. The Respondent's mother-in-law has encouraged the Petitioner to lie about physical abuse in the past. During that incident, the Respondent overheard his mother-in-law instruct his wife over a speaker phone conversation to lie to the Police and claim the Respondent had physically abused her to get him arrested. (See **Exhibit 1**, ¶'s 11-12).

The attorneys for the parties entered into a Consent Order and during their discussions agreed that Petitioner and her daughter could move back into the marital residence from Florida, but the Respondent received less than 24 hours' notice to vacate. At the time, he was rushed to move out while working and completely forgot about the recording device he installed. (See **Exhibit 1**, ¶'s 13).

As litigation and therapy progressed, the Respondent knew that something was not right with the way she was acting and with her continuing false allegations of physical abuse. In fact, Dr. Marcino stated "based on the session information provided by all parties, and my professional experience, it is certainly out of the ordinary to have not made progress after seven months of time." (See **Exhibit 2**, ¶ 14). Dr. Marcino had made similar comments to the Respondent in his discussions with him about the lack of progress. The Respondent stated, "When I recalled that the camera was installed, I reviewed recordings from the January-February 2021 time frame. That review demonstrates my wife, my mother-in-law and father-in-law were coaching our daughter and over involving her in the family court litigation." (See **Exhibit 1**, ¶'s

13-19).

The Respondent acted in good faith in recording these conversations between his daughter, his wife, his mother-in-law and his father-in-law. In all the recordings at issue Respondent's daughter is present. The Respondent is trying to protect his daughter, in protecting his relationship with his daughter, and what he knew since August 21, 2020 was the undue influence of his wife and her family on his daughter.

Respondent's review of the tapes uncovered multiple, routine, and extensive conversations between the minor child, mother, the maternal grandmother, and the maternal step-grandfather. These tapes show the minor child is being coached to alienate him and also apprised of the ongoing litigation on a day-to-day basis. The mother and maternal grandparents are acting in a way that is against the best interest of the minor child and actively alienating father from his daughter. In effect divorcing/separating daughter from her father.

Based on the tapes and the relationship father/daughter dynamic it is reasonable to assume that mother engaged in alienation and regularly inappropriately exposed the minor child to litigation. It is reasonable to assume that mother has engaged in coaching/alienating behaviors with her daughter from before this case started when she first reported the incident to the Mount Pleasant Police Department in August of 2020. Where unsubstantiated gun threats were made, failing this allegation. The story evolved in concert where both mother and daughter had matching stories of dad's physicality against them, mainly holding them down and their inability to breath. As it turns out mother, daughter and maternal grandparents have been routinely caucusing about the case which ultimately led to Father being alienated from his daughter and unable to have any normal parenting time from August 2020 to February 2021.

As evidenced by these recordings, Mother and her Maternal Grandmother have either wittingly engaged in routine disparagement of Father in front of parties' minor daughter and this behavior drew her into her marital dispute against her father. The effect has been and continues to be devastating to father's relationship with his minor daughter. The Mother and/or daughter have been reporting being "traumatized" to the Guardian *ad litem* but these tapes suggest a coordinated effort has been orchestrated by the Mother, Daughter and Maternal Grandparents to exaggerate Father's anger to the point of physicality.

As way of example, on the recording of 02/19/21 the day before Respondent/father was to have his first supervised visitation with his daughter, at 11 minutes with 54 seconds on the video recording maternal Grandmother coaches the minor child, "just tell him you do not want to do it anymore...say I am done with it." In referencing therapy. In the same recording in talking about therapy with father at 12 minutes and 23 seconds on the recording daughter says, "It's pointless and Maternal Grandmother encourages that sentiment. At 13 minutes and 20 seconds the Defendant asks, "what are you [daughter] going to do if he [father] tries to hug and kiss her?" Maternal Step Grandfather answers "Back off!" Maternal Grandmother later adds "I think you just back up." This coaching continues until the end of the recording. **(See Exhibit 1, Exhibit H, Video: 20. 2021-20-19-21-11).** It is clear from the recording on 02/19/2021, that 13 of the 23 two-minute segment recordings involve two videoconference calls one in the morning and the second that night. **(See Exhibit 1, Exhibit H, Videos: 7-15 and 16-19 respectively).** These conversations occurred precisely one day before Father had his first supervised visitation with his daughter without a therapist since August of 2020. It is clear from the Video segments that mother and maternal grandparents are coaching her in a way that is destructive to his relationship

with his daughter. Inappropriately alienating her from her father.

Following daughter's return from her supervised visitation with father on Saturday 02/20/21, Mother is talking to her daughter in the living room while watching TV again discussing the litigation and talking about the disputes in the litigation between the parties. Effectively involving the minor child in her perspective of the dispute and alienating the child from her father during the course of the whole recording. Daughter is out of frame on a couch next to her mother as she talks. (See Exhibit 1, Exhibit H, Video: 23: 2021-02-20).

As outlined above the Respondent acted in a good faith belief that he needed to protect his daughter, in what he knew were false allegations from August 21, 2020 forward as outlined above. Faced with the daunting task of proving a negative in the face of these serious allegations, and knowing his daughter was being unduly influenced he purchased the camera and installed it. Finally, there is simply no other way to establish the coaching by mother and her family and inappropriate involvement of my daughter in this litigation than the evidence of these tapes.

#### **Legal Argument**

In *State v. Whitner*, 732 S.E.2d 861, 393 S.C. 547, 554 (2012), the South Carolina Supreme Court addressed how the South Carolina Homeland Security Act (Wiretap Act), S.C.Code Ann. § 17-30-10 et. seq. (Supp. 2010), applied to recordings made of by a parent of that parent's child. The Court held that a guardian could vicariously consent to recording the child:

As long as the guardian has a good faith, objectively reasonable basis for believing that it is necessary and in the best interest of the child to consent on behalf of his or her minor child to the taping of telephone conversations, the guardian may vicariously consent on behalf of the child to the recording.

In reaching this conclusion, the Court noted:

South Carolina's Wiretap Act, modeled after the Federal Act, was enacted in 2002. As the above federal jurisprudence indicates, when our Legislature enacted the Wiretap Act, it was well aware of the majority rule concerning construction of the Federal Act in allowing for vicarious consent. We are persuaded that the consent provision in the Wiretap Act encompasses vicarious consent.

*Id.* Further, the Court granted wide latitude to a parent's ability to consent to recording one's child:

"Consent" is a broad term and is defined as "agreement, approval, or permission as to some act or purpose. The law recognizes different kinds of consent, including express, implied, informed, voluntary, and parental. Parental consent is defined as consent given on a minor's behalf by at least one parent, or a legal guardian, or by another person properly authorized to act for the minor, for the minor to engage in or submit to a specific activity. We believe the various types of consent recognized in the law support the result we reach today in discerning legislative intent to include vicarious consent....

[A] minor's actual ability to consent does not preclude a parent's ability to vicariously consent on her behalf.

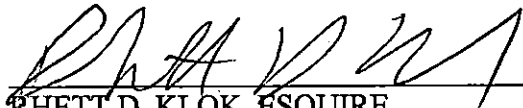
*Id.*, at 555-56 (citations omitted). Thus, Respondent had the ability to consent to the recordings at issue. The test then becomes whether he had a good faith basis for recording. On this issue *Whitner* held "[t]he parents' motivation in recording the telephone conversation is a question of fact." *Id.*, at 557. There, the Supreme Court held Mother had a good faith basis to record her daughter's phone conversations with the Defendant because she had concerns over the Defendant's possible abuse of their daughter.

Here Respondent had a good faith basis to record his daughter's conversations. The daughter was making false allegations against him and he was further concerned that Mother was encouraging daughter to make these false allegations. Additionally, Respondent notes

Petitioner's mother had encouraged Petitioner to make false physical abuse allegations against him in the past, giving further weight to Respondent's concerns that Petitioner and her mother might encourage the daughter to make similar false allegations. Moreover, the child's therapist, Dr. Jeff Marcino, who was selected by the Petitioner, notes an inexplicable resistance to the child having a relationship with the Respondent and further notes the child does not report physical abuse by the Respondent. This contrasts with the daughter's prior allegations of physical abuse by Respondent, giving weight to Respondent's concerns that these abuse allegations were a product of coaching.

Respondent had the right to vicariously consent to recording his daughter's conversations so long as he had a good faith basis to do so. His objectively reasonable basis for recording his daughter was concerns that she was being coached to make false abuse allegations against him. Petitioner's argument is that her coaching of the child should remain hidden from the family court because Respondent did not have a "good faith" basis to believe she was coaching. Her position recalls the old Marx Brothers aphorism, "who are you going to trust, me or your lying eyes." This court should trust what it hears on these tapes: Petitioner and her mother were coaching the child and Respondent had a good faith basis for believing this was occurring and, therefore, for recording his daughter.

For this reason, Petitioner's motion to suppress should be denied.

  
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Charleston, South Carolina

**THE STATE OF SOUTH CAROLINA**  
**in The Court of Appeals**

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APPEAL FROM CHARLESTON COUNTY  
In the Family Court

Family Court Case No. 2020-DR-10-2130

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Jennifer Renee McMaster .....Petitioner,  
v.

James Michael McMaster .....Respondent.

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**AFFIDAVIT OF JAMES MICHAEL McMASTER**

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PERSONALLY, came the Respondent who is a resident of South Carolina, is over the age of eighteen (18), and makes this statement and General Affidavit upon oath by certification of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of my knowledge:

1. I am the Respondent in this matter. The Petitioner is my estranged wife. We have a daughter in common, MM, born March 3, 2005.
2. This matter involves the admissibility of recordings I made between my daughter

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and the Petitioner or the Petitioner's mother and stepfather.

3. The only device that has recorded conversations in the marital home and all the recordings presented in this case are from a spy camera I purchased on September 1, 2020, and installed in the marital home sometime between September 3-5, 2020.
4. At that time, I had possession and dominion over the marital home at 1509 Bourne Crossing, Mt. Pleasant SC 29466, and still resided there. Further as there was no order regarding our daughter's custody, I had full custody rights to my daughter at the time I installed this recording device. A November 9, 2020, temporary consent order, attached hereto as Exhibit A, continued to give me joint custody of my daughter. All the recordings at issue took place while that order was in effect.
5. I decided to install the spy camera because my wife and daughter had made false accusations about me physically abusing them in the past. Concerns over my wife and her family coaching our daughter is my good faith basis for installing this recording device.
6. Before the time I had purchased and installed the camera, my wife and daughter, on August 21, 2020, had made false allegations to the police that I had threatened them with my gun on August 20, 2020. The police did not bring charges against me.
7. The last communication that my daughter made to me via text before my wife reported me to the Mount Pleasant Police was a text that stated: "Love U" text on August 21, 2020. See Exhibit B. My relationship with my daughter had been good up to the morning of August 21, 2020.

8. Further, my wife had filed for an Emergency Protective Order, on August 24, 2020, claiming I had threatened to kill her and our daughter with a gun I purchased in the Spring 2020. See Exhibit C. On August 26, 2020, the family court denied her petition due to “Failure to prove facts of alleged abuse.” See Exhibit D.
9. When my wife’s claims that I had threatened her and our daughter failed to gain purchase with the family court or the police, she took our daughter to Florida to live with her mother and reported me to the South Carolina Department of Social Services. DSS issued a safety plan on August 28, 2020, without first talking to me. See Exhibit E. In this safety plan, DSS alleges I was “the aggressor” in a domestic violence incident. That information had to come from my wife and my wife had to have made the contact with DSS from Florida (and after family court had denied her domestic abuse petition). Later, on a date that isn’t clear but clearly after DSS undertook some investigation, DSS revised its safety plan to state that my wife and I “were involved in a domestic violence incident.” See Exhibit F. This revised plan no longer has me as the aggressor.
10. As DSS undertook its investigation, I can see signs in their dictations that my wife was coaching my daughter. For example, in a case dictation from a November 15, 2020 interview my daughter had with the caseworker, my daughter tells the caseworker that I was “trying to communicate with her knowing that he has no contact with her at this point.” See Exhibit G. At that point there was a November 9, 2020 custody order that did not have any limitation on my contact with her. See

Exhibit A. The only “no contact” information was from the DSS safety plan (which is not a court order). See Exhibit F. Clearly my wife had to be discussing the safety plan with my daughter for my daughter to be aware of this “no contact” provision.

11. In that dictation, my daughter makes allegations against me that I contend are false and are the same allegations my wife had been making against me since August 2020. This is one of the reasons I believe my wife has been coaching my daughter.
12. My mother-in-law is familiar with how social services works given her work in the juvenile justice system. I recall an incident in 2009-10 shortly after I had gotten into an argument with my wife. She called her mother and put her on speakerphone. During that conversation she told my wife that she should report to the police that I was physical against her so I would get arrested (even though this was not the case). My mother-in-law has been involved in our current family litigation from the start, being down with my wife and daughter while they were at a hotel in September 2020 and then having my daughter and wife move in with them in Florida. This led me to be concerned that she would also coach my daughter to lie.
13. During a November 3, 2020 conversation with my lawyer, I was informed that I was to vacate the house within 24 hours so that my wife and daughter could move back in. In the rush to move out I completely forgot about the recording device I had installed.
14. As litigation progressed, I realized that something was not right with the way my

daughter was acting and with her continuing false allegations of physical abuse. I reviewed recordings from the January/February 2021 time frame. That review demonstrates my wife and her mother coaching our daughter and over involving her in the family court litigation. The relevant recordings are included as Exhibit H with attendant index as Exhibit I.

15. Video 4 on 2021-02-06, Saturday at 23:43. At minute 43 with 18 seconds my wife discusses her impression of the GAL Mother also portrays father in a bad or disparaging light in front of her daughter. See Exhibit H, Video 4.
16. Video 16 on 2021-02-19, Friday 02-19-2021, During this call, Wife and Daughter are in the living area of the marital home while Maternal Grandparents are on the phone or video-conference call. The conversation minimizes counseling sessions with father from other activities. Mother discusses how on March 3rd session (Daughter's birthday) she will be inconvenienced because her group session occurs that day. Says father can do "Whatever the hell he wants during that time". At minute 50 and 1 second mark on the video, daughter says, "It's not right" and Mother follows says "It's not right, I agree." In the process Mother is disparaging the joint sessions and according them the importance they serve in father daughter reunification. See Exhibit H Video 16.
17. Video 20. On 2021-02-19, Friday at 09:11. On the video in the marital home are Daughter and Mother with Maternal Grandparents on a video conferencing or phone call. Starting at minute 11 with 54 seconds, Maternal Grandmother starts by

telling Maternal Grandfather stop interrupting her, "I am trying to say something [coaching granddaughter] ...Just tell them you do not want to do it anymore... Say I am done with it" Exhibit H, Video 20.

18. Later, the same video at 12 minutes and 23 seconds mark on the video, Mother and Maternal Grandparents are coaching daughter by playing out scenarios to Daughter. Mother says, "What are you going to do if he [father during his visitation the next day] tries to hug and kiss her?" Maternal Step Grandfather answers, "Back off" Maternal Grandmother adds "I think you just back up." The coaching continues till the end of this recording. See Exhibit H, Video 20.
19. Video 23, 2021-02-20, Saturday at 20:17, this call take place while my wife and daughter are watching T.V. in the living room. My daughter is sitting out of frame during my Wife's' monologue disparaging me to my daughter. During this whole call mother is openly discussing with daughter all her grievances about father and items in dispute in the litigation. Specifically, my contention that my wife was drinking too much. During that conversation disparages me how I go on and on and says she did nothing wrong. See Exhibit H, Video 23.
20. In recording these conversations between my daughter and her mother and maternal grandmother, I acted on a good faith belief that I needed to protect my daughter, including my relationship with my daughter, in what I knew had to be undue influence from my wife and her family.
21. I certify that the foregoing statements made by me are true. I am aware that if any

of the foregoing statements made by me are willfully false, I am subject to punishment by contempt. I have attached a copy of my state-issued driver's license.

See Exhibit J.



03 / 31 / 2021

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James Michael McMaster

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Date

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<b>TITLE</b>	Affidavit of James Michael McMaster
<b>FILE NAME</b>	2021_03_31_AFFIDA...cMASTER_FINAL.pdf
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<b>AUDIT TRAIL DATE FORMAT</b>	MM / DD / YYYY
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## Document History

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 SIGNED	<b>03 / 31 / 2021</b> 14:22:46 UTC-5	Signed by James Michael McMaster (jimm5566@ameritech.net) IP: 107.77.236.90
 COMPLETED	<b>03 / 31 / 2021</b> 14:22:46 UTC-5	The document has been completed.

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WJC

STATE OF SOUTH CAROLINA )  
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 COUNTY OF CHARLESTON )  
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 JAMES MICHAEL MCMASTER, )  
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 Plaintiff, )  
 )  
 vs. )  
 )  
 JENNIFER RENEE MCMASTER, )  
 )  
 Defendant. )

IN THE FAMILY COURT  
 NINTH JUDICIAL CIRCUIT  
 CASE NO.: 2020-DR-10-2130

TEMPORARY CONSENT ORDER

THIS MATTER was scheduled to come before the Court for a hearing on Friday, November 6, 2020, at 9:30 a.m. for a hearing on the Defendant's ("Wife") motion for temporary relief. Prior to the call of the case, the parties notified the Court that they had reached a temporary agreement, and they have submitted this Consent Order for the Court's approval.

The Wife is represented by Melissa E. Simondi of the Charleston County Bar. The Defendant ("Husband") is represented by Suzanne Lafleur Klok, also of the Charleston County Bar.

The parties are residents of Charleston County, South Carolina. The parties last lived together as Husband and Wife in Charleston County. This Court has personal and subject matter jurisdiction and venue is proper in Charleston County.

The parties married on December 11, 2004, in Summit County, Ohio. The parties separated on August 21, 2020, and they continue to live separate and apart.

The parties have one (1) child together, MBM, who was born in March of 2005 and is now fifteen (15) years old ("the Child"). No other children are expected.

The Husband filed a Summons and Complaint on August 24, 2020. The Answer and Counterclaim was filed on September 11, 2020.

The parties have reached a temporary agreement which is outlined below. They ask the Court to approve the agreement and make it this Court's temporary order.

1. Unallocated Support. Husband will pay for the mortgage, taxes, insurance, and ordinary related expenses historically incurred by the parties, i.e., pest control, utilities, and basic cable/internet, for the marital home; car expenses to include car insurance; the parties' credit cards;

DEM.



and cellular phone bills, which total to around four-thousand (\$4000.00) dollars. To reduce expenses, Husband shall be entitled to modify the existing cable package provided internet access and standard cable channels remain. Any additional cable or internet charges incurred over the basic coverage, shall be the sole responsibility of the Wife. Any charges to the parties' cellular phone plan outside of the existing regular services such as upgrading phones, purchasing new phones, mobile purchases, texting over limits, or use of a data plan over plan's monthly allotment, or other services outside of the services provided through the existing plan for Wife and Child's phones shall be the responsibility of the Wife and any additional charges for Husband's phone shall be his responsibility. The Husband shall also pay unallocated support directly to the Wife in the amount One Thousand Five Hundred (\$1,500.00) Dollars per month beginning on November 15, 2020 and continuing on the fifteenth (15<sup>th</sup>) day of each month thereafter. If the Husband is more than five (5) days late on any payment, the Wife may submit an Affidavit to the Court requesting all future payments be made through the State Disbursement Unit together with the applicable fees.

2. Insurance. All policies of insurance including but not limited to disability, health, long term care, and life insurance shall remain in full force and effect. No beneficiaries on any policy shall be altered pending a final resolution of this case. The Husband shall pay the premiums to maintain all of the current insurance policies. The Husband shall maintain the Wife and Child on his medical insurance plan and pay for the expenses for the medical insurance.

3. Non-Covered Medical Expenses. Each party shall be responsible for their own non-covered medical expenses, including, but not limited to medical, dental, vision, therapy/psychology/psychiatry treatment, and counseling incurred on behalf of either party.

4. Custody. The parties shall share joint custody of the Child. The Wife shall be the primary physical custodian and the Husband shall be the secondary physical custodian. The parties shall consult with each other regarding any major issue related to the Child's health, medical, religion, education, extracurricular activities, and welfare. If the parties are unable to come to an agreement on any major issue related to the Child's health, education, or welfare, then the Wife as the primary physical custodian shall have the final decision making authority.

5. Parenting Time. Father and the Child shall participate in family therapy with a therapist recommended by the Guardian *ad Litem* to begin repairing their relationship, and shall have parenting time as therapeutically recommended, to include following treatment

recommendations from the family therapist. The parties shall engage in services within two (2) days of the Guardian's selection. All costs associated with the family therapy between Father and Child shall be Father's sole responsibility, *pendente lite*.

6. Standard Restraints Related to the Child. The parties shall be mutually restrained and enjoined from discussing this litigation in the presence of the Child or from allowing others to do so; from doing or saying anything that may tend to alienate the Child's affections from the other parent or the other parent's family or from allowing third parties to do so; from exposing the Child to violent or hostile language and/or behavior; from interrogating the Child about the other party's conduct or from allowing third parties to do so; from exposing the Child to anyone with whom they are romantically involved until the parties are divorced; and, from exposing the Child overnight to anyone with whom they are romantically involved unless related by blood or marriage.

7. Alcohol and Drug Restraints. Both parties shall be absolutely restrained from consuming alcohol or illegal drugs and from abusing prescription medications for twelve (12) hours prior to and during any time spent with the Child or while the Child is in their physical custody.

8. Drug and Alcohol Testing. Both parties shall submit to drug and alcohol testing (ETG, CDT, and GGT) by way of blood draw and hair follicle analysis no later than November 6, 2020. Failure to submit to testing shall be considered a presumptive positive result. Father has submitted to testing on October 22, 2020 with Dr. Robert Bennett. Wife has submitted to testing through LabCorp on October 30, 2020. Husband shall be solely responsible for the cost of the tests for both parties and shall reimburse Wife for her testing no later than November 2, 2020, subject to reallocation at final hearing, and both parties shall sign releases allowing the test results to be sent directly to the other party, the parties' attorneys and the Guardian *ad Litem*.

9. Counseling for the Child. The Child shall engage in counseling with a therapist recommended by the Guardian *ad Litem* and shall continue counseling as recommended. The parties shall engage in services within two (2) days of the Guardian's recommendation. Husband shall pay the expenses for maintaining the Child in counseling as needed.

10. Co-Parenting Sessions. The parties shall engage in co-parenting sessions with a therapist recommended by the Guardian *ad Litem* and shall continue co-parenting sessions as

recommended. The parties shall engage in services within two (2) days of the Guardian's recommendation. Husband shall pay the expenses for co-parenting sessions as needed.

11. Non-covered Medical Expenses for the Child. The parties shall equally (50:50) divide the cost of any of the Child's non-covered health care expenses including but not limited to medical, dental, vision, and prescriptions. With regard to orthodontia expenses, Husband shall be responsible for seventy-five percent (75%) of the uncovered costs and Wife shall be responsible for twenty-five percent (25%) of the uncovered costs. The parent advancing the cost of a non-covered health care expense shall notify the other parent within fifteen (15) days of incurring the expense and provide proof of payment and the reimbursing parent shall have fifteen (15) days within which to reimburse the paying parent.

12. Guardian ad Litem. The parties agree that Attorney Maria Averill shall be appointed to serve as the Guardian *ad Litem* ("GAL") for the Child. Husband shall pay one hundred percent (100%) of the first \$2,500.00 of the initial retainer of \$5,000.00, and the parties shall equally share in the cost of the GAL's fees and expenses over \$2,500.00, subject to reallocation at final hearing. A separate GAL Order shall be issued detailing the GAL's role and her fees. The Guardian *ad Litem* shall complete a Preliminary Report within forty-five (45) days of being appointed.

13. In-Person Attendance at School. While the Child has been attending school virtually, Wife shall ensure that the Child shall attend Wando High School in-person (not virtually) as necessary and/or required by her IEP no later than November 2, 2020.

14. Bourne Crossing. The parties last resided together at 1509 Bourne Crossing, Mount Pleasant, South Carolina. Effective November 1, 2020, the Wife shall have the temporary exclusive use and possession of the Marital Home. The Husband shall be responsible for the timely payment of the Marital Home's mortgage (which includes insurance and taxes), and other routine expenses (including all utilities historically paid). Husband shall provide proof of timely payment for the mortgage and other expenses to Wife each month. No one who could reasonably be construed as a paramour shall be allowed to stay at the home on an overnight basis. No one other than the Wife or Child shall be allowed to reside at 1509 Bourne Crossing, Mount Pleasant, South Carolina. Under the terms of the Agreement, "residing" shall mean staying for more than five (5) consecutive nights at the Marital Home. This provision shall not apply during holidays when family members visit.

15. Husband's Apartment. The Husband resides at 1375 Hackberry Avenue in Mount Pleasant. The Husband shall be responsible for the payment of all expenses associated with this property on a temporary basis and shall hold Wife harmless from the same. No one who could reasonably be construed as a paramour shall be allowed to stay at the apartment on an overnight basis.

16. Funds from Joint Bank Account. When Husband filed this action, he removed approximately Seven Thousand Dollars (\$7,000) from the joint bank account. Husband shall provide Wife with Three Thousand Five Hundred Dollars (\$3,500) as her share of this account. Husband shall provide Wife with these funds not later than November 9, 2020.

17. Vehicles. The Wife drives a 2013 Subaru Legacy. The Husband drives a 2013 Ford Escape. The Wife shall retain the temporary exclusive use and possession of the 2013 Subaru and the Husband shall retain the temporary exclusive use and possession of the Ford Escape. Husband shall be responsible for the payment of the car insurance associated with the vehicles pursuant to this Order. Each party shall be responsible for other incidents of ownership associated with their respective vehicles.

18. Mutual Restraints. The parties shall be restrained and enjoined from selling, trading, hiding, disposing, collateralizing, and/or decreasing the value of any marital property; from incurring any financial obligation for which the other party could be held liable; and, from harming and harassing each other, and from coming to the other's home or place of business without prior express permission.

19. Mediation. If the parties are unable to resolve the final issues in this case, they shall participate in mediation with J. Todd Manley within One Hundred Twenty (120) days of the date of this Order, with the parties equally (50:50) dividing the costs.

20. The parties acknowledge that this is a temporary agreement and, therefore, is without prejudice or precedence to either party or to their respective legal positions on any issue in this case.

21. Remaining Issues. All remaining issues shall be held in abeyance pending agreement of the parties or further order of this Court.

**NOW, THEREFORE, IT IS ORDERED**

*DTM*

The parties' temporary agreement is hereby approved and made the temporary order of this Court, shall remain in effect until further order of this Court, and is enforceable by the contempt powers of the Court.

AND, IT IS SO ORDERED!

18/ Daniel E. Martin, Jr.  
Presiding Judge  
Family Court, Ninth Judicial Circuit

Nov. 5, 2020  
Charleston, South Carolina

WE CONSENT:

Suzanne Lafleur Klok  
Suzanne Lafleur Klok, Esq.  
Attorney for Plaintiff/Husband

Melissa E. Simondi  
Melissa E. Simondi, Esq.  
Attorney for Defendant/Wife

FAILURE TO COMPLY WITH THIS ORDER WILL SUBJECT THE OFFENDER TO AN ORDER OF CONTEMPT WITH A POSSIBLE FINE, A PUBLIC WORK SENTENCE, OR BY IMPRISONMENT IN A LOCAL CORRECTIONAL FACILITY, OR ANY COMBINATION OF THEM, IN THE DISCRETION OF THE COURT, BUT NOT TO EXCEED IMPRISONMENT IN A LOCAL CORRECTIONAL FACILITY FOR ONE YEAR, A FINE OF FIFTEEN HUNDRED DOLLARS, OR PUBLIC WORK SENTENCE OF MORE THAN THREE HUNDRED HOURS, OR ANY COMBINATION OF THEM, PURSUANT TO SECTION 63-3-620 OF THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED!

ALIST: A TRUE COPY  
JULIE J. ARMSTRONG (SEAL)  
CLERK, C.P., G.S. & F.C.  
By [Signature]  
DEPUTY CLERK

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

**JAMES MCMASTER,**

Plaintiff,

vs.

**JENNIFER MCMASTER,**

Defendant.

IN THE FAMILY COURT  
NINTH JUDICIAL CIRCUIT

**CERTIFICATE OF SERVICE**


CASE NO.: 2020-DR-10-2130

I, Betty J. Branton, the undersigned employee of The Bleecker Law Firm, LLC, attorney for the Defendant, Jennifer McMaster, do hereby certify that on November 16, 2020, I served all interested parties in this action with a copy of the documents hereinbelow via Bullet Delivery to the following address:

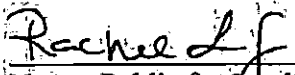
DOCUMENTS: *Temporary Consent Order filed on November 9, 2020*

SERVED ON: Suzanne Klok, Esquire  
Klok Law Firm  
1002 Anna Knapp Blvd., #103  
Mount Pleasant, SC 29464

Maria Averill, Esquire  
528 Jonnie Dodds Blvd. Ste 102  
Mt. Pleasant, SC 29464

  
Betty J. Branton  
The Bleecker Law Firm, LLC  
561 Savannah Highway  
Charleston, South Carolina 29407

SWORN to before me this the  
16 day of November, 2020

  
Notary Public for South Carolina  
My Commission Expires: 03-09-2030

9:43 AM Sat Oct 24

Edit

Messages



Dad



I WANT IT THAT WA..

Love you Are you glad your phone works



+1 (518) 319-1079



Issy

Love you. Are you happy phone is back to working



+1 (954) 210-5056

Call me about your phone



889

I love you. Keep in touch.



Mom

13302831034 Depositing new message Kayla hey it's Dad here truck 2:00 Sunday so just giving you a call. I love you. Just give me a call when you have a chance and I'll talk to you then. So I don't know where you're at but have I'm sure you'll be doing something but I love you and you know you're your phone case did show up on the counter but I love you and I look forward to talking to you. Click here. [14699825000](#) to listen to full voice message



Kara



Scarlett



Jenna



tabbles  
EXHIBIT  
B

FILED

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE FAMILY COURT

Jennifer McMaster  
Petitioner

9th JUDICIAL CIRCUIT

vs.

James McMaster  
Respondent

MOTION AND AFFIDAVIT FOR  
EMERGENCY HEARING  
(Protection From Domestic Abuse Act)  
FILE NO. 2020 DR 10-2107

I, Jennifer McMaster being duly sworn, state that I am (the Petitioner)  
(making this Petition on behalf of the Petitioner) and that the Petitioner is in immediate and  
present danger of bodily injury as shown by the following facts:

I am afraid of the safety of my daughter and myself  
due to my husband threatening to kill both of  
us with a recently purchased gun. He has made  
many threats in the past but this is the  
first threat on my daughter who is  
afraid to be anywhere near her father  
His aggressive behavior has escalated in the past  
few months

Therefore, I am requesting an emergency hearing.

Sworn to and Subscribed before me  
this 19th day of August, 2020

[Signature]  
Notary Public for South Carolina

Jennifer McMaster  
Signature of Petitioner or Person Making  
Petition on Behalf of Petitioner

My Commission expires 5/19/2022

FILED

ORDER

Request for emergency hearing granted/denied (circle one).

8/24/20  
Charles S. C.

AUG 24 2020

[Signature]  
Julie J. Armstrong  
Clerk, Family Court  
S. C.

SCCA/742 (Amended 05/2008)

NOTICE OF HEARING

A HEARING IS SCHEDULED  
ON THE 26th DAY OF Aug. 2020  
AT 10:00 AM PM  
IN THE FAMILY COURT OF CHARLESTON COUNTY



STATE OF SOUTH CAROLINA

COUNTY OF Charleston

IN THE FAMILY COURT  
9th JUDICIAL CIRCUIT

Jennifer McMaster  
Petitioner

2020 AUG 24

PETITION FOR ORDER OF PROTECTION  
(For Use in Family Court)

YULIE J. ARMSTRONG  
CLERK OF COURT

James McMaster  
Respondent

Docket No. 2020 DR-10-2107

Respondent's SSN:

Respondent's Date of Birth:

Respondent's Race:

Respondent's Sex:

2-16-62

W

M

I ask this court to issue an Order of Protection, because:

1. This is the county where this case should be handled, since (check one):

- a. The alleged act of abuse occurred in this county.
- b. The person who caused the abuse lives in this county.
- c. The person who caused the abuse and I last lived together in this county.

2. The person who caused the abuse lives at 1509 Bourne Crossing (street address) in or near the town or city of Mt. Pleasant which is in Charleston County, and the State of SC.

3. The person who was abused was (check one or both, and supply information):

- a. Jennifer McMaster who is the person asking for an Order of Protection;  and  or,
- b. Makayla McMaster who is a child under 18 years old who lives with me.

4. That the abuser and the victim (check one or more):

- are husband and wife  were formerly husband and wife
- have a child/children in common, who is/are: Makayla McMaster
- are living together  were formerly living together
- are household or family members pursuant to S.C. Code Section 20-4-20(a)(2)

5. The abuse happened at (address/location) 1509 Bourne Crossing on 8/21/20 at 15:37 ( a.m./ p.m.), when the Respondent did this: Showed my daughter a gun and asked if he killed her mother would you call 911 if yes I will have to kill you also

6. Have there been prior convictions of domestic violence or prior orders of protection? Yes  No  If yes, please state date: ( / / )

7. I ask this court to grant the following temporary relief (check as many as apply and supply information)

- a. issue an order of protection which prohibits and forbids Respondent from abusing, threatening to abuse, or molesting, or engaging in any other conduct that would place Petitioner in reasonable fear of bodily injury.
- b. issue an order of protection which restrains and prohibits Respondent from using, attempting to use, or threatening to use physical force against Petitioner that would reasonably be expected to cause bodily injury.
- c. issue an Order of Protection which restrains, prohibits, and forbids Respondent

from communicating or attempting to communicate with Petitioner in any way, and from entering or attempting to enter the home of the victim, place of employment, education, or other location as the Court may order.

d. issue an order granting Petitioner temporary custody of the following minor child(ren).

Name	Date of Birth	Address
makayla mcMaster	3.3.05	1509 Bourne Crossing

grant reasonable visitation or  deny visitation.

e. issue an order granting Petitioner temporary child support  
(Financial Declaration [Form SCCA 430] MUST be completed and attached).

f. issue an order granting Petitioner temporary financial support  
(Financial Declaration [Form SCCA 430] MUST be completed and attached).

g. issue an order granting Petitioner temporary exclusive use and possession of the home and furnishings.

h. issue an order which forbids Respondent from transferring, selling, destroying, encumbering, or otherwise disposing of real or personal property belonging to Petitioner or jointly owned.

i. issue an order which gives Petitioner assistance from law enforcement in that Petitioner will be accompanied:

(1) in removing Personal property from \_\_\_\_\_ (Street Address) in \_\_\_\_\_ (City) \_\_\_\_\_ (County), South Carolina.

(2) in placing Petitioner in possession of the home and furnishings at 1509 Bourne Crossing (Street Address) in Mt. Pleasant (City) Charleston (County), South Carolina.

j. issue an order reimbursing Petitioner for costs and attorney's fees.

k. hold a hearing within 15 days of the date of filing these papers.

l. hold an emergency hearing within 24 hours.

m. issue an order granting Petitioner the following additional requests: \_\_\_\_\_

Sworn to and Subscribed before me  
this 24 day of August, 2020

[Signature]  
Notary Public for South Carolina

[Signature]  
Signature of Petitioner or  
Person on Behalf of Petitioner under 18 years  
old

My Commission expires 5/19/2024

**NOTICE TO RESPONDENT: YOU HAVE THE RIGHT TO EMPLOY COUNSEL TO REPRESENT YOU.**

SCCA 425 (12/2009)

FILED

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE FAMILY COURT

Jennifer McMaster  
Petitioner

9th JUDICIAL CIRCUIT

vs.

James McMaster  
Respondent

MOTION AND AFFIDAVIT FOR  
EMERGENCY HEARING  
(Protection From Domestic Abuse Act)  
FILE NO. 2020 DR 10-2107

I, Jennifer McMaster being duly sworn, state that I am (the Petitioner)  
(making this Petition on behalf of the Petitioner) and that the Petitioner is in immediate and  
present danger of bodily injury as shown by the following facts:

I am afraid of the safety of my daughter and myself  
due to my husband threatening to kill both of  
us with a recently purchased gun. He has made  
many threats in the past but this is the  
first threat on my daughter who is  
afraid to be anywhere near her father  
His aggressive behavior has escalated in the past  
few months

Therefore, I am requesting an emergency hearing.

Sworn to and Subscribed before me  
this 19th day of August, 2020

[Signature]  
Notary Public for South Carolina

Jennifer McMaster  
Signature of Petitioner or Person Making  
Petition on Behalf of Petitioner

My Commission expires 5/19/2028

FILED

ORDER

Request for emergency hearing granted/denied (circle one).

8/24/20  
Charles, S. C.

AUG 24 2020

[Signature]  
JULIE J. ARMSTRONG  
CLERK, FAMILY COURT  
(Judge of Family Court) (Magistrate)  
County, S.C.

SCCA/742 (Amended 05/2008)

NOTICE OF HEARING

A HEARING IS SCHEDULED  
ON THE 26th DAY OF Aug. 2020  
AT 10:00 AM/PM  
IN THE FAMILY COURT OF CHARLESTON COUNTY

STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON

IN THE FAMILY COURT  
NINTH JUDICIAL CIRCUIT

2020 AUG 26 PM 8:52

JENNIFER MCMASTER  
vs.  
JAMES MCMASTER  
Defendant.

FAMILY COURT ORDER  
DENYING RELIEF  
(Protection from Domestic Abuse Act)

Docket No. 2020-DR-10-2107


Plaintiff Attorney: SRL  
Defendant Attorney: LAUREN TAYLOR, ESQUIRE  
Guardian ad Litem: N/A

Hearing Date: August 26, 2020  
Judge: HONORABLE  
MICHELE PATRÃO FORSYTHE  
Court Reporter: MS. PATRICIA  
DANNER

The Petition for Order of Protection is denied, based on these facts (check one and complete):

- Voluntary dismissal by Petitioner on \_\_\_\_\_
- Failure to prove facts of alleged abuse.
- Other: \_\_\_\_\_

Date: August 26, 2020  
Charleston, S.C.


  
\_\_\_\_\_  
MICHELE PATRÃO FORSYTHE  
FAMILY COURT JUDGE

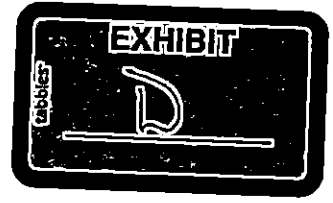
I, the Petitioner, move to dismiss this action, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Petitioner.

COPY GIVEN TO: PETITIONER by \_\_\_\_\_  
(Initial)

RESPONDENT by \_\_\_\_\_  
(Initial)

ATTEST A TRUE COPY  
JULIE J. ARMSTRONG (SEAL)  
CLERK OF COURT, G.S. & F.C.  
BY   
DEPUTY CLERK



South Carolina Department of Social Services  
SAFETY PLAN

Name of Parent/Caretaker(s): Jennifer McMaster, James McMaster  
Name of Child(ren): ANAKAYLA McMARTIN

Address: 8557D Berryessa Way KENNANDING, FL 32034  
Telephone Numbers: Home: 330.495.5578 Cell: \_\_\_\_\_ Work: \_\_\_\_\_

A report of child abuse and/or neglect has been received by the Department. At this point in the investigation safety concerns have been identified by the agency and steps must be taken to make the children safe pending the completion of the investigation.

Danger or Description of the reported harm/safety threat to the child(ren). Describe specific behaviors that cause the children to be unsafe:

Reportedly, Jennifer and James McMaster had a domestic violence incident in which Mr. McMaster was the aggressor.

Describe the effects the reported harm has had on the child(ren)

Minor child could experience mental, emotional, and even physical trauma if caught in the crossfire of a physically violent situation.

DSS and the parents named above have agreed to this Safety Plan because the actions described in this plan are necessary to protect the child. Without these protective measures, the child would be at risk of being removed from the home and placed in foster care for the child's protection during the investigation. This agreement cannot be changed without the written consent of DSS or until the investigation is completed and the agency finds that the child was not abused or neglected.

Actions that will protect the child during the investigation:

- Action: DIETOR HOME Protector: Nancy Rasia
- Protector to ensure minor child has no contact w/ Dad.
  - Protector to supervise all phone calls w/ dad
  - Protector to ensure all basic needs are met.

Protector's Name: Nancy Rasia Address: 8557D Berryessa Way FL  
Phone Number: 330.495.3439 Cell Number: \_\_\_\_\_

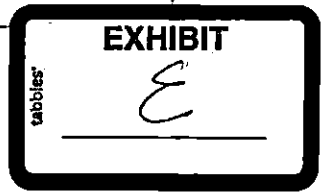
Emergency Numbers: (Work or additional contact numbers) \_\_\_\_\_

Identify the Start Date: 8.28.2020 Expected Ending Date: 11.28.2020 No later than 90 days.

Have all names of protectors and other adults in the household been screened thru the CPS system and SLED, Sex Offender to determine if they have had previous involvement with the CPS division in any capacity?  Yes  No

If yes, list names and dates of all checks: \_\_\_\_\_

What, if any special skills or knowledge will the protector need to care for the child(ren)?  
nil



Revised  
Version

South Carolina Department of Social Services  
SAFETY PLAN

Name of Parent/Caretaker(s): JENNIFER McMASTER, JAMES McMASTER

Name of Child/ren: MARAYIA McMASTER

Address: 1509 BAUME LAKING MT. PLEASANT, SC 29460

Telephone Numbers: Home: 330-495-5578 Cell: \_\_\_\_\_ Work: \_\_\_\_\_

A report of child abuse and/or neglect has been received by the Department. At this point in the investigation safety concerns have been identified by the agency and steps must be taken to make the children safe pending the completion of the investigation.

20

Danger or Description of the reported harm/safety threat to the child(ren). Describe specific behaviors that cause the children to be unsafe;

Reportedly, Jennifer and James McMaster were involved in a domestic violence incident.

(X)

Describe the effects the reported harm has had on the child(ren):

Minor child could experience mental, emotional, or physical trauma if caught in the crossfire of a physically violent situation.

DSS and the parents named above have agreed to this Safety Plan because the actions described in this plan are necessary to protect the child. Without these protective measures, the child would be at risk of being removed from the home and placed in foster care for the child's protection during the investigation. This agreement cannot be changed without the written consent of DSS or until the investigation is completed and the agency finds that the child was not abused or neglected.

Actions that will protect the child during the investigation:

- Action: OUT OF HOME. Protector: Nancy Rofia
- 1. Protector to ensure minor child has no contact w/ James McMaster
- 2. Protector to supervise any and all text messages/phone calls for M. MASTER
- 3. Attempts w/ Marayia. Protector to ensure minor child's basic needs are met

Protector's Name: Nancy Rofia Address: 8550 BERRY CREEK WAY KENNAN - MET  
Phone Number: 330-495-3439 Cell Number: \_\_\_\_\_ dina, FL

Emergency Numbers: (Work or additional contact numbers) \_\_\_\_\_ 320.34

Identify the Start Date: 8-28-2020 Expected Ending Date: 11-28-2020 No later than 90 days.

Have all names of protectors and other adults in the household been screened thru the CPS system and SLED, Sex Offender to determine if they have had previous involvement with the CPS division in any capacity?  Yes  No

If yes, list names and dates of all checks: all checks completed.

What, if any special skills or knowledge will the protector need to care for the child(ren)?  
n/a

(20) ✓



HRC690-R01

South Carolina Department of Social Services

11/23/2020 14:00

Case Dictation  
Case ID - 0001298028

Case ID: 0001298028

Actions:

- Face to Face with Mother
- Face to Face with child/client
- Home/Facility Visit
- Telephone Contact

Recipients:

- 0002473518 - McMaster, Makayla - (E)
- 0002473516 - McMaster, Jennifer -

Action Date: 11/15/2020      Action Time: 12:29 PM      Time Spent: 0.50  
 Input Date: 11/23/2020      Input Time: 12:59 PM      Worker: Jenkins-White, Morgan

Service ID: 0001917597  
 Program Service Type: Family Preservation Services  
 Authorization:  
 Support Service ID:

Dictation:

PM 12:59:33 11/23/2020

On November 15, 2020 case manager white conducted a video call due to COVID-19 with minor child Makayla McMaster and Jennifer McMaster. Case manager observed the minor child to be dressed appropriately with no marks or bruises. Case manager observed the home to be stocked with food in the pantry and refrigerator. Case manager observed running water and electricity and no safety hazards.

Case manager observed Makayla sitting outside on the back porch alone. Case manager asked Makayla how is everything going? Makayla stated that everything is well and that she and her mother Jennifer just return to SC a week ago. Makayla stated that she was staying with her grandmother in Florida. Makayla stated that she doesn't want to speak or see her father because Makayla stated that she is upset of about the behavior of her father. Makayla stated that her father is trying to communicate with her knowing that he has no contact with her at this point. Makayla stated that her father has been constantly texting, calling, and sending gifts to the home to make up for his behavior. Case manager asked Makayla how does the situation make you feel? Makayla stated that the situation makes her feel very uncomfortable to talk about. Makayla stated that she doesn't response to any text messages or phone calls.

Case manager white spoke with Ms. McMaster. She stated that she and Makayla recently just got back to SC. Ms. McMaster stated that she is filing for a divorce because of Mr. McMaster behavior. Ms. McMaster stated that she doesn't feel safe around Mr. McMaster. Ms. McMaster stated that Mr. McMaster has also send text messages, phone calls, and gifts to the home. Ms. McMaster stated that he has consistent with sending items to the home. Ms. McMaster stated that she has an attorney (Melissa Simondi) Bleecker law firm 561 Savannah Hwy Charleston, SC 29407, 843-571-2725. Ms. McMaster stated that her attorney suggested that Makayla and her father participate in counseling together. Ms. McMaster stated that she agrees Makayla needs counseling, but she doesn't think it's a good idea that Makayla and her father complete counseling together. Ms. McMaster stated that Makayla is continuing virtual schooling and that she is updated with all medical

15  
 ← (X)  
 16  
 ← (X)

19 ✓



records. Case manager thanked the family for their time.

**Next steps:**

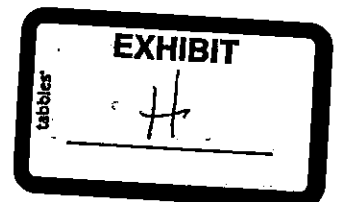
**Case manager to contact Mr. McMaster to inform about parenting classes**

**Case manager to obtain Makayla school attendance and grade**

**Case manager white to submit treatment plan.**

14 ✓

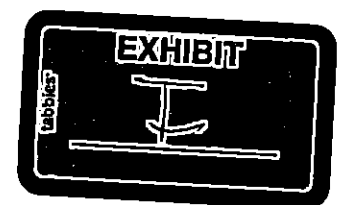
# THUMB DRIVE



## Chronological Index of Videos

These videos should be watched using a Video/Movie Viewer on a Laptop with headphones at maximum volume.

<u>Video No.</u> <u>Date</u> <u>Day: Time</u>	<u>Persons Present</u>	<u>General Content</u>
1. 2021-01-21 Thus: 17:21	Mother/Daughter	Inaudible
2. 2021-01-31 Sun: 16:31	Mother/Mat. GM Daughter	Discussion of blame between daughter and father/ blame/ Discussion about how couples Get along or not from divorce.
3. 2021-02-06 Sat: 23:40	Mother/Daughter Watching TV	@42' 06" Mother: "I am all bad" discussing lit. portraying father In a bad light. @42' 23" Mother: that is where all the problems started. She is terrible, she is alcoholic.
4. 2021-02-06 Sat: 23:43	Discussion above Cont.	@43' 18" Mother discusses impression of GAL. talks about things gets mad at her for like co-parenting. Discusses conversations between father/mother and jobs. Portraying father in bad light. Continues with discussion of expenses of litigation. Inappropriate lit. discussion.
5. 2021-02-10 Wed: 20:04	Mother/Daughter/Mat. GM	Grandmother asks @ 5' 31", "What did your counselor tell you." At the very end of this segment.
6. 2021-02-16 Tu: 16:33	Mother/Daughter/Mat. GM	Inaudible.
7. 2021-02-19 Fr: 09:30	Mother/Daughter/Mat. GM	Coaching by Mat. GM and Mother @ 31'46" : "Don't let them say you and your mom." (Mother)



8. 2021-02-19

Fr: 09:31

Overlaps with the previous recording

9. 2021-02-19

Fr: 09:32

Continues with past two recordings

10. 2021-02-19

Fr: 09:33

Continues with past three recordings

GM is encouraging granddaughter to staying at home for schooling.  
@34":13' "say no" in support of keeping virtual school.

11. 2021-02-19

Fr: 09:37

Continues with past four recordings Mat. GF joins

Mat. GM person gives daughter advice.

Mat. GM person says sometimes father can be nice encouraging minor daughter.

12. 2021-02-19

Fr: 09:39

Continues with past five recordings Mat. GF joins discussion Mat. GM

Mat. GM advises minor daughter to speak to counselor. Coaches to keep phone.

Starting@41":16' Minor Child, advised to say she wants to go home or something or something by GM, if Father starts yelling. Go home early or I just want to go home just want to go home.

13. 2021-02-19

Fr: 09:41

Continues for past Six recordings

Pat GM take work with her, "just because your dad is there doesn't mean he has to entertain you all the time." He is not used to you, he is used to manipulating you. What do you have to do to get along with your dad. If her starts screaming and yelling time to go home now or whatever." Saturday or Sunday tells her she has the right to pick which one you want.

14. 2021-02-19

Fr: 09:44

Continues for past Seven recordings

More interested in dealing with other professionals than you (GAL). some people think they rather deal with the professionals, I am not impressed with her. (Maternal GM)

15. 2021-02-19

Fr: 09:54

Mother/Daughter

16. 2021-02-19

Fr: 20:48

Mother/Daughter/Mat. GM./Mat GF

The appointments are more important than other activities. Minimizing counseling from other activities. Talk about birthday March 3. Mother talks about inconvenience of group meeting. Text her when he is picking her up. Do whatever the hell he wants. Daughter says @50'1" "It's not right" Mother says "Its not right, I agree". Again they should not be talking about litigation and should be encouraging the father/daughter reunification/visitation sessions.

17. 2021-02-19 Overlap of the previous recording

Fr. 20:50

Repeats "Not right" portion.

18. 2021-02-19 Continuation of the previous two recordings

Fr. 21:06

Mother, "He is going want to know that she is still going to stuff with friends." "That is the whole reason is still in school."

Paternal GF is coaching on daughter on what to say.

Mother: Six hours of talking about the same thing (DAD) dreading conversations and working up daughter to dread conversations.

19. 2021-02-19 Continuation of the previous four recordings

Fr. 21:07

20. 2021-02-19 Continuation of the previous five recordings

Fr. 21:11

GM Coaching Minor Daughter on how to act with first visitation @11' 54"

"Daughter's Name, [then addressing Maternal Grandfather] I am trying to say something and you keep interrupting if (inaudible) of the letter just tell them you do not want to do it anymore...Say I am done with it."

(Minimize the clarification letter)

Daughter says it's pointless and Mat. GM encourages that sentiment. Around 12'23"

Mother coaches: 13'20" "what are you going to do if he tries to hug and kiss her?" Mat. GF answers "Back off!" Mat. GM later adds "I think you just back up." the coaching continues till end of this recording.

21. 2021-02-20 Mat. GM/Mother/Daughter

Sat. 16:44

Involving the Daughter in the Lit./Disparaging Father

Mother involves daughter in parents' discussions and father's attempt to get his wife back discussion. Having to have a good conversation before she gets out of the car. In fact, he was separated daughter was in the store and he was across the street in the mall on the phone. Focused on daughter's birthday. Mother at end of this recording states "I think it is sending him a message now, that oh look we are a big happy family now." This in front of the daughter.

22. 2021-02-20 Continuation of the previous recording

Sat. 16:46

Inappropriately involving daughter in divorce

@ 48' 26" If I go to Ohio (Husband mulling over job offers and phone call trying to reconcile)"

23. 2021-02-20 Mother with Daughter in Room watching TV

Sat. 20:17

This whole recording involves the Mother discussing with daughter about the dispute and is alienation.

Talks about father living in Ohio and screaming. Work on marriage, he goes on and on the drinking. Then she tells daughter that is what [Daughter's Name] says... [Mother continues]Recording it to say I said something bad. I did nothing wrong I am not going to say nothing to him.

# South Carolina

SC USA

## DRIVER'S LICENSE

DL

4d DL#: 103492699

1 MCMASTER

2 JAMES MICHAEL

6 1509 BOURNE XING

MT PLEASANT SC 294667560

3 DOB: 02/16/1972

4a Issued: 05/13/2010

4b Expires: 02/16/2020

15 Sex: M 16 Hgt: 5'-08"

17 Wgt: 190 lb 18 Eyes: HAZ

9 Class: D 9a End: None

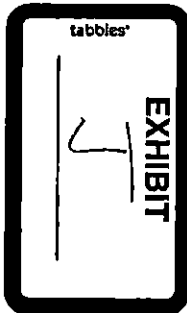
12 Restrictions: None

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02/16/15

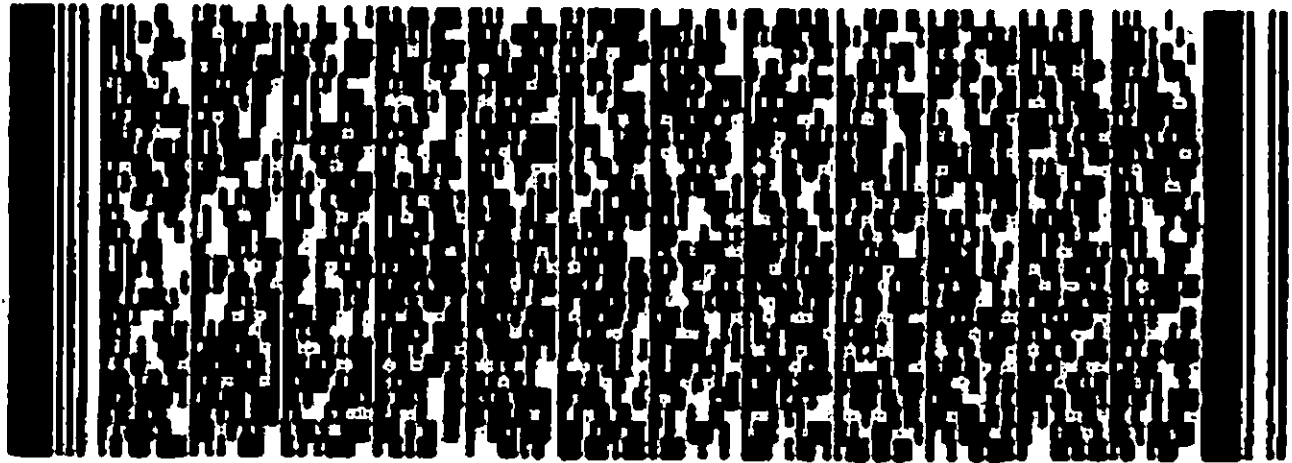


*Henry McMaster*  
Governor



**DMV, PO Box 1498, Blythewood, SC 29016-0022**

**DONOR: YES**



**CLASS:** Vehicles not exceeding 26,000 GVW. Includes Class G and trike.  
Does not include MTC or MTC w/ sidecar.

**ENDORSEMENTS**  
None

**RESTRICTIONS**  
None

**21 1011803100035108**



**THE STATE OF SOUTH CAROLINA  
in The Court of Appeals**

---

APPEAL FROM CHARLESTON COUNTY  
In the Family Court

Family Court Case No. 2020-DR-10-2130

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Jennifer Renee McMaster ..... Petitioner,

v.

James Michael McMaster ..... Respondent.

---

**AFFIDAVIT OF JEFF MARCINO**

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PERSONALLY came the Respondent who is a resident of South Carolina, is over the age of eighteen (18), and makes this statement and General Affidavit upon oath by certification of belief and personal knowledge that the following matters, facts and things set forth are true and correct to the best of my knowledge:

1. Let this serve as summary for patient Jim McMaster and his daughter's joint sessions. Mr. McMaster and his daughter have attended approximately six sessions with this clinician.
2. The goals while in session are to reconcile their relationship after a fractured seven



months where Mr. McMaster has been out of the house and has spent little time with this daughter.

3. The distance is due to an incident which took place in August and was described by daughter that her father threatened her and her mother with a gun. Mr. McMaster denies this incident occurred the way it is being reported but remains determined to be a better father and do whatever it takes to take responsibility for his actions and earn his daughter's trust.
4. In addition to that claim, daughter has indicated that she has several issues with her father which contribute to her not wanting to have a relationship with him. These issues range from, screaming, name calling, an incident which daughter stated that one time her father sat on her while he was tickling her. Despite this report daughter has never mentioned or indicated any physical abuse by her father in our sessions.
5. Mr. McMaster expressed concern that the incidents being reported are inflated or an extreme exaggeration of what really occurred.
6. Daughter has also been seeing Dr. Davis Henderson who asked that Mr. McMaster address the issues daughter had with him through a letter which would be addressed in a session at his office.
7. Mr. McMaster spent countless hours on this letter but appeared to have little effect on helping their relationship move forward. Despite Mr. McMaster's efforts there has been limited progress. Unfortunately, their relationship appears to have actually regressed and perhaps has gotten worse.
8. Although daughter attends sessions with her father she has a very hard time even being

in the room with him. This is evident based on daughter's self-report about having to do these sessions as a whole.

9. While in session daughter prefers to sit separate from her father and has a very difficult time making eye contact when talking to him. She has stated on numerous occasions that she does not want to have a relationship with her father at this time and doesn't know when she will reconsider.
10. When asked in session, daughter struggles to identify what her father could do to help their relationship and sees most of his efforts as fruitless and only cause her stress. Mr. McMaster is often baffled by these feelings since he reports prior to August having a great relationship with his daughter.
11. Mr. McMaster understands that he has done things to upset his daughter but tells her that his actions were never an attempt to harm her, but a byproduct of a poor marriage between him and her mother and him struggling to control his anger.
12. Mr. McMaster not only attends sessions with this daughter every Tuesday, but he also comes in weekly for an individual session. These sessions require Mr. McMaster to identify how he got to this point with daughter, but also how to focus on how not to repeat previous behavior and being a better father.
13. It is my professional opinion that Mr. McMaster's efforts are not have a positive effect on his daughter and their relationship. This opinion is based on the lack of process and the palpable distain that daughter has for her father.
14. It is certainly not this clinician's role to judge the length of time it should take an individual to forgive the person who has hurt them. However, based on the session

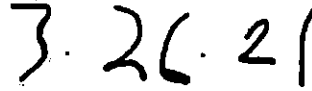
information provided by all parties, and my professional experience, it is certainly out of the ordinary to have not made any progress after seven months of time.

15. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment by contempt. I have attached a copy of my state-issued driver's license as Exhibit A.



---

Jeff Marcino MS, LPC, Psy.D







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Date

<b>TITLE</b>	Affidavit of Jeff Marcino
<b>FILE NAME</b>	2021_03_26_AFFIDA...RCINO_REVISED.pdf
<b>DOCUMENT ID</b>	cdeb0591d3179e205c06e4e9583d00a28b73b531
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<b>STATUS</b>	● Completed

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## Document History

 SENT	<b>03 / 26 / 2021</b> 13:34:55 UTC-5	Sent for signature to Jeff Marcino (marcinojeff@gmail.com) from awalton@kloklaw.com IP: 96.83.153.102
 VIEWED	<b>03 / 27 / 2021</b> 09:58:53 UTC-5	Viewed by Jeff Marcino (marcinojeff@gmail.com) IP: 75.28.140.142
 SIGNED	<b>03 / 27 / 2021</b> 10:02:35 UTC-5	Signed by Jeff Marcino (marcinojeff@gmail.com) IP: 75.28.140.142
 COMPLETED	<b>03 / 27 / 2021</b> 10:02:35 UTC-5	The document has been completed.

SC USA  
**South Carolina**

DRIVER'S LICENSE

DL

NOT FOR FEDERAL IDENTIFICATION

4d DL#: 100701321

1 MARCINO

2 JEFFREY MICHAEL

8 229 DELAHOW ST  
DANIEL ISLAND SC 294928277

3 DOB: 02/09/1977

4a Issued: 12/31/2013

4b Expires: 02/09/2023

15 Sex: M 16 Hgt: 5'-08"

17 Wgt: 160 lb 18 Eyes: GRN

9 Class: D 9a End: None

12 Restrictions: None

02/09/1977



*Jeffrey Michael Marcino*

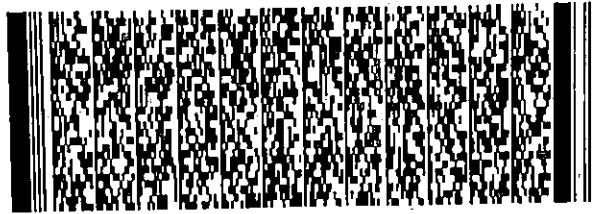


*Henry McMaster*  
Governor

5 DD 0800650302239218897

DMV, PO Box 1498, Blythewood, SC 29016-0022

DONOR: YES



**CLASS:** Vehicles not exceeding 26,000 GVW. Includes Class G and trike.  
Does not include MTC or MTC w/ sidecar.

**ENDORSEMENTS**  
None

**RESTRICTIONS**  
None

21 1011800800038364



**THE STATE OF SOUTH CAROLINA**  
**in The Court of Appeals**

**RECEIVED**  
APR 01 2021  
SC Court of Appeals

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APPEAL FROM CHARLESTON COUNTY  
In the Family Court

Family Court Case No. 2020-DR-10-2130

---

Jennifer Renee McMaster ..... Petitioner,  
v.  
James Michael McMaster ..... Respondent.

---

**PROOF OF SERVICE**

---

I certify that I have served the foregoing Entry of Appearance and the Respondent's Return to Appellant's Motion to Suppress Recorded Communications with attachments via U.S. First Class Mail, postage paid, on March 31, 2021, to the following addresses:

Melissa E. Simondi, Esq.  
519 Savannah Highway  
Charleston, South Carolina 29407  
[msimondi@bleeckerfamilylaw.com](mailto:msimondi@bleeckerfamilylaw.com)

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Law Offices of Richard G. Whiting  
1515 Lady Street  
Columbia, South Carolina 29201  
[dick.whiting@whitinglawsc.com](mailto:dick.whiting@whitinglawsc.com)

Maria Shiloh Averill  
Averill Law Firm, LLC  
528 Johnnie Dodds Blvd., Ste. 102  
Mount Pleasant, South Carolina 29464  
maria@averilllawfirm.com

Honorable Julie J. Armstrong  
Clerk of Court for Charleston County  
Ninth Judicial Circuit  
100 Broad Street  
Charleston, South Carolina 29401  
famctfiling@charlestoncounty.org



Rhett D. Klok, Esq.  
Attorney for the Respondent  
SC Bar No. 69876  
Klok Law Firm, LLC  
1002 Anna Knapp Blvd., Ste. 103  
Mount Pleasant, South Carolina 29464

March 31, 2021

Rhett D. Klok, Esq.  
Suzanne Lafleur Klok, Esq.  
*Licensed in SC, LA, TX, NM, DC*  
1002 Anna Knapp Blvd., Ste. 103  
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www.kloklaw.com

March 31, 2021

Via Federal Express Services

South Carolina Court of Appeals  
Jenny Abbott Kitchings  
1220 Senate Street  
Columbia, South Carolina 29201

**RECEIVED**

APR 01 2021

**SC Court of Appeals**

RE: Our Client: James Michael McMaster  
Case: James Michael McMaster vs. Jennifer Renee McMaster, State of South Carolina, County of Charleston, In the Family Court, Ninth Judicial Circuit, Case No. 2020-DR-10-2130

Dear Ms. Kitchings:

Enclosed please find the following for the above captioned matter:

- Proof of Service
- Entry of Appearance for Gregory S. Forman, Esq.
- Respondent's Return to Appellant's Motion to Suppress Recorded Communications with Exhibits and Attachments
- Thumb Drive

Should you have any questions, please do not hesitate to contact me at (843) 216-8860.

With Kindest Regards,

  
Rhett D. Klok

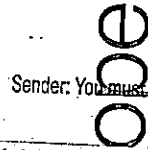
Enclosures

Cc: M. Simondi  
R. Whiting  
M. Averill  
J. Armstong

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ORIGIN: RBWA (843) 216-8280  
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KLOK LAW FIRM, LLC  
1002 ANNA KNAPP BLVD, SUITE 103  
MOUNT PLEASANT, SC 29454  
UNITED STATES US

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TO JENNY ABBOTT KITCHINGS  
SC COURT OF APPEALS  
1220 SENATE STREET

COLUMBIA SC 29201

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ZIP CITY



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