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**Oct 06 2021**

**SC Court of Appeals**

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

---

APPEAL FROM DARLINGTON COUNTY  
Court of Common Pleas

Roger E. Henderson, Circuit Court Judge

---

Case No. 2020-000058

---

Angel Phillips, .....Appellant

v.

Hartsville Department of Social Services, .....Respondent

---

**APPENDIX TO THE RECORD ON APPEAL**

---

Angel Phillips  
12603 Telge Drive  
Apt. F-20  
Cypress, Texas 77429  
(803) 669-2406  
[phillipsangel82@gmail.com](mailto:phillipsangel82@gmail.com)  
*Pro se Appellant*

Joseph P. McLean  
Clarke, Johnson, Peterson & McLean, P.A.  
Post Office Box 1865  
Florence, South Carolina 29503  
(843) 669-2401  
[jmclean@cjpmlaw.com](mailto:jmclean@cjpmlaw.com)  
*Attorney for Respondent*

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STATE OF SOUTH CAROLINA

COUNTY OF Darlington

Angel D. Phillips

Plaintiff(s)

vs.

HAYSVILLE DSS

Defendant(s)

Submitted By: Angel Phillips

Address: 1012 Queen St Camden SC

29020

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

**19CP-160705**

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

(803) 764-8485

phillips.angelisa@gmail.com

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing cases that are NOT E-Filed. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint. This form is NOT required to be filed in E-Filed Cases.

**DOCKETING INFORMATION (Check all that apply)**

*\*If Action is Judgment/Settlement do not complete*

- JURY TRIAL demanded in complaint
- NON-JURY TRIAL demanded in complaint
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

**NATURE OF ACTION (Check One Box Below)**

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Contracts<br><input type="checkbox"/> Constructions (100)<br><input type="checkbox"/> Debt Collection (110)<br><input type="checkbox"/> General (130)<br><input type="checkbox"/> Breach of Contract (140)<br><input type="checkbox"/> Fraud/Bad Faith (150)<br><input type="checkbox"/> Failure to Deliver/Warranty (160)<br><input type="checkbox"/> Employment Discrim (170)<br><input type="checkbox"/> Employment (180)<br><input type="checkbox"/> Other (199) | <input type="checkbox"/> Torts - Professional Malpractice<br><input type="checkbox"/> Dental Malpractice (200)<br><input type="checkbox"/> Legal Malpractice (210)<br><input type="checkbox"/> Medical Malpractice (220)<br>Previous Notice of Intent Case #<br>20 <u>NI</u><br><input type="checkbox"/> Notice/ File Med Mal (230)<br><input type="checkbox"/> Other (299) | <input type="checkbox"/> Torts - Personal Injury<br><input type="checkbox"/> Conversion (310)<br><input type="checkbox"/> Motor Vehicle Accident (320)<br><input type="checkbox"/> Premises Liability (330)<br><input type="checkbox"/> Products Liability (340)<br><input checked="" type="checkbox"/> Personal Injury (350)<br><input type="checkbox"/> Wrongful Death (360)<br><input type="checkbox"/> Assault/Battery (370)<br><input type="checkbox"/> Slander/Libel (380)<br><input type="checkbox"/> Other (399) | <input type="checkbox"/> Real Property<br><input type="checkbox"/> Claim & Delivery (400)<br><input type="checkbox"/> Condemnation (410)<br><input type="checkbox"/> Foreclosure (420)<br><input type="checkbox"/> Mechanic's Lien (430)<br><input type="checkbox"/> Partition (440)<br><input type="checkbox"/> Possession (450)<br><input type="checkbox"/> Building Code Violation (460)<br><input type="checkbox"/> Other (499) |
|---|---|--|---|

- |  |  |  |   |
|--|--|--|---|
| <input type="checkbox"/> Inmate Petitions<br><input type="checkbox"/> PCR (500)<br><input type="checkbox"/> Mandamus (520)<br><input type="checkbox"/> Habeas Corpus (530)<br><input type="checkbox"/> Other (599) | <input type="checkbox"/> Administrative Law/Relief<br><input type="checkbox"/> Reinstate Drv. License (800)<br><input type="checkbox"/> Judicial Review (810)<br><input type="checkbox"/> Relief (820)<br><input type="checkbox"/> Permanent Injunction (830)<br><input type="checkbox"/> Forfeiture-Petition (840)<br><input type="checkbox"/> Forfeiture-Consent Order (850)<br><input type="checkbox"/> Other (899) | <input type="checkbox"/> Judgments/Settlements<br><input type="checkbox"/> Death Settlement (700)<br><input type="checkbox"/> Foreign Judgment (710)<br><input type="checkbox"/> Magistrate's Judgment (720)<br><input type="checkbox"/> Minor Settlement (730)<br><input type="checkbox"/> Transcript Judgment (740)<br><input type="checkbox"/> Lis Pendens (750)<br><input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760)<br><input type="checkbox"/> Confession of Judgment (770)<br><input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780)<br><input type="checkbox"/> Incapacitated Adult Settlement (790)<br><input type="checkbox"/> Other (799) | <input type="checkbox"/> Appeals<br><input type="checkbox"/> Arbitration (900)<br><input type="checkbox"/> Magistrate-Civil (910)<br><input type="checkbox"/> Magistrate-Criminal (920)<br><input type="checkbox"/> Municipal (930)<br><input type="checkbox"/> Probate Court (940)<br><input type="checkbox"/> SCDOT (950)<br><input type="checkbox"/> Worker's Comp (960)<br><input type="checkbox"/> Zoning Board (970)<br><input type="checkbox"/> Public Service Comm (999)<br><input type="checkbox"/> Employment Security Comm (991) |
|--|--|--|---|

- |   |   |                                      |
|---|---|--------------------------------------|
| <input type="checkbox"/> Environmental (600)<br><input type="checkbox"/> Automobile Arb. (610)<br><input type="checkbox"/> Medical (620)<br><input type="checkbox"/> Other (699)<br><input type="checkbox"/> Sexual Predator (510)<br><input type="checkbox"/> Permanent Restraining Order (680)<br><input type="checkbox"/> Interpleader (690) | <input type="checkbox"/> Special/Complex/Other<br><input type="checkbox"/> Pharmaceuticals (630)<br><input type="checkbox"/> Unfair Trade Practices (640)<br><input type="checkbox"/> Out-of-State Depositions (650)<br><input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660)<br><input type="checkbox"/> Pre-Suit Discovery (670) | <input type="checkbox"/> Other (999) |
|---|---|--------------------------------------|

TRUE CERTIFIED COPY  
 Scott B. Suggs  
 CLERK OF COURT  
 DARLINGTON COUNTY, SC

Submitting Party Signature: \_\_\_\_\_

Date: 7-3-2019

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

**SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.**

Pursuant to the ADR Rules, you are required to take the following action(s):

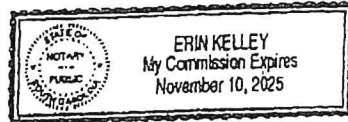
1. The parties shall select a neutral and file a "Proof of ADR" form on or by the 210<sup>th</sup> day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the "Notice of Intent to File Suit" or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
  - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
  - b. Requests for temporary relief;
  - c. Appeals
  - d. Post Conviction relief matters;
  - e. Contempt of Court proceedings;
  - f. Forfeiture proceedings brought by governmental entities;
  - g. Mortgage foreclosures; and
  - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

**Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.**

19CP160705

On July 2016 my son and I were in a car wreck in the state of NC. I was hospitalized for over a week in the process of this week. My cousin whose name is [REDACTED] called a other family member \*cousin\* name Kendra Ford who works at DSS in Darlington county. [REDACTED] told Kendra that I Neglect my child and that I used drugs at this point, Kendra and [REDACTED] entered myself into a DSS safety plan. I'm still at this point hospitalized in NC. Took my child out of our home and placed [REDACTED] in the care of [REDACTED] and her felon husband [REDACTED]. He had no where to sleep and [REDACTED] had my child shooting weapons. [REDACTED] lived in the home of my Grandma who raised [REDACTED] and I. In the meantime Martha g Phillips was on her death bed. I had supervised visitation with my own child I told Kedra Ford if she didn't release my child I have intention to bring a lawsuit on DSS. Kendra and [REDACTED] pulled one last stunt taking my child to Rubicon in Hartsville to have him drug test, his drug test came back clean and my Toxicology report from the hospital said I have no drugs in my system; Now were both diagnosed with PTSD, and I wish to file a plaintiffs claim. [REDACTED] have a poilce record for being a thief and liar.

Sworn to and subscribed  
before me this 1 day of  
July, 2019.



[Handwritten signature]

[Handwritten signature]  
Erin Kelley

7/11/19

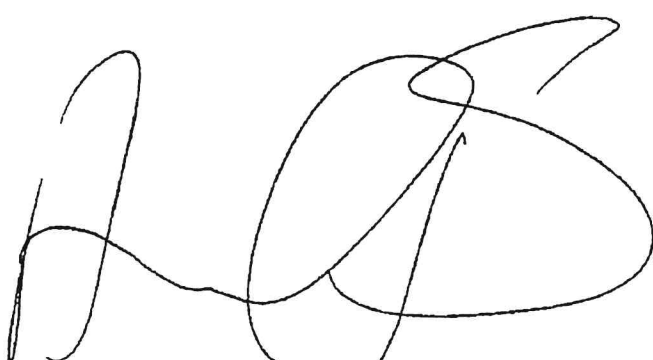
TRUE CERTIFIED COPY,  
[Handwritten signature]  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

2019 JUL -3 AM 10:33

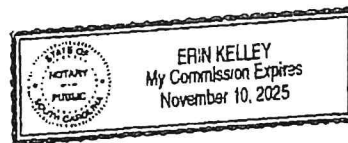
FILED



My name is [REDACTED], the son of Angel Phillips and being up with a [REDACTED] and [REDACTED] without my mother being there felt unsettling and with her not being there caused me to go in a state of PTSD, because I'm used to have my mother being around. During that time staying at [REDACTED] house, I heard [REDACTED] and [REDACTED] plot against my mother, but not only that [REDACTED] took me to Raticon to get me drug test in order to trap my mother and I. During that time being in their household, [REDACTED] had me shoot a 9mm pistol with a gun holster on the side of his hip, and [REDACTED] was plotting against my mother by trying to get her cousin (Kendra Ford) to make a false DSS claim in order to hold me there against my will, stating I had to wait 45 days before going home to my mother (Angel Phillips).

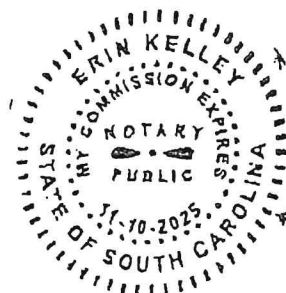
  
7/1/19

Sworn to and subscribed  
before me this 1 day of  
July, 2019



TRUE CERTIFIED COPY,

*Scott B. Suggs*  
CLERK OF COURT/AMC  
DARLINGTON COUNTY, SC



19 CP 160701

South Carolina Department of Social Services  
DETERMINATION FACT SHEET

Case Name: Angela Phillips Case Number: 0001201144

Address: Angela Phillips

121 Terrell St

Darlington, SC 29532

As of 8/3/16, it is the decision of the department that the investigation/assessment  
initiated on 6/21/16 has been unfounded for the following forms  
of maltreatment: physical neglect as supported by the facts and observations  
recorded below and in the county investigative/assessment file.

Facts/Observations	Supporting Documentation/Evidence
Angela's medical discharge summary did not indicate that she was mentally unstable and could not care for the child.	Discharge summary received
There was no disclosure of abuse or neglect.	Interviews by CM

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CLERK OF COURT/RMC  
WILMINGTON COUNTY, SC

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2019 JUL -3 AM 10:33  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

- For indicated investigations/assessments, check all that apply:
- You have been identified as the person responsible for harm to a child. (See attached DSS Form 3089.)
  - A child with whom you are involved has been identified as being abused and/or neglected by state statute. You have not been identified as being responsible for the maltreatment. This information is being provided to you solely because of your legal relationship to the child.
  - A child for whom you are the caretaker has been determined to be abused and/or neglected.
    - Day Care Facility: The matter will be referred to your employer and the DSS Division of Child Day Care Licensing and Regulatory Services for action. (See attached DSS Ltr. 3081.)
    - Foster Homes, Group Homes and Residential Facilities: See the attached letter for additional information regarding appeal of this decision. (See attached DSS Ltr. 3081.)
  - A child has been determined to have been harmed while at your child care facility. The DSS Division of Child Day Care Licensing and Regulatory Services will contact you regarding a corrective action plan and/or any other actions needed to insure the safety of children.

For unfounded investigations/assessments:  
 See attached DSS Form 3065.

Michael A. [Signature] 8/5/16  
Worker's Signature Date

Calla Benton 8/5/16  
Supervisor's Signature Date

DSS Form 3070 (FEB 10) Edition of JAN 03 is obsolete.

to receive services there. A case decision was made on 8/3/2016. The case was unfounded inconclusive indicating that "Angela's medical discharge summary did not indicate that she was mentally unstable and could not care for the child. There was no disclosure of abuse or neglect." The notice of the unfounded case decision was signed by the caseworker and the supervisor on 8/5/2016. It was not required to be sent certified so there is no confirmation in the case record of when it was mailed or received.

**Summary:**

Based on my review of the record, I find no evidence to support any of the concerns outlined in the South Carolina Office of Inspector General Complaint Form. The child did remain with a protector until after 8/3/2016 when the case was unfounded. Ms. Angela Phillips cooperated with the safety arrangement. It is unclear if Ms. Angela Phillips understood that she does not have legal custody of [REDACTED]. The responsibility for the child was discussed with his biological mother. [REDACTED]

[REDACTED] Background checks were completed on the appropriate persons as described above. Since both the caseworker and the supervisor are no longer employed by SCDSS, I am unable to follow up with them about the allegation that Ms. Ford is a distant relative of Ms. Angela Phillips or that anyone was rude, aggressive or bullheaded to the facts or did not listen. There is dictation indicating that the caseworker attempted contact with Ms. Angela Phillips on 6/28/2016, on 7/7/2016 and on 7/11/2016 and interviewed Ms. Angela Phillips on 7/14/2016 and again spoke with Angela on 8/2/2016.

No further action will be taken by DCDSS unless advised otherwise. Please let me know if additional action is needed.

The unfounded case record is in the locked file area of the Hartsville DSS office and is scheduled for destruction on 8/4/2021.

# South Carolina Office of Inspector General Complaint Form Confirmation

Complaint Confirmation Number: 00361  
Date complaint was submitted: 11/27/2017 12:23:03 PM  
Requesting Confidentiality? No

# 19CP160705

If yes, why:

Name: Angel phillips  
Street Address: 52 b lakeshore dr  
City: Camdm  
State: SC  
Postal / Zip Code: 29030  
Email Address: Fhillipsangel82@gmail.com  
Home Phone: 8036698341  
Cell Phone:  
Place of Employment: Social security  
Position:  
Email Address:  
Work Phone:  
Agency Name: Darlington county department of social services  
Individual 1 Name: Kendra ford  
Individual 1 Position: Social worker  
Individual 2 Name: Carla benton  
Individual 2 Position: Supervisor of mrs ford  
Witness 1 Name: Sondra corley 8034276135 52b lakeshore dr camden sc 29020  
Witness 2 Name: [REDACTED]

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2019 JUL -3 AM 10:33  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

What recourse have you taken with the agency? I tried talking to mrs ford's supervisor mrs benton  
What action was taken? None mrs benton refused to acknowledge the fact of mrs ford's misconduct  
What is the status on the matter?

Has there been, or is there any litigation pending concerning this complaint? No  
If so, what is the current status?

Personal or Direct Knowledge? Personal and direct knowledge

Other Knowledge? Documents later received

Are there any relevant documents that support your allegation(s)? Yes

Please provide a narrative of the alleged wrongdoing or omission:

It was June of 2016 I was in a major car wreck with my child in the state of north Carolina I was hospitalized for over a week my child thankfully sustained no injuries and was allowed to go home after being checked out however he didnt come home until the later part of August due to an illegal and false Dss case that was reported by my own cousin to take my child for his disability check that he receives for being autistic when I came home from the hospital I went to get my child from my grandmothers house where my cousin and husband along with there two children live and found out I could not take my child home because there was a report to social services of abuse and neglect and was under supervision to even see my child that is where Mrs Corley comes in she was the supervisor on the weekend when I would get him for the weekend as my child is in school at this point

TRUE CERTIFIED COPY,  
*Scott B. Seay*  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

In time [redacted] went to a distant family member of ours Mrs Ford and made a false claim there was no investigation my child was taken out of my home to be put in here so her husband who is a felon and has no business with guns by federal law could take my son to shoot automatic weapons on my grandmothers land Mrs Ford said there were background checks done and sled reports for every adult in the home apparently that's one more bold face lie as the facts prove different I went to Mrs Fords supervisor to inform her of what was going on and that Mrs Ford is a distant relation to me she was rude aggressive and bullheaded to the facts she did not listen and was of no help bottom line is lies where brought Das they did no investigation they didnt speak to me and took my child illegally which resulted in both PTSD in myself and child

DIVISION OF INVESTIGATION  
2018 JAN -8 AM 9:00

South Carolina Department of Social Services  
NOTICE OF UNFOUNDED INVESTIGATIONS/ASSESSMENTS

19CP160705

Date: 8/5/2016

To: Angela Phillips

Address: 121 Terrell St

Darlington, SC 29540

Re: Kedra Ford

Dear: Angela Phillips

This is to inform you that the child protective services investigation/assessment involving you and the above referenced children initiated on 6/21/14, was determined unfounded on 8/3/16 and classified as a:

- Category I Unfounded Report** – Abuse and neglect was ruled out by the investigation/assessment.
- Category II Unfounded Report** – The investigation/assessment did not produce a preponderance of the evidence that the child is an abused or neglected child.
- Category III Unfounded Report** – An investigation/assessment could not be completed because the department was unable to locate the child or family or for some other compelling reason.

If classified as Category I or II, this means that the investigation/assessment has been concluded. Category III cases may be reopened if additional information is received which allows DSS to complete the investigation/assessment. The DSS investigative/assessment file will be destroyed not less than five years from the date of the case decision and information will be kept confidential pursuant to S.C. Code Section 63-7-930.

If you have any questions regarding this notice or the completed investigation/assessment, please contact the worker or supervisor listed below during normal working hours, Monday through Friday.

Myra D. And Carla Benton 843-639-8205  
Investigator Supervisor Telephone

cc: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TRUE CERTIFIED COPY  
Sgt B. Suggs  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

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2019 JUL -3 AM 10:33  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

South Carolina Department of Social Services  
SAFETY PLAN

19CP160705

Name of Parent/Caretaker(s): \_\_\_\_\_

Name of Child/ren: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Numbers: Home: \_\_\_\_\_ Call: \_\_\_\_\_ 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:

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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 has not been abused or neglected.

Actions that will protect the child during the investigation:

Action: \_\_\_\_\_ Protector: \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

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OCT 11 - 3 AM '13  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

Protector's Name: \_\_\_\_\_ Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_

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

Identify the Start Date: \_\_\_\_\_ Expected Ending Date: \_\_\_\_\_ 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)?

CERTIFIED COPY,  
Scott B. Suggs  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

If the alleged perpetrator leaves the home during the investigation, what visitation is allowed:

Location: \_\_\_\_\_

Frequency: \_\_\_\_\_

Who will monitor and how: \_\_\_\_\_

**Parents/Guardian/Significant Other:**

I (we), \_\_\_\_\_, parent(s) of \_\_\_\_\_ agree by signing this Safety Plan, I (we) understand \_\_\_\_\_, also referred to as the child's protector, will be responsible for my child during the investigation. I, (we) agree to the steps outlined in this plan until the investigation is completed. I (we) understand that by signing this agreement that I am acknowledging concern for my child, but I am not admitting that I have abused or neglected my child. I agree that if at any time I find that I cannot or will not comply with any or more of the terms of this agreement, I must notify DSS immediately.

Worker's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Phone: \_\_\_\_\_

Parent/Caregiver: \_\_\_\_\_ Date: \_\_\_\_\_

Parent/Caregiver: \_\_\_\_\_ Date: \_\_\_\_\_

**Protector:**

I, \_\_\_\_\_, agree to act in the capacity of protector for \_\_\_\_\_ and to provide for the child's care and to assure that the steps outlined will be followed. I agree that if at any time I find that I cannot or will not comply with the one or more of the terms this agreement, I am to immediately contact the Department's Social Services.

Worker's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Phone: \_\_\_\_\_

After-Hours Emergency Number: \_\_\_\_\_ or Law Enforcement Number: \_\_\_\_\_

I understand that I am not to allow the parent to have unsupervised contact with the child during the investigation. I agree that should the parent attempt to remove the child from my immediate supervision or in any other way have unsupervised contact with the child I am to contact DSS.

Protector's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

DSS agrees to complete the investigation in the time as indicated above and to monitor the safety plan for compliance as outlined. DSS agrees to reassess the safety plan if, through the investigation, the child's risk of danger is decreased. If the report is unfounded, the Safety Plan will end and the agency will notify both the parents and the protector in writing of the termination of the Safety Plan and case decision. If the report is founded, the agency will conduct a family team meeting to develop additional services or alternative plans for the children.

DSS Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Parent(s) Refused to Sign on: (Date) \_\_\_\_\_ Worker's Initials: \_\_\_\_\_

If the parent(s) refuse to sign a valid safety plan, an out of home placement must be sought by Law Enforcement or Ex parte Order to keep the child safe, pending the completion of the investigation.

These services represent an effort by the Department of Social Services to assist this family to strengthen its capacity to protect, guide and nurture this child within the family home or with a protective caregiver who is going to provide care for the child during the investigation. Should these services prove ineffective and it is no longer possible for this child to remain safely within the family home, out-of-home care is the planned arrangement for this child.

Yes  No

19CP160705

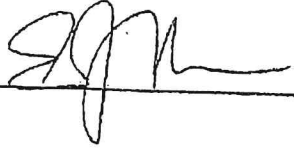
# REFERRALS

Patient Name: 

DOB: 2-11-02

Reason: PTSD

Reason of Referral: Counseling (Kershaw Co.)

Provider: 

CITY OF DARLINGTON  
CLERK OF COURT/PMC  
DARLINGTON COUNTY, SC

2019 JUL -3 AM 10:34

FILED

\*We will contact you once the initial referral appointment has been scheduled. However some appointments take longer than others. Please make sure that we have a good contact number on file for you. If you can't make the initial appointment you will be responsible for calling the specialist and rescheduling it.

TRUE CERTIFIED COPY,  
  
CLERK OF COURT/PMC  
DARLINGTON COUNTY, SC

# DARLINGTON COUNTY SHERIFF'S OFFICE

Sheriff Tony Chavis

STATE OF SOUTH CAROLINA, )

COUNTY OF DARLINGTON )

130 E. CAMDEN AVENUE, HARTSVILLE, SC 29550

ANGEL D. PHILLIPS

Plaintiff(s) )

vs. )

AFFIDAVIT OF SERVICE OR NON-SERVICE

HARTSVILLE DSS

Defendant(s) )

FILE NO: 19/07-005CP

I, Angel D. Phillips, with the Darlington County Sheriff's Office, being duly sworn says that (s)he served the COMMON PLEAS CIVIL ACTION

(Describe document(s) served)

on

HARTSVILLE DSS

(Name of party served)

by delivery to

T. Brooke Allen, SC DSS Attorney personally,

(Name of party served)

T. Brooke Allen the SC DSS Attorney of the party served,

(Name of person served)

(Note relationship to party)

and a person of discretion residing at the residence of the party served;

(Name of person served)

the

(Title)

of

(Name of corporate party served)

and leaving with  (him)  (her) a copy at

(Street address)

in

(City or Town)

County

County, South Carolina,

on

at

o'clock

that deponent knows the person so served, and that deponent is not a party of this action, is not less than eighteen (18) years of age and has no interest therein or connection therewith.

Sworn to and Subscribed before me

this 9 day of July, 2019 )

Jennifer Gallinway )  
Notary Public for South Carolina )

Signature of Deponent

My Commission expires 9/23/19 )

Unable to locate and serve the above process on the defendant after diligent efforts to do so.

The process is returned unexecuted.

DATE	TIME	COMMENTS
7/3/19	10:00 AM	Notice to be returned to Plaintiff if improper service is sent to court

Supervisor \_\_\_\_\_

Deputy (Sign) \_\_\_\_\_

Deputy (Print) \_\_\_\_\_



Selfpay:	Percent Red: % 0	Effective Dates:	06/15/2017	Thru	06/15/2018
	Add Reduct: % 0	Effective Dates:	06/15/2017	Thru	06/15/2018
	Pharm Reduct: %	Effective Dates:		Thru	
Contract:	Number:	Effective Dates:		Thru	

Electronic Medical Record



Name: ANGELA D PHILLIPS

DOB: [REDACTED]

Med	Dosage	Sig	Amount	Refill	Type	Start Rx Date	Pharmacy
[REDACTED]	[REDACTED]	1 daily;	30	2	[REDACTED]	12/20/2017	
[REDACTED]	[REDACTED]	1 bid;	60	2	[REDACTED]	12/20/2017	
[REDACTED]	[REDACTED]	ONE PO OD;			[REDACTED]	12/20/2017	
[REDACTED]	[REDACTED]	1 daily;			[REDACTED]	12/20/2017	

Allergy	Record Date
None	

Exhibit B witness affidavit

I, SONDRA CORLEY, AM WITTING THIS STATEMENT AS A WITNESS TO WHAT ANGEL PHILLIPS AND HER CHILD [REDACTED] HAD TO ENDURE AT THE HANDS OF THE DEPARTMENT OF SOCIAL SERVICES HARTSVILLE FIELD OFFICE. I WENT TO SIT WITH MY GRANDMOTHER WHOM WAS ILL AT THAT MOMENT, ANGEL AND I HAD PREVIOUSLY TALKED ABOUT MOVING TO NORTH CAROLINA AND WE DECIDED THAT I WOULD ATTEND MY GRANDMOTHER FOR THE WEEK AND SHE AND [REDACTED] WOULD RESEARCH AND INVESTIGATE PROPERTIES LOCCATED IN NORTH CAROLINA. I LAST SPOKE WITH HER ON FRIDAY AND WAS INFORMED ON SATURDAY SHE AND [REDACTED] HAD BEEN IN A CAR WRECK AND AT THAT MOMENT I SPOKE WITH A DSS WORKER FOR THE STATE OF NORTH CAROLINA WHO ASKED IF I COULD COME AND RETRIEVE ANGELS CHILD AS [REDACTED] WAS FOUND AND ANGEL WAS MISSING. THIS HORRIFIED ME AS SHE WOULD NEVER DO ANYTHING TO JEOPARDIZE HER CHILD. I TOLD THE

WORKER, THE SITUATION I WAS IN AND THAT I

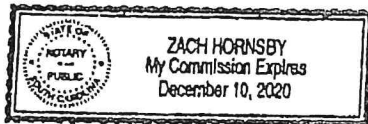
TRUE COPY  
*Scott B. Suggs*  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

2019 JUL  
AM 11:58  
FILED

WOULD CALL HER FAMILY TO LET THEM KNOW OF THIS URGENT MATTER. I IMMEDIATELY CALLED [REDACTED] AS SHE IS ANGEL'S COUSIN WHO LIVES IN THEIR GRANDMOTHERS HOME AND INFORMED HER OF THE WRECK AND THE CIRCUMSTANCE. AFTER I MADE APPROPRIATE ARRANGEMENTS FOR MY GRANDMOTHER WITH ANOTHER FAMILY MEMBER WHO FLY IN FROM ANOTHER STATE I WENT HOME AS ANGEL HAD BEEN HOSPITALIZED ON MONDAY IN WAYNESBORO MEDICAL CENTER . AS I PREPARED FOR HER AND [REDACTED] TO COME HOME , I RECEIVED A TELEPHONE CALL FROM [REDACTED] AND KENDRA FORD STATING THAT THEY HAD ENTERED ANGEL INTO A SAFETY PLAN WHILE SHE WAS IN THE HOSPITAL AND THAT [REDACTED] WAS TO REMAIN WITH [REDACTED] FOR AN INVESTIGATION OF CHILD NEGLECT. I WAS ASKED TO BE THE SUPERVISOR FOR WEEKEND VISITS BETWEEN ANGEL AND HER CHILD . I TOLD MRS. FORD THAT THIS WAS COMPLETELY UNNECESSARY AS ANGEL IS AN EXCEPTIONAL MOTHER AND THIS WAS GOING

EFFORTS AS PREDICTED WERE DIABOLICAL .  
ANGEL THOUGHT THAT EVERY KNOCK ON THE  
DOOR WAS THE STATE TRYING TO TAKE HER CHILD  
AGAIN, TO THE POINT OF HAVING TO SEEK  
COUNSELING CONCERNING THE ISSUE. BOTH  
SUFFERED FROM NIGHT TERRORS AND [REDACTED]  
REFUSED TO GO TO COUNSELING FOR FEAR THAT  
HE WOULD BE RIPPED FROM HIS MOTHER AGAIN.  
THE CHILD REFUSES TO GO TO ANY DOCTORS  
APPOINTMENTS FOR THE SAME REASON. HES  
ABSOLUTELY TERRRIFIED OF GUNS AND LOUD  
NOISES GIVE HIM TREMORS .

*Sorana Colley*  
7/12/19



*Zach Hornsby* 7-12-19

TO TRAUMATIZE HER AND [REDACTED] AFTER WHAT BOTH JUST ENDURED [REDACTED] BROKE INTO CONVERSATION AS WE WERE ON THREE WAY AND INFORMED ME THAT WAS THE END OF THE CALL I HAD TO INFORM ANGEL OF THIS OVER THE PHONE WHILE SHE WAS STILL HEALING FROM HER INJURIES . SHE WAS ABSOLUTELY DEVESTATED. UPON RETURNING HOME I WITNESSED THAT [REDACTED] HAD NO BED NOR A BEDROOM HE WAS SLEEPING ON THE COUCH UNDER THE CARE OF [REDACTED] . ANGEL HAD TO WASH HIS CLOTHES , FEED HIM , AND DEMAND [REDACTED] HUSBAND [REDACTED] WHOM IS A FELON TO STAY AWAY FROM HER CHILD AS HE HAD THE CHILD SHOOTING AUTOMATIC WEAPONS . ANGEL DEMANDED THE RETURN OF [REDACTED] AT ONCE FROM MRS FORD AS A CIVIL ACTION WOULD ENSUE IF NOT, MRS. FORD THEN REQUESTED ANGEL TO TAKE [REDACTED] TO HAVE A HAIR FOLICLE DRUG TEST DONE BEFORE SHE WOULD RETURN HIM ANGEL COMPLIED AND [REDACTED] WAS RETURNED HOME AND THE CASE CLOSED. THE AFTER

Civil case 19CP160705

PLAINTIFF ANGEL PHILLIPS

DEFENDANT HARTSVILLE DSS

FILED

2019 JUL 12 AM 11:59

CLERK OF SUPERIOR COURT  
DARLINGTON COUNTY, SC

8/3/2016 MY 4<sup>TH</sup> AMENDMENT WAS BROKEN

PROTECTION FROM UNSEASONABLY SEARCHES AND SEIZURES

PARENTS AND CHILDREN HOLD RECIPROCAL RIGHTS IN EACH OTHER. NO PERSON NO GOVERNMENT AGENCY CAN IMPOSE ITSELF INTO PERSON LIFE AND THE LIFE OF MY ONE'S FAMILY WITHOUT COMPLYING WITH SPECIFIC PROCEDURES DESIGNED TO PROTECT ONE'S RIGHTS IN THEIR OWN PROPERTY

BOTH THE UNITED STATES CONSTITUTION AND THE SOUTH CONSTITUTION GUARANTEE AGAINST UNREASONABLE SEARCHES AND SEIZURES INVASIONS OF PRIVACY

SO-CALLED MERTIS HEARING MUST BE SCHEDULED WITHIN THIRTY-FIVE DAYS AFTER THE CASE IS FILED TO DETERMINE WHETHER REMOVAL OF THE CHILD IS NECESSARY. BEFORE THE COURT CAN ORDER THAT A CHILD CAN BE REMOVED FROM THEIR HOME AND PARENT OR CAREGIVERS. A FINDING THAT THE ALLEGATIONS ARE SUPPORTED BY PREPONDERANCE OF EVIDENCE (1) THAT THE CHILD IS ABUSED OR NEGLECTED CHILD (2) THAT RETENTION OF THE CHILD IN THE RETURN OF THE CHILD TO HOME WOULD PLACE THE CHILD AT UNREASONABLE RISK OR HARM AND THE CHILD CANNOT REASONABLY BE PROTECTED FROM HARM

DSS MUST FILE AND SERVE A MOTION FOR THE FAMILY COURT TO REVIEW THE STATUS OF CHILD PLACED IN FOSTER OR CARE OF FAMILY TO DETERMINE A PERMANENT PLAN FOR THE CHILD...

THE HEARING ON THE MOTION IS CALLED A PERMANENCY HEARING (PPH)

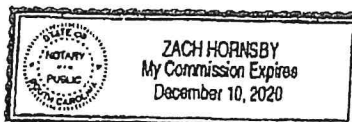
THE (PPH) MUST BE HELD NO LATER THAN ONE YEAR AFTER THE REMOVAL HEARING. THE COURTS MUST MAKE SPECIFIC FINDING THAT (1) THE TREATMENT PLAN WAS REASONABLY CALCULATED TO REMEDY THE CONDITIONS WHICH LED TO THE REMOVAL AND (2) THE DSS MADE REASONABLE EFFORTS TO PRESERVE OR REUNITE THE FAMILY...

TRUE CERTIFIED COPY,  
DARLINGTON COUNTY, SC

SIGNATURE

DATE

7/12/19



*Zach Hornsby*  
7-12-19

*Handwritten initials*

Date 7-5-2019

CIVIL CASE 19CP160705

This is a Motion To Discover in the legal civil case 19CP160705. Angel D Phillips (Plaintiff) Vs Hartsville DSS (Defendant). For all records and entire case file that has been redacted.

Please respond in a timely manner concerning this issues

*Large handwritten signature*

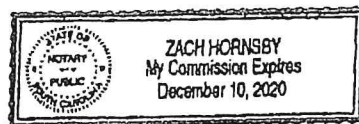
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FILED

2019 JUL 12 AM 11:56

CLERK OF COURT/RAC  
DARLINGTON COUNTY, VA

*Zach Hornsby 7-12-19*



TRUE CERTIFIED COPY,  
*Scott B. Sigger*  
CLERK OF COURT/RAC  
DARLINGTON COUNTY, VA

*[Handwritten mark]*

Date 7-5-2019

CIVIL CASE 19CP160705

This is a Motion To Discover in the legal civil case 19CP160705. Angel D Phillips (Plaintiff) Vs Hartsville DSS (Defendant). For all records and entire case file that has been redacted.

Please respond in a timely manner concerning this issues

*[Large handwritten signature]*

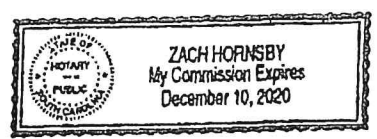
7/12/19

2019 JUL 12 AM 11:56  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

2019 JUL 12 AM 11:56

FILED

*[Handwritten signature]* 7-12-19



TRUE CERTIFIED COPY,  
*Scott B. Suggs*  
CLERK OF COURT/RMC  
DARLINGTON COUNTY, SC

SCANNED

State of South Carolina)
County of Darlington )

In Circuit Court of the
Fourth Judicial Circuit
2019-CP-16-00705

Angel Phillips,
Plaintiff,
vs.
Hartsville Department of
Social Services,
Defendant.

Transcript of Record

Darlington, South Carolina
November 14, 2019

B E F O R E:

The Honorable Roger E. Henderson

A P P E A R A N C E S:

Ms. Angel Phillips, Esquire
Pro Se

Mr. Joseph McLean, Esquire
Attorney for Defendant

Lisa Carter
Circuit Court Reporter

I N D E X

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WITNESSES

PAGE

(NO WITNESSES INTRODUCED DURING HEARING)

(NO EXHIBITS INTRODUCED DURING HEARING)

1 MR. McLEAN: Good morning, Your Honor.

2 THE COURT: Yes, sir.

3 MR. McLEAN: Joe McLean. I represent the defendant.

4 There are two matters pending before the court this  
5 morning. First is the plaintiff's motion for discovery.  
6 And the second is the defendant's motion to dismiss. I  
7 think they both need to be heard. Certainly if you grant  
8 the motion to dismiss I think that would make the motion  
9 for discovery moot. But if you deny the motion to dismiss,  
10 the motion for discovery should be heard and ruled upon.  
11 We'll proceed in whichever order the court request. But the  
12 motion for discovery was filed first and perhaps it would  
13 make sense to hear that one first.

14 THE COURT: Okay.

15 MR. McLEAN: That would also give the court some  
16 factual background as to what brings us here today.

17 THE COURT: Okay. Sir, you can have a seat. You  
18 may proceed Mr. McLean with your argument.

19 MR. McLEAN: Motion for discovery is the plaintiff's  
20 motion.

21 THE COURT: Oh, I'm sorry. I didn't see that.

22 MR. McLEAN: It's actually attached to the summons  
23 and complaint. It's the last page of the summons and  
24 complaint.

25 THE COURT: Okay.

1 MR. McLEAN: And so that's the plaintiff's motion.

2 THE COURT: I'm sorry.

3 MR. McLEAN: I'll be glad to proceed in order that  
4 the court request.

5 THE COURT: Okay. All right. Your name, sir?

6 MS. PHILLIPS: My name is Angel Phillips and I am a  
7 female.

8 THE COURT: Okay. I'm sorry.

9 MS. PHILLIPS: It's okay.

10 THE COURT: All right. Ms. Phillips, let me hear  
11 from you first with regards to your motion.

12 MS. PHILLIPS: My motion to discover?

13 THE COURT: Ma'am?

14 MS. PHILLIPS: Your Honor, my motion?

15 THE COURT: Your motion that you made.

16 MS. PHILLIPS: Yes, sir, my motion to discover?

17 THE COURT: Yes.

18 MS. PHILLIPS: It's ---

19 THE COURT: Would you stand please when you address  
20 the court.

21 MS. PHILLIPS: I'm sorry. I do apologize. My motion  
22 to discover is based off the lack of evidence in the civil  
23 case that was actually -- it was actually perpetrated by  
24 the person that called DSS that made the fraudulent report  
25 to begin with. And the motion to discover is basically in-

1 depth information that I'm allowed - that basically I'm not  
2 allowed to have - simply have, even though I'm representing  
3 myself in this case. So there are some things that I can  
4 speak on. There are some things that I can't speak on  
5 because I don't have the complete case file. I have a  
6 redacted case file and that's the reason why I'm asking for  
7 the unredacted case file so I can proceed. But I do have  
8 certain evidence that come into play to show why I'm asking  
9 for this motion. I have entered exhibits into this court  
10 case, A through N. Basically, DSS made a lot of fraudulent  
11 reports and I have the evidence to prove that they lied on  
12 their own statements. This is a child that was, that I  
13 have raised all my life and he was there and he suffered  
14 abuse at the home where they put him at. And I don't see  
15 any reason for this case to be dismissed because I have all  
16 the evidence to prove and back up exactly what I'm saying  
17 and I have it in exhibits and I have -- however you want me  
18 to proceed with this or I don't know if I just need to give  
19 you this paperwork and let you look over. But I don't  
20 understand. The only reason why they would want the motion  
21 to dismiss -- for me not -- first of all, they want a  
22 motion to dismiss because the allegations proved that not  
23 only the person that perpetrated this crime is the one that  
24 made all the fraudulent reports. And not only that she was  
25 also the one that they place my child in a house with her

1       felon husband, had him shooting automatic weapons. And so  
2       -- and I have all of that. I also have where she was just  
3       recently, the perpetrator in this crime, is [REDACTED],  
4       and she was recently screaming and hollering to all of my  
5       family members that she called DSS on me and he was  
6       threatening my life in front of my child and my whole  
7       family which I have police reports proving that. So it's  
8       almost as if what DSS have given them, they gave them the  
9       right, the simple right to sit here and torment me and  
10      torment my child. There was no case found at all saying  
11      that I done anything wrong or perpetrated anything to help,  
12      I mean, to hurt him. I was basically in a car accident. I  
13      was also in the woods for three days. I was dehydrated. I  
14      needed medical attention. How this came, I spoke with the  
15      people in North Carolina they told me that South Carolina  
16      completely done this. All of my records have been amended  
17      in North Carolina as we speak. They don't understand this  
18      because my uncle picked up [REDACTED]. [REDACTED] was safe. I  
19      took him to a -- I made it to a church. When I made it to  
20      the church that was the safest place I knew to take him  
21      because I was gushing - I have the police report here - I  
22      was gushing blood out of my head and I fell into a ditch.  
23      And when I woke up, sir, I was surrounded in the water. My  
24      clothes were completely wet and I was dehydrated. I was  
25      waking up in different places. When I was found by the

1       sheriff's department I cooperated with them. I told them  
2       who I was. Where I was from. That I was in a wreck. I  
3       asked him about my child. There was nothing with DSS  
4       involved until I came to South Carolina and my cousin  
5       perpetrated this whole ordeal and I can legally prove that  
6       she done this. And I am -- I don't understand how this  
7       case can be dismissed when it's -- it's botched, the whole  
8       case is botched off of hearsay. And I have documentation  
9       to prove that this did not take place and this did not  
10      happen and I've got like mentation prove that DSS lied.  
11      They said I had drugs in my system. I have my toxicology  
12      report saying I had no drugs in my system. They said he  
13      had drugs in his system. I have his toxicology report  
14      proven that he had no drugs in his system. I have the  
15      paperwork saying that I'm was the perpetrator. Then I have  
16      the paperwork, basically, going back -- recant saying I  
17      wasn't the perpetrator and I did not victimize him. I took  
18      care of him my whole life. I don't have any biological  
19      children ---

20           THE COURT:       Okay. Tell me what it is that you're  
21      seeking by way of discovery? What you want to discover?

22           MS. PHILLIPS:   The -- the -- I want -- I want the  
23      person that perpetrated this, um, she made an affidavit to  
24      the DSS intake worker that this happened. This never  
25      happened. And then not only that, they turn around and

1 gave my child to this perpetrator ---

2 THE COURT: I'm asking you what do you want?

3 MS. PHILLIPS: I want -- I want the the record  
4 redacted.

5 THE COURT: The what?

6 MS. PHILLIPS: The records, the records unredacted.  
7 And I want this case -- and I want this case withheld  
8 because I don't understand. How can I make him explain  
9 any of this? Like this is -- this is not how I raised him.  
10 I didn't raise him to believe that the police -- that  
11 people would come against you and do things like this to  
12 you and he ---

13 THE COURT: Okay. I don't need to hear all of  
14 that. I just need to hear what you're actually seeking,  
15 okay.

16 MS. PHILLIPS: Yes, sir, I'm sorry ---

17 THE COURT: Okay.

18 MS. PHILLIPS: --- for going on but that's basically  
19 what I'm seeking today that this case is upheld and the  
20 motion to discover is upheld.

21 THE COURT: Okay. All right. Mr. McLean,  
22 response? If you could give me a little more background  
23 please, sir?

24 MR. McLEAN: Yes, sir, I will. In June of 2016, DSS  
25 took Ms. Phillips son into protective custody, emergency

1 protective custody. In August of 2016 the, after  
2 investigation and assessment, the matter was determined to  
3 be unfounded and the child was returned to Ms. Phillips.  
4 She has now brought this action for damages against DSS  
5 alleging that it improperly took protective custody of her  
6 child. What she is seeking is the identity of the reporter  
7 of the alleged neglect which was found, which was deemed  
8 unfounded. She is seeking an unredacted copy of the child  
9 protective services file from DSS because she wants to  
10 determine who made the report that led to her child being  
11 taken into protective custody. She has been provided with  
12 a redacted copy of that file which protects the identity of  
13 the reporter as required by law. And we have -- we have  
14 advised her of that. It was sent to her by certified mail  
15 and she signed for it. So we know that she has an  
16 unredacted copy of the file. But what she seeks is a,  
17 excuse me, she has a redacted copy of the file, I misspoke.  
18 What she seeks is a unredacted copy which to discover the  
19 identity of the reporter and as the court, as Your Honor  
20 knows that's strictly protected by the statutes. The  
21 sStatues are 63-7-940 as well at 67-7-1990. The identity  
22 of a reporter is to be strictly protected. Therefore, DSS  
23 contends that it has given her all she's entitled to which  
24 is a redacted copy of the file which she wants more and we  
25 oppose that.

1 THE COURT: All right, sir.

2 MR. McLEAN: We oppose that at this stage of the  
3 proceedings. At some later point if the case is not  
4 dismissed, which we will discuss in a minute, there is a  
5 mechanism under the law for her to potentially get that  
6 file. The court has review it, in camera review and make  
7 certain determinations as to admissibility, but were not to  
8 that point yet in this case. This is a new case. And we  
9 do have a motion to dismiss pending which we feel, if  
10 granted, will make the motion for discovery moot.

11 THE COURT: All right. Why don't we go ahead and  
12 address your motion to dismiss.

13 MR. McLEAN: Thank you, Your Honor. The motion to  
14 dismiss is a 12 (b) (6) motion based upon the statute of  
15 limitations. There are other grounds for dismissal but for  
16 today we're staying strictly within the pleadings and we  
17 believe that the suit was filed too late.

18 THE COURT: Hang on a minute. I'm sorry, go ahead.

19 MR. McLEAN: Again, briefly, the child was taken  
20 into protective custody in June of 2016. In August of 2016  
21 the case was found or deemed unfounded and Ms. Phillips was  
22 advised of that fact by a letter from DSS. The letter was  
23 dated August 5, 2016 and a copy of that letter is attached  
24 to her complaint. Suit was not filed until July of 2019.  
25 Of course, the court is aware under the Tort Claim Act we

1           operate with a two-year statute of limitation. And the suit  
2           was filed closer to the three year anniversary of the  
3           letter advising Ms. Phillips that the case was unfounded.  
4           It is our position, Your Honor, that that letter in August  
5           of 2016 putting her on notice if the case was unfounded was  
6           a objective reasonable notice to her of that she may have  
7           some cause of action. Certainly nothing happened after  
8           that letter was sent. The case was closed. DSS had no  
9           further involvement with this family or with this child.  
10          So if she ever knew at any time that or had a suspicion  
11          that her child was wrongfully removed from her by the  
12          State, it would've been when she received the letter from  
13          DSS in August of 2016. She waited until July of 2019 to  
14          file the suit. That's beyond the two-year statute of  
15          limitations. No verified claim was filed. She did file a  
16          complaint with the Office of Inspector General for the  
17          State of South Carolina. And that, too, is attached to her  
18          complaint. But that does not meet the requirements of a  
19          verified claim that would extend the statute from two years  
20          to three years. So based purely on the pleadings, purely  
21          on the record that is before the court this action is  
22          barred by the two-year statute of limitations and we  
23          request that it be dismissed.

24           THE COURT:        Thank you. Any response, Ms. Phillips?

25           MS. PHILLIPS: Yes, sir. From ---

1 THE COURT: Stand up please.

2 MS. PHILLIPS: I'm sorry, again. From what I was told  
3 by a civil attorney that it was a three year statute of  
4 limitations and I did try to seek here and get legal advice  
5 and legal help and the law firms that I contacted, they  
6 told me that this case was to big for them to handle and I  
7 needed to find a bigger law firm. So it's not as if I sit  
8 here and just waited. I sit here and filed this. Ma'am, I  
9 mean, sir, I'm sorry, Your Honor, I was -- I was in a bad  
10 horrible car accident. I was confused. I didn't know what  
11 happened to me. There are all kind of things that happened  
12 during this timeframe when --I needed medical assistant.  
13 I came home and my child needed me. He was not there. He  
14 was being held. I mean, -- I mean, medically, medically I  
15 was confused. I was totally confused. Anyone in my  
16 position would be totally confused. I explained to the DSS  
17 worker, I don't understand over a car accident why this,  
18 why this is happening. Like -- and I don't understand how  
19 do you take and give my child to the same person that made  
20 this complaint with a felon husband that had, you know, --  
21 so I didn't understand any of this. And I tried to -- I  
22 tried my best to get legal advice. And that's the reason  
23 why I reached out to the Attorney General's Office to sit  
24 here and get their advice and what I was told was the  
25 caseworker and the, um, the DSS worker was determined, ah,

1 was fired because of this. I'm like -- and I only done  
2 what I was told. And I was told that it was a three year  
3 statute of civil cases. And that's the reason why I filed  
4 -- this is the reason why I filed because the case was  
5 closed on 8/20 -- oh, wait, 8/03/2018 and I filed 7/0, I  
6 mean, 7/3/2019. That was a 30 day -- that was 30 day  
7 window within the statute. I mean, and I looked on the  
8 Internet and I talked to other attorneys and they said it  
9 was a three year statute on civil cases.

10 THE COURT: Okay. Ms. Phillips, you realize that  
11 the fact that someone gave you erroneous information is no  
12 basis for me to extend the period of time you can bring a  
13 lawsuit. And the law is what the law is, do you  
14 understand?

15 MS. PHILLIPS: Yes.

16 THE COURT: All right. Do you have an email  
17 address, ma'am?

18 MS. PHILLIPS: Yes.

19 THE COURT: What's your email address?

20 MS. PHILLIPS: It's phillip ---

21 THE COURT: I'm sorry.

22 MS. PHILLIPS: --- p-h-i-l-l-i-p ---

23 THE COURT: Start over?

24 MS. PHILLIPS: It's Phillip, p-h-i---

25 THE COURT: Phillips what?

1 MS. PHILLIPS: It's Phillips, P-h-i-l---

2 THE COURT: I got that.

3 MS. PHILLIPS: --- l-l-i-p-s-a-n-g-e-182@gmail.com

4 THE COURT: Okay. All right. What I'll do is I'll  
5 send you both an email this afternoon with regards to my  
6 ruling.

7 MR. McLEAN: Thank you, Your Honor.

8 THE COURT: Okay.

9 (CONCLUSION OF THE HEARING ON NOVEMBER 14, 2019)

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CERTIFICATE

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3 I, the undersigned Lisa S. Carter, Official Court  
4 Reporter for the Fourth Judicial Circuit of the State  
5 of South Carolina, do hereby certify that the  
6 foregoing is a true, accurate, and complete excerpt of  
7 transcript of record of all the proceedings had and  
8 evidence introduced in the hearing of the captioned  
9 cause, relative to appeal, in the Fourth Circuit Court  
10 for Darlington County, South Carolina, on the 14th day  
11 of November, 2019.

12 I do further certify that I am neither of kin,  
13 counsel, nor interest in any party hereto.  
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17 \_\_\_\_\_  
18 Lisa S. Carter  
19 Circuit Court Reporter

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22  
March 2, 2020

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	FOURTH JUDICIAL CIRCUIT
COUNTY OF DARLINGTON	)	C/A NO. 2019-CP-16-0705
Angel D. Phillips,	)	
Plaintiff,	)	
	)	<b>ORDER GRANTING</b>
vs.	)	<b>MOTION TO DISMISS</b>
	)	
Hartsville Department of Social Services,	)	
	)	
Defendant.	)	
_____	)	

This matter came before me as presiding judge for the Fourth Judicial Circuit on November 14, 2019, upon plaintiff’s Motion for Discovery and defendant’s Motion to Dismiss. Present were *pro se* plaintiff Angel D. Phillips and Joseph P. McLean, attorney for defendant. The court has reviewed the record in this case and heard arguments from the parties on the pending motions.

**FACTS**

In June 2016, a report of child neglect was made against plaintiff which resulted in her son being placed into emergency protective custody. After investigation and assessment, defendant <sup>1</sup> found the report of neglect unfounded, it notified plaintiff of this fact by letter dated August 5, 2016. The child was returned, and defendant closed its file.

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<sup>1</sup> Defendant is misidentified in the pleadings as “Hartsville Department of Social Services.” The correct defendant is the South Carolina Department of Social Services which is the state entity with the duty to investigate all reports of child neglect to see if the allegations have merit. S.C. Code Ann. §63-7-10 (2018 Cum. Supp.); *SCDSS v Pritcher*, 329 S.C. 242, 495 S.E.2d 242 (Ct. App. 1997).

This action was filed on July 3, 2019. In it, plaintiff seeks damages against defendant for wrongfully placing her son into emergency protective custody.

Defendant contends this action is barred by the statute of limitations and has moved to dismiss. Plaintiff has moved for an order to require defendant to produce to her its unredacted file on the underlying report of child neglect and defendant's investigation.

### **MOTION TO DISMISS**

Defendant is a governmental agency of the State of South Carolina. The South Carolina Tort Claims Act governs all tort claims against governmental agencies, and it is the exclusive civil remedy available in an action against a governmental agency. Defendant is only liable for torts within the limitations of the Tort Claims Act. See, S.C. Code Ann. §15-78-20 (2019 Cum. Supp.).

Any action brought pursuant to the Tort Claims Act is subject to a two-year statute of limitations which begins to run on the date the loss was or should have been discovered, unless the claimant has first filed a verified claim which extends the statute of limitations to three years. S.C. Code Ann. §15-78-110 (2018 Cum. Supp.). The discovery rule is applicable to actions brought under the Tort Claims Act. *Barr v. City of Rock Hill*, 330 S.C. 640, 500 S.E.2d 157 (Ct. App. 1998). According to the discovery rule, the statute of limitations begins to run when a cause of action reasonably ought to have been discovered. The statute runs from the date the injured party either knows or should have known by the exercise of reasonable diligence that a cause of action arises from wrongful conduct. The

phrase “exercise of reasonable diligence” means that the injured party must act with some promptness where the facts and circumstances of an injury place a reasonable person of common knowledge and experience on notice that a claim against another party might exist. *Dean v. Ruscon Corp.*, 321 S.C. 360, 468 S.E.2d 645 (1996). The date on which discovery should have been made is an objective, not subjective, question. *Kreutner v. David*, 320 S.C. 283, 465 S.E. 2d 88 (1995). In other words, whether the particular plaintiff actually knew (s)he had a claim is not the test. Rather, courts must determine whether the circumstances of the case would put a person of common knowledge and experience on notice that some right of his has been invaded or that some claim against another party might exist. *Young v. South Carolina Dept. of Corrections*, 333 S.C. 714, 511 S.E.2d 413 (Ct. App. 1999).

Viewing the facts and inferences in the light most favorable to plaintiff, the court finds that she was put on notice in August of 2016 that she had a potential claim against defendant. Plaintiff was advised in writing that the report of neglect made to defendant and which served as the basis for taking her son into emergency protective custody was determined to be unfounded. This fact would have put a person of common knowledge and experience on notice that some right of hers had been invaded or that some claim in tort against defendant might exist.

This action was filed on July 3, 2019 which is more than two years from August

2016. Plaintiff did not file a verified claim. <sup>2</sup> Therefore, the statute of limitations is two years. Plaintiff did not file this action within two years from the time she discovered or reasonably should have discovered the existence of a potential cause of action. As a result, her claim is barred by the statute of limitations.

**MOTION FOR DISCOVERY**

Because this action is barred by the statute of limitations, it is not necessary to rule upon plaintiff's Motion for Discovery which is rendered moot.

**BASED ON THE FOREGOING, IT IS HEREBY ORDERED:**

1. Defendant's Motion to Dismiss is granted, and this action is dismissed with prejudice.
2. Plaintiff's Motion for Discovery is moot.

[E-SIGNATURE OF JUDGE TO FOLLOW]

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<sup>2</sup> Plaintiff did file a complaint with the South Carolina Office of Inspector General, but it does not meet the plain requirements of a verified claim as set forth in S.C. Code Ann. §15-78-80 (2018 Cum. Supp.). Among other things, the complaint was not verified and it was not filed with the defendant, the State Fiscal Accountability Authority, or with the Attorney General.



Darlington Common Pleas

**Case Caption:** Angel D Phillips VS Hartsville DSS  
**Case Number:** 2019CP1600705  
**Type:** Order/Dismissal

So Ordered

s/Roger E. Henderson 2754

Electronically signed on 2019-11-15 12:17:35 page 5 of 5

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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**RECEIVED**

**Oct 06 2021**

APPEAL FROM DARLINGTON COUNTY  
Court of Common Pleas

**SC Court of Appeals**

Roger E. Henderson, Circuit Court Judge

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Case No. 2020-000058

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Angel Phillips, .....Appellant

v.

Hartsville Department of Social Services, .....Respondent

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**CERTIFICATION OF COUNSEL  
RULE 209(c), SCACR**

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Pursuant to Rule 209(c), SCACR, I certify the Appendix to the Record on Appeal  
contains no matter which is irrelevant to the appeal

s/Joseph P. McLean  
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Florence, South Carolina  
October 6, 2021