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SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM DORCHESTER COUNTY
Court of Common Pleas

Maite Murphy, Circuit Court Judge

Circuit Court Case Number 2017-CP-18-02001

Kaci May and Kaci May as guardian
ad litem for A.R.M., J.H.M., J.T.M.,
C.B.M., J.R.M., and J.W.M.,

Appellants,

v.

Dorchester School District Two,
South Carolina Department of Social
Services, Michael Leach, and Jasmine
Flemister.

Respondents,

**AMENDED RECORD
ON APPEAL
VOLUME IV**

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Department of Social Services, Michael Leach, and
Jasmine Flemister

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The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

Respectfully submitted,

FOSTER CARE ABUSE LAW FIRM, PA

s/Robert J. Butcher

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Camden, South Carolina
August 3, 2021

ROA 000751

3. The child was abused and/or neglected as defined by S.C. Code Ann. § 63-7-20 in that the child was harmed or threatened with harm when defendant, while responsible for the child's welfare, did or allowed the following:

The Richland County Department of Social Services has been involved with this family since August 28, 2014, when Corey and Tami Mitchell, the legal custodian of **Redacted**, voluntarily placed the minor in foster care due to claims that the minor child was sexually acting out on the other minor children in the home. The voluntary placement was extended for an additional ninety (90) days and cannot be extended any longer. The Mitchell's have stated from the beginning that they did not want to be involved in her treatment. Due to the minor child having been voluntarily placed with the agency for over six months, the agency is requesting that the Court place **Redacted** into emergency protective custody.

4. Plaintiff is informed and believes that the child should be removed from defendant pursuant to the Court's ex parte powers as set out in S.C. Code § 63-7-740.

5. On information and belief, the harm stated above and other factors alleged below indicate that the child is at unreasonable risk of harm. It would be contrary to the welfare of the child to remain in or be returned to the custody of defendant. The child cannot be protected adequately at this time from further harm in the custody of the defendant because: Allegations of abandonment.

6. The child's physical and/or mental condition was and/or is as follows: It is alleged that **Redacted** is sexually acting out.

7. The harm the child is likely to suffer as a result of removal from custody of the defendant is as follows: Separation anxiety.

8. The following steps will be taken to minimize any harm that may result from the removal of the child:

9. The plaintiff has made reasonable efforts to prevent or eliminate the need for the removal of the child from custody of the defendant or has been unable to offer such services, as stated in the attached Affidavit of Reasonable Efforts (See Exhibit 1).

10. The defendants, Tami and Corey Mitchell, are in agreement with the placement of the child in an alternative setting.

11. Defendant should be required to provide financial support for the child in accordance with the S.C. Child Support Guidelines, pendente lite and permanently, and the court should make a determination of paternity.

ROA 000751

ROA 000752

12. The court should approve a Treatment/Placement Plan developed pursuant to S.C. Code Ann. § 63-7-1680.

13. This matter is brought before the Court pursuant to S.C. Code Ann. § 63-7-1700 and this Court has jurisdiction of the parties and subject matter of this action.

WHEREFORE, plaintiff prays to the court for the following relief:

(A) The court grant emergency removal of the minor child pursuant to the ex parte powers of the Court as set out in S.C. Code § 63-7-740.

(B) Legal custody of the child is granted to plaintiff. In addition, plaintiff shall have the authority to plan for and approve all educational plans and programs on behalf of the child, authority to consent to routine and emergency medical care and treatment as may be required, and authority to provide such residential placement of the child as may be determined, from time to time, by plaintiff as being in the best interests of the child, also, that DSS be designated as the child's personal representative as set out in the Health Insurance Portability and Accountability Act (HIPAA) regulations;

(C) The court approve the plaintiff's Treatment/Placement Plan;

(D) Defendant, Tamara Anderson and Michael Martin be required to pay the court-ordered amount of child support through the clerk of court to SCDSS.

(E) The court establishes paternity;

(F) Defendant, Tamara Anderson, Michael Martin, Tami Mitchell and Corey Mitchell shall cooperate with plaintiff to make appropriate plans for the child and to notify plaintiff promptly of any change of condition and/or address;

(G) Plaintiff be granted full and complete access to all criminal, professional, school, medical, and other records of the child and of defendant as may be necessary, including an order that defendant execute necessary releases for such records when required by providers;

(H) Defendant pay the \$100.00 fee required by S.C. Code Ann. § 63-3-370;

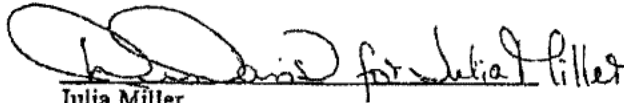
(I) The court make a finding that the child is an abused or neglected child as defined in § 63-7-20 and the child cannot be protected from further harm without intervention; and

ROA 000752

ROA 000753

(J) For any and all further relief that the court deems necessary and proper.

S. C. DEPARTMENT OF SOCIAL SERVICES



Julia Miller
Attorney for Plaintiff
South Carolina Department of Social Services
3220 Two Notch Rd.
Columbia, SC 29204
(803)714-7535-OFFICE (803)714-7303-FAX
SC Bar No. 78226

Columbia, South Carolina

April 20, 2015

AT THE MERITS HEARING, THE COURT MAY ORDER A TREATMENT/PLACEMENT PLAN. IF YOU FAIL TO COMPLY WITH THE PLAN, YOU COULD LOSE YOUR RIGHTS AS A PARENT.

ALL INTERESTED PARTIES ARE ADVISED THAT AT THE MERITS HEARING, THE COURT MAY ORDER A TREATMENT/PLACEMENT PLAN. IF YOU OBJECT TO THE PLAN OR TO ANY RECOMMENDATIONS CONCERNING THE PLAN OR THE COURT'S ORDER, YOU MUST STATE YOUR OBJECTION AT THE HEARING TO THE JUDGE.

ROA 000753

ROA 000754

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

South Carolina Department
of Social Services,

Plaintiff,
vs.

Tamara Anderson
Michael Martin
Corey Mitchell, Tami Mitchell
Defendant(s),

IN THE INTEREST OF:

Redacted

IN THE FAMILY COURT OF THE
FIFTH JUDICIAL CIRCUIT

15DR401548

AFFIDAVIT of IMMINENT and
SUBSTANTIAL DANGER

FILED
2015 APR 23 PM 3:50
RICHLAND COUNTY
JANET L. HARRIS
CLERK OF FAMILY COURT

Affiant, of the South Carolina Department of Social Services (SCDSS), being
duly sworn, states the following is true, according to his/her own knowledge or on
information and belief:

1. On or about April 14, 2015, SCDSS received a report of suspected child
abuse/neglect alleging: The legal custodians for the minor child **Redacted**, Corey
and Tami Mitchell, stated from the beginning of the voluntary placement that **Redacted**
could not return to their home and they did not want to be involved in her treatment.

2. On or about, April 14, 2015, plaintiff commenced an investigation.

3. Pursuant to the investigation, plaintiff discovered the following conditions
and affiant believes these conditions would place the child (ren) in imminent and
substantial danger if the child was to remain in the custody of the defendants:

A. The custodial parents, Corey and Tami Mitchell, voluntarily placed
Redacted in DSS custody for 90 days and extended the placement for 90 more days and
would not allow the minor child to return to their home.

B. The minor child has been placed with the same foster parent since
August 28, 2014 and is adjusting well in the placement.

ROA 000755

Further, affiant sayeth not.

Melissa Williams

Name: Melissa Williams

Title: HS Case worker

SWORN BEFORE ME this

22 day of April, 2015

[Signature]

Notary public for South Carolina

My commission expires: 12-13-21

ROA 000755

ROA 000756

EXHIBIT

B

ROA 000756

ROA 000757

RICHLAND COUNTY
FILED
 IN THE FAMILY COURT OF THE
 FIFTH JUDICIAL CIRCUIT

STATE OF SOUTH CAROLINA)
 COUNTY OF RICHLAND) **2014 OCT 16 PM 2:03**
 South Carolina Department)
 of Social Services,) **JEANETTE W. WOODRUFF**
) **CC. CODES**
) **& FAMILY COURT**

Plaintiff,)
 vs.) **COMPLAINT for REMOVAL**
 Tami Mitchell) **[63-7-1660]**
 Defendant(s),)

IN THE INTEREST OF:)
Redacted)
 Minor(s) Under the Age of 18)

14DR404114

South Carolina Department of Social Services (SCDSS) alleges as follows:

1. The child is less than eighteen (18) years of age and reside in RICHLAND County at the following address: **Redacted**, **Redacted**
2. The name, address, and relationship of the defendants to the child is as follows:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
Tami Mitchell	Redacted	Redacted

3. The minor **Redacted** was abused and/or neglected as defined by S. C. Code Ann. § 63-7-20 in that the child was harmed or threatened with harm when defendant, while responsible for the child's welfare, did or allowed the following:

On October 13, 2014, the agency received a report that **Redacted** 1, was witnessed performing oral sex on a child at the home where she resides. It was further reported that **Redacted** has accused other children at this home attempting to persuade them into engaging in sexual acts. Deputy Fairbanks with the Richland County Sheriff's Department placed **Redacted** into emergency protective custody.

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ROA 000758

4. The child was taken into emergency protective custody pursuant to S. C. Code Ann. § 63-7-620(A) on October 13, 2014.

5. On information and belief, the harm stated above and other factors alleged below indicate that the child is at unreasonable risk of harm. It would be contrary to the welfare of the child to remain in or be returned to the custody of defendant. The child cannot be protected adequately at this time from further harm in the custody of the defendant because: Allegations of medical neglect.

6. The child's physical and/or mental condition was and/or is as follows: The minor child suffers from seizures.

7. The harm the child is likely to suffer as a result of removal from custody of the defendant is as follows: Separation anxiety.

8. The following steps will be taken to minimize any harm that may result from the removal of the child: Supervised visitation per agency policy.

9. The plaintiff has made reasonable efforts to prevent or eliminate the need for the removal of the child from the custody of the defendant or has been unable to offer such services, as stated in the attached Affidavit of Reasonable Efforts (See Exhibit 1)

10. The defendant is not in agreement with the placement of the child in an alternative setting.

11. The Defendant(s) [Redacted] is responsible for the support of the above named child, to be determined by the Child Support Enforcement Division. DSS should take the necessary steps to refer the issue of child support to the Child Support Enforcement Division no later than 5 days after receipt of this order, provided the referral has not been made previously. Child support should be retroactive from the date of the Probable Cause hearing.

12. The court should approve a Treatment/Placement Plan developed pursuant to S.C. Code Ann. §63-7-1680.

13. This matter is brought before the Court pursuant to S.C. Code Ann. § 63-7-1610 and this Court has jurisdiction of the parties and subject matter of this action.

WHEREFORE, plaintiff prays that the court order the following relief:

(A) Legal custody of the child, [Redacted], be granted to plaintiff. In addition, plaintiff shall have the authority to plan for and approve all educational plans

ROA 000758

ROA 000759

and programs on behalf of the child , authority to consent to routine and emergency medical care and treatment as may be required, and authority to provide such residential placement of the child as may be determined, from time to time, by plaintiff as being in the best interests of the child, also, that DSS be designated as the child's personal representative as set out in the Health Insurance Portability and Accountability Act (HIPAA) regulations;

(B) The court approve the plaintiff's Treatment/Placement Plan;

(C) The Defendant, [Redacted] shall pay interim child support of \$150.00 per month, payable to the Clerk of Court together with applicable handling fees.

DSS shall take the necessary steps to refer the issue of child support to the Child Support Enforcement Division no later than 5 days after receipt of this order, provided the referral has not been made previously. Child support shall be retroactive from the date of the merits order.

(D) The court establish paternity;

(E) The finds that the minor child is/is not a member of a federally recognized Native American Tribe.

(F) Defendant cooperate with plaintiff to make appropriate plans for the child and to notify plaintiff promptly of any change of condition and/or address;

(G) Plaintiff be granted full and complete access to all criminal, professional, school, medical, and other records of the child and of defendant as may be necessary, including an order that defendant execute necessary releases for such records when required by providers;

(G) Defendant pay the \$100.00 fee required by S.C. Code Ann. §63-3-370(D);

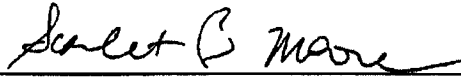
(I) The court make a finding that the child is an abused or neglected child as defined in § 63-7-20 and the child cannot be protected from further harm without intervention.

(J) For any and all further relief that the court deems necessary and proper.

ROA 000759

ROA 000760

S. C. DEPARTMENT OF SOCIAL SERVICES



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Columbia, South Carolina
October 16, 2014

10115-A-8

ROA 000760

ROA 000761

EXHIBIT

C

ROA 000761

ROA 000762

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

South Carolina Department
of Social Services,

Plaintiff,
vs.

Tami Mitchell
Corey Mitchell

Defendant(s),

IN THE INTEREST OF:

[REDACTED]

IN THE FAMILY COURT OF THE
FIFTH JUDICIAL CIRCUIT
DOCKET NO.:

14DR404621

COMPLAINT for REMOVAL

[63-7-1660]

2014 NOV 25 AM 9:
RICHLAND COUNTY
FILED
JUDICIAL CIRCUIT
FAMILY COURT

South Carolina Department of Social Services (SCDSS) alleges as follows:

1. [REDACTED]

[REDACTED]

2. The name, address, and relationship of the defendant to the child are as follows:

<u>Name</u>	<u>Address</u>	<u>Relationship</u>
Tami Mitchell	[REDACTED]	[REDACTED]
Corey Mitchell	[REDACTED]	[REDACTED]

3. The child was abused and/or neglected as defined by S. C. Code Ann. § 63-7-20 in that the child was harmed or threatened with harm when defendant, while responsible for the child's welfare, did or allowed the following:

On November 22, 2014, the Richland County Department of Social Services (DSS) received a report that [REDACTED], was being sexually abused by his brother, [REDACTED]. The agency currently has an open foster care case [REDACTED], [REDACTED] for sexual abuse. Law enforcement placed [REDACTED] into emergency protective custody.

4. The child was taken into emergency protective custody pursuant to S. C. Code Ann. § 63-7-620(A) on November 22, 2014.

5. On information and belief, the harm stated above and other factors alleged below indicate that the child is at unreasonable risk of harm. It would be contrary to the welfare of the

JB

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ROA 000763

child to remain in or be returned to the custody of defendant. The child cannot be protected adequately at this time from further harm in the custody of the defendant because: Allegations of sexual abuse.

6. The child's physical and/or mental condition was and/or is as follows: There are no reported physical/mental impairments at this time.

7. The harm the child is likely to suffer as a result of removal from custody of the defendant is as follows: Separation anxiety.

8. The following steps will be taken to minimize any harm that may result from the removal of the child: Supervised visitation per agency policy.

9. The plaintiff has made reasonable efforts to prevent or eliminate the need for the removal of the child from the custody of the defendant or has been unable to offer such services, as stated in the attached Affidavit of Reasonable Efforts (See Exhibit 1).

10. The defendants are not in agreement with the placement of the child in an alternative setting.

12. The court should approve a Treatment/Placement Plan developed pursuant to S.C. Code Ann. §63-7-1680.

13. This matter is brought before the Court pursuant to S.C. Code Ann. § 63-7-1660 and this Court has jurisdiction of the parties and subject matter of this action.

WHEREFORE, plaintiff prays that the court order the following relief:

(A) Legal custody of the child, [REDACTED], be granted to plaintiff. In addition, plaintiff shall have the authority to plan for and approve all educational plans and programs on behalf of the child, authority to consent to routine and emergency medical care and treatment as may be required, and authority to provide such residential placement of the child as may be determined, from time to time, by plaintiff as being in the best interests of the child, also, that DSS be designated as the child's personal representative as set out in the Health Insurance Portability and Accountability Act (HIPAA) regulations;

(B) The court approve the plaintiff's Treatment/Placement Plan;

(C) The finds that the minor child is/is not a member of a federally recognized Native American Tribe.

26

ROA 000763

ROA 000764

- (D) The court establish paternity;
- (E) Defendant cooperate with plaintiff to make appropriate plans for the child and to notify plaintiff promptly of any change of condition and/or address;
- (F) Plaintiff be granted full and complete access to all criminal, professional, school, medical, and other records of the child and of defendant as may be necessary, including an order that defendant execute necessary releases for such records when required by providers;
- (G) Defendant pay the \$100.00 fee required by S.C. Code Ann. §63-3-370(D);
- (H) The court make a finding that the child is an abused or neglected child as defined in § 63-7-20 and the child cannot be protected from further harm without removal.
- (I) For any and all further relief that the court deems necessary and proper.

S. C. DEPARTMENT OF SOCIAL SERVICES



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Columbia, South Carolina

November 25, 2014



10115-A-67

ROA 000764

ROA 000765

EXHIBIT

D

ROA 000765

ROA 000766

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
South Carolina Department of Social Services,

Plaintiff,

v.

Tami Annette Mitchell and Corey Wayne Mitchell,

Defendants and Third Party Plaintiffs,

v.

Carlton Bridges, Larry Dorman, Avis Moody,

Third Party Defendants,

IN THE INTEREST OF:



v = 4 kids
Ch. Chan

IN THE FAMILY COURT
FOR THE FIFTH JUDICIAL CIRCUIT

Case No.: 2014-DR-40-04114,
2014-DR-40-04621, & 2015-DR-40-01548

ORDER

SEP 29 2016
COURT, US &
FAMILY COURT

PRESIDING JUDGE: Monét S. Pincus
DATE OF HEARING: August 8, 2016
ATTORNEY FOR PLAINTIFF: Shannon M. Chandler, Esquire
RICHLAND COUNTY DSS: Valeria Giles
DEFENDANT TAMI MITCHELL: Present
DEFENDANT COREY MITCHELL: Not Present
ATTORNEY FOR TAMI AND COREY MITCHELL: Robert J. Butcher
ATTORNEY FOR GUARDIAN AD LITEM: Betsy Burton, Esquire
COURT REPORTER: Faith L. Collins

S/MSP

ROA 000766

ROA 000767

Defendants Tami Mitchell and Corey Mitchell applied for a Rule to Show Cause and asked for sanctions against Plaintiff on June 30, 2016. A hearing on this motion was conducted on August 8, 2016. Present for the hearing was Shannon M. Chandler for the South Carolina Department of Social Services (SCDSS), Betsy Burton, for the guardian ad litem, and Robert Butcher, for Defendants Tami Mitchell and Corey Mitchell.

I. Facts Related to the Motion.

Defendants had served discovery requests on June 16, 2015. Exhibit 1 to Defendants' Complaint in Support of Rule to Show Cause, June 30, 2016. SCDSS served responses, but no production on September 8, 2015. Exhibit 3 to Defendants' Complaint in Support of Rule to Show Cause, June 30, 2016. The Court also issued an order on September 8, 2015 requiring, in part, for the agency to produce the following:

1. RCDSS shall provide Mr. Butcher and Ms. Burton with a copy of the written forensic interview reports from the ARC and Dickerson Center as soon as possible but no later than 9/30/15;
2. RCDSS shall make its file available for inspection and copying by Mr. Butcher by no later than 9/30/15
3. RCDSS shall contract Horry County DSS as soon as possible to determine the logistical manner in which the attorneys of record in this matter can inspect and copy Horry County's file(s) regarding the Martin children that are the subject of this action. Horry County DSS shall cooperate with Richland County DSS in making its file accessible for inspection and copying. Ms. Chandler shall notify Mr. Butcher and Ms. Burton of her results regarding the inspection and copying. Ms. Chandler shall notify Mr. Butcher and Ms. Burton of her results regarding the inspection and copying of the Horry County file by 9/30/2015;

Pre-Trial Order, September 8, 2015.

Defendants filed a Motion to Compel, and for Sanctions pursuant to Rule 37, SCRPC on November 17, 2015, in which they asserted that they had only received seventeen pages of dictation and a copy of the children's forensic interviews. Defendants also asked the Court to require SCDSS to produce documents related to any report of abuse and neglect that was made

S/MSP

ROA 000767

ROA 000768

3:17-cv-00416-RMG Date Filed 05/09/17 Entry Number 42-1 (Ex Parte) Page 15 of 23

by Defendants Tami Mitchell and/or Corey Mitchell to support their defense that they requested help from SCDSS before the children were taken into custody.

The Motion to Compel and for Sanctions was heard on December 8, 2015 and the Court issued an order that SCDSS failed to comply with the Court's order. The Agency was ordered to produce the discovery Defendants requested and the Defendants were awarded \$1,500.00 in attorney's fees and costs. Order, January 7, 2016.

The January 7, 2016 Order again required that SCDSS produce the following:

- I find that SCDSS shall produce the unredacted, complete, entire SCDSS file for Tami Mitchell and Corey Mitchell, [REDACTED]. This includes the files maintained in Richland County and in Horry County. The only part of the file that may be redacted is the name of any reporter of child abuse and neglect, except for when Tami Mitchell or Corey Mitchell are the reporters. S.C. Code Ann. § 63-7-330, 63-7-1990.
- SCDSS shall produce the Intensive Foster Care and Clinical Service (IFCCS) files [REDACTED].
- SCDSS shall produce documents related to reports of child abuse and neglect made by Tami Mitchell or Corey Mitchell that were made to Richland County DSS or the toll free hotline.
- SCDSS shall verify if Senator Katrina Shealy made any inquiries or requests to SCDSS on behalf of the Tami Mitchell and Corey Mitchell, whether by phone or by written or electronic correspondence.

On January 11, 2016 Defendant Tami Mitchell and Corey Mitchell emailed the January 7, 2016 Order to Plaintiff SCDSS. Exhibit 5 to Defendants' Complaint in Support of Rule to Show Cause, June 30, 2016. The order was served pursuant to the Rules of Civil Procedure on SCDSS on January 14, 2016. Exhibit 4, *3, to Defendants' Complaint in Support of Rule to Show Cause, June 30, 2016.

On January 11, 2016, Defendants contacted SCDSS regarding the production of the SCDSS files. Exhibit 6 to Defendants' Complaint in Support of Rule to Show Cause, June 30, 2016. On January 13, 2016 Defendants sent an email asking that Plaintiff SCDSS comply with

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the Court's order by February 15, 2016. Exhibit 7 to Defendants' Complaint in Support of Rule to Show Cause, June 30, 2016.

A Rule to Show Cause was issued by this Court on February 23, 2016 alleging that SCDSS had willfully and deliberately failed to comply with any part of the Court's order.

Defendants specifically alleged the following:

1. Plaintiff SCDSS willfully failed to pay attorney's fees to Mr. Butcher in the amount of \$1,500.00. Payment was not made within thirty (30) days of the date of the order;
2. SCDSS willfully failed to produce the unredacted, complete, entire SCDSS file for Tami Mitchell and Corey Mitchell, [REDACTED] including the files maintained in Richland County and Horry County, and the reporter of child abuse and neglect, for when Tami Mitchell or Corey Mitchell are the reporters;
3. SCDSS willfully failed to produce the Intensive Foster Care and Clinical Service (IFCCS) files of [REDACTED];
4. SCDSS willfully failed to produce documents related to reports of child abuse and neglect made by Tami Mitchell or Corey Mitchell that were made to Richland County DSS or the toll free hotline;
5. SCDSS willfully failed to verify if Senator Katrina Shealy made any inquiries or requests to SCDSS on behalf of Tami Mitchell and Corey Mitchell, whether by phone or by written or electronic correspondence; and
6. SCDSS willfully failed to have an in-house attorney review the Richland County and Horry County files and redact the names of any reporter of child abuse and neglect. Defendants' Complaint in Support of Rule to Show Cause, February 17, 2016.

A Rule to Show Cause hearing was set for March 21, 2016. Plaintiff SCDSS produced 1682 pages of documents that were responsive to the Court's two previous orders a few days before the hearing. At the hearing, Defendants agreed to dismiss the Rule to Show Cause without prejudice with the stipulations that SCDSS would comply with the following:

1. SCDSS shall produce documents related to reports of child abuse and neglect made by Tami[] Mitchell or Corey Mitchell that were made to Richland County DSS or the toll free hotline.
2. SCDSS shall verify if Katrina Shealy made any inquiries or requests to SCDSS on behalf of [] Tami Mitchell and Corey Mitchell, whether by phone or by written or electronic correspondence.

Exhibit 8, Order, March 21, 2016.

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ROA 000770

After reviewing SCDSS's production, counsel for Defendants noticed that documents were missing from the Horry CPS file and he sent an email to counsel for SCDSS on March 29, 2016 and requested the following:

1. ...all documentation related to placement of the children with John Easterling, [to include] dictation, or treatment plans, and [] permanency plans from [2011 to 2012];
 2. ...documentation that justifies the movement of the children from the [REDACTED] to my client's home.
- Exhibit 9 to Defendants' Complaint in Support of Rule to Show Cause, June 30, 2016.

Counsel for Defendants set a deadline for a response by the agency for April 15, 2016. Exhibit 9 to Defendants' Complaint in Support of Rule to Show Cause, June 30, 2016. Plaintiff SCDSS responded and asked for Defendants to wait until April 30, 2016 and Defendants consented. Exhibit 9 to Defendants' Complaint in Support of Rule to Show Cause, June 30, 2016.

Before this hearing, the Court reviewed the entire file of the three consolidated cases. It has been one year since Defendants served their initial discovery requests on Plaintiff SCDSS. The agency was ordered to comply with these requests in two separate orders and has already been sanctioned once, in the January 7, 2016 Order.

At the hearing, Plaintiff SCDSS failed to provide the Court with any information as to the Agency's attempts to find documents related to reports of child abuse and neglect made by Tami Mitchell or Corey Mitchell that were made to Richland County DSS or the toll free hotline. Furthermore, the Agency failed to provide the Court with any information as to the Agency's attempts to verify if Katrina Shealy made any inquiries or requests to SCDSS on behalf of Tami Mitchell and Corey Mitchell, whether by phone or by written or electronic correspondence. Lastly, the Agency failed to provide the Court with any information about its attempts to produce documentation related to placement of the children with [REDACTED], to include dictation, or

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treatment plans, and permanency plans from 2011 to 2012 and any documentation related to the disruption and movement of the four children from the Easterlings to the Defendant's home.

II. Findings of Fact and Conclusions of Law.

I find that Defendants have a procedural due process interest in obtaining the SCDSS files in order to (1) defend their case, (2) prepare for trial, and (3) to determine whether to settle. Aside from the September 8, 2015 order which required the agency to turn over the documents, Defendants asked for the same materials in discovery. It is in the interest of justice that Defendants receive these files.

I find that Plaintiff SCDSS's continued failure to produce documents in compliance with two separate orders to be willful and voluntary. While it is clear that as counsel for SCDSS, Shannon M. Chandler has made attempts to comply with the Defendants' requests for documents and information, said efforts have not been sufficient to produce the required documents and information, for which the Plaintiff is ultimately responsible for providing.

I find that SCDSS has willfully failed to (1) produce any reports of child abuse and neglect made by Tami Mitchell or Corey Mitchell that were made to Richland County DSS or the toll free hotline; (2) verify if Katrina Shealy made any inquiries or requests to SCDSS on behalf of Tami Mitchell and Corey Mitchell, whether by phone or by written or electronic correspondence; and (3) produce documentation related to placement of the children with John Easterling, to include dictation, or treatment plans, and permanency plans from 2011 to 2012 and any documentation related to the disruption and movement of the four children from the Easterlings to the Defendant's home, which is part of the Horry DSS file.

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ROA 000772

3:17-cv-00416-RMG Date Filed 05/09/17 Entry Number 42-1 (Ex Parte) Page 19 of 23

Rule 37(b) applies when a party violates a discovery order.¹ The Court may choose one or more of the increasingly severe sanctions listed in that paragraph including: designating certain facts as established, prohibiting the disobedient party from asserting certain claims or defenses or introducing certain evidence,² striking parts of pleadings, and entering judgment or dismissing the action.³ In addition, or in lieu of the above, the court can award costs, including attorneys fees, incurred in obtaining the sanctions.

Dismissal or a sanction tantamount to dismissal such as striking a pleading, is appropriate only when there is bad faith, willfulness or callous disregard for the rights of others.⁴ I feel that I cannot draft any order that will cause Plaintiff SCDSS to comply and produce the evidence the Defendants need before trial. I will grant sanctions because Defendants have been trying to obtain this evidence for a long period of time. Although some evidence has been produced, some has not been, and that is what concerns the Court.

I find that after one year since Defendants served their discovery requests and after two orders were issued by this Court directing Plaintiff SCDSS to comply with the discovery requests, the appropriate sanction is to dismiss Tami Mitchell and Corey Mitchell from this case,

¹ *Downey v. Dixon*, 294 S.C. 42, 362 S.E.2d 317 (Ct. App. 1987).

² *Temple v. Tec-Fads, Inc.*, 370 S.C. 383, 635 S.E.2d 500 (Ct. of App. 2007), *aff'd in part on other grounds*, 381 S.C. 597, 675 S.E.2d 414 (2009) (excluding evidence as sanction for failure to timely produce documents).

³ *McNair v. Fairfield Cty.*, 379 S.C. 462, 665 S.E.2d 830 (Ct. App. 2008) (sanctions include the striking of an answer which led to the dismissal of county's condemnation action).

⁴ *Brandt v. Gooding*, 368 S.C. 618, 630 S.E.2d 259 (2006) (complaint dismissed as contempt sanction for filing false document); *Barnette v. Adams Bros. Logging Inc.*, 355 S.C. 588, 586 S.E.2d 572 (2003) (dismissal of complaint upheld for persistent refusal to authorize examination of relevant records); *Qzo, Inc. v. Moyer*, 358 S.C. 246, 594 S.E.2d 246 (Ct. App. 2004) (violation of court order to preserve evidence on computer violated by reformatting hard drive supported striking of defendant's pleadings); *Griffin Grading & Clearing, Inc. v. Tira Serv. Equip. Mfg. Co.*, 334 S.C. 538, 489 S.E.2d 679 (Ct. App. 1999) (failure to comply meaningfully with four prior discovery orders supported striking of pleadings).

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with prejudice. There will be no finding against the Defendants and they are released from the case.

But with this sanction, the Family Court is cognizant that it has an overarching responsibility to protect the best interests of the children involved in a Child Protective Services Case. The list in Rule 37(b) is not exclusive and the court may fashion other appropriate sanctions.⁵ For example, other Courts may instruct a jury that the destruction of evidence, in violation of a court order, supports the inference that the destroyed evidence was adverse to that party.⁶ Here, I am concerned that by simply dismissing this matter, all previous orders related to the custody and placement of the [REDACTED] would be extinguished. Since these three children have allegedly sexually acted out upon their siblings and the Mitchell's children, and since none of these children have been released from treatment with a recommendation by a therapist or counselor to return to the family, I find that it would be harmful to the Mitchell family and the four [REDACTED] children if they were to be returned home.

Therefore, Plaintiff SCDSS is ordered to amend its complaint and name the biological parents of [REDACTED] [REDACTED] [REDACTED] as Defendants in this action and this shall be accomplished within thirty days and the parties shall be served immediately

[REDACTED] shall remain in the custody of Plaintiff SCDSS under the prior probable cause orders dated November 13, 2014, August 11, 2015, and April 27, 2015 [REDACTED] shall remain in the Mitchell's custody pursuant to the March

⁵ *Enriquez v. South Carolina Dept. of Corrections*, 374 S.C. 165, 648 S.E.2d 582 (2007) (awarding attorneys fees).

⁶ *Kershaw County Bd. of Educ. v. United States Gypsum Co.*, 302 S.C. 390, 396 S.E.2d 369 (1990). See also *Pioneer Elecs., Inc. v. Cook*, 294 S.C. 135, 363 S.E.2d 112 (Ct. App. 1987) (sanction of dismissal without prejudice)

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16, 2012 Order for Judicial Review issued by the Horry County Family Court in Case Number 2011-DR-26-00474.

The selection of a sanction is discretionary with the court and may include the costs of making the motion as well as the others mentioned in Rule 37(b). After reviewing Defendants' Affidavit of Attorney's Fees and Costs, it is ordered the Plaintiff South Carolina Department of Social Services pay to attorney's fees and costs in the amount of \$2,500.00 to the Camden Law Firm, PA within thirty (30) days of the filing of this order with the Richland County Clerk of Court.

Before I ruled on Defendants' motion, the Agency, the Mitchells, and the Guardian ad Litem came to an agreement regarding sibling visitation for the four [REDACTED] children. Visitation among [REDACTED], shall begin immediately. Visitation between [REDACTED] shall only begin once [REDACTED]'s therapist and [REDACTED] therapist consent to visitation, and in a therapeutic setting, if so recommended. The parties shall sign any necessary waivers and releases for the therapists, should the therapists wish to consult with each other about this issue. Tami Mitchell shall be responsible for arranging and providing transportation for [REDACTED] to attend sibling visitation. [REDACTED] shall be named and remain a party in interest in this matter for the sole purpose of supporting and maintaining sibling visitation.

THEREFORE, IT IS HEREBY ORDERED:

- A. Defendants Tami Mitchell and Corey Mitchell are dismissed from this matter, with prejudice;

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- B. Plaintiff SCDSS is directed to amend its complaint and name the biological parents of [REDACTED] as Defendants in this action and serve these parties;
- C. [REDACTED] shall remain in the custody of Plaintiff SCDSS under the prior probable cause orders dated November 13, 2014, August 11, 2015, and April 27, 2015.
- D. [REDACTED] shall remain in the Mitchell's custody pursuant to the March 16, 2012 Order for Judicial Review issued by the Horry County Family Court in Case Number 2011-DR-26-00474.
- E. Plaintiff South Carolina Department of Social Services pay to attorney's fees and costs in the amount of \$2,500.00 to the Camden Law Firm, PA within thirty (30) days of the filing of this order with the Richland County Clerk of Court.
- F. Visitation among [REDACTED] and his sisters, [REDACTED], and [REDACTED], shall begin immediately.
- G. Visitation between [REDACTED] and [REDACTED] shall only begin once [REDACTED] therapist and [REDACTED] therapist consent to visitation.
- H. The parties shall sign any necessary waivers and releases for the therapists should the therapists wish to consult with each other about this issue.
- I. Tami Mitchell shall be responsible for arranging and providing transportation for [REDACTED] to attend sibling visitation.

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J. [REDACTED] shall be named and remain a party in interest in this matter for the sole purpose of supporting and maintaining sibling visitation.

IT IS SO ORDERED.

Monet S. Pincus
Family Court Judge
Of the Fifth Judicial Circuit

9/29
August, 2016
Columbia, South Carolina

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STATE OF SOUTH CAROLINA)
)
 COUNTY OF DORCHESTER)
)
)
)
South Carolina Department of Social Services,)
 Plaintiff,)
 vs.)
)
Kaci May and Warren May,)
 Defendant.)

IN THE FAMILY COURT
NINTH JUDICIAL CIRCUIT

**MOTION AND ORDER INFORMATION
 FORM AND COVERSHEET**

Docket No. 2017-DR-18-01334

Plaintiff's Attorney: <u>Deanne M. Gray, Bar No. _____</u> Address: <u>216 Orangeburg Road, Summerville, 29483</u> Phone: <u>(843) 486-1863</u> Fax _____ E-mail: <u>Other: _____</u>	Defendant's Attorney: <u>Robert Butcher, Bar No. 74722</u> Address: <u>PO BOX 486 Manning SC 29102</u> Phone: <u>803-432-7599</u> Fax <u>803-432-7466</u> E-mail: <u>dbuther@gmail.com</u> Other: _____
--	--

MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

SECTION I: Hearing Information
 Nature of Motion: Motion for Various Forms of Relief
 Estimated Time Needed: 15 minutes Court Reporter Needed: **YES** / **NO**

SECTION II: Motion/Order Type

Written motion attached
 Form Motion/Order
 I hereby move for relief or action by the court as set forth in the attached proposed order.

Signature of Attorney for Plaintiff / Defendant _____
 Date submitted September 27, 2017

SECTION III: Motion Fee

PAID - AMOUNT: \$ _____
 EXEMPT: (check reason)

- Rule to Show Cause in Child or Spousal Support
- Domestic Abuse or Abuse and Neglect
- Indigent Status State Agency v. Indigent Party
- Sexually Violent Predator Act Post-Conviction Relief
- Motion for Stay in Bankruptcy
- Motion for Publication Motion for Execution (Rule 69, SCRCP)
- Proposed order submitted at request of the court; or, reduced to writing from motion made in open court per judge's instructions

Name of Court Reporter: _____
 Other: _____

JUDGE'S SECTION

Motion Fee to be paid upon filing of the attached order.
 Other: _____

JUDGE CODE _____ Date: _____
 Judge Signature: _____

CLERK'S VERIFICATION

Collected by: _____ Date Filed: _____
 MOTION FEE COLLECTED: \$ _____
 CONTESTED - AMOUNT DUE: \$ _____

Custodial Parent (if applicable): _____

STATE OF SOUTH CAROLINA
COUNTY OF DORCHESTER
South Carolina Department of Social
Services,

Plaintiff,

v.

Kaci May and Warren May,

Defendants,

In the interest of:



Minors under the age of 18.

IN THE FAMILY COURT OF THE
NINTH JUDICIAL CIRCUIT

Case No.: 2017-DR-18-01334

**MOTION TO STRIKE
AND RESTRAINING ORDER**

2017 OCT 20 AM 10:45
Deanne M. Gray

**TO: PLAINTIFF SCDSS AND ITS COUNSEL, DEANNE M. GRAY AND THE
GUARDIAN AD LITEM AND HER COUNSEL, MARY LEE BRIGGS:**

MOTION

Defendants seek an Order from the Court striking the Court Information Sheet from the Complaint and the record. Defendants further seek an order from the Court restraining SCDSS from filing Court Information Sheets with the Court. These documents contain unverified allegations, inadmissible evidence, and they are an ex parte contact with the Court.

ARGUMENT

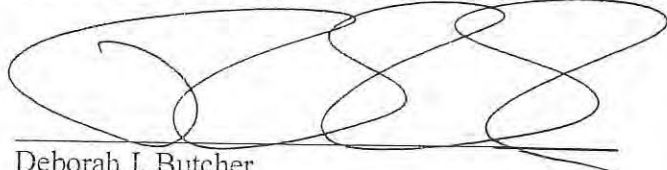
The motion to strike performs two functions in testing the pleadings. First, it is the primary means of challenging a defense, and it may be used attack a theory of recovery in the complaint. *Grooms v. Medical Soc'y of South Carolina*, 298 S.C. 399, 380 S.E.2d 855 (Ct. App.

1989). In the latter role it is similar to a Rule 12(b)(6) motion and is limited to a consideration of the challenged pleading. *Aetna Cas. & Sur. Co. v. Golightly*, 289 S.C. 408, 338 S.E.2d 153 (1985). The second function of the motion to strike is to eliminate from the pleadings redundant, immaterial, impertinent or scandalous allegations. This role does not challenge the legal sufficiency of the pleading but asserts that the allegations are unnecessary, unrelated to the case, or prejudicial. *Totaro v. Turner*, 273 S.C. 134, 254 S.E.2d 800 (1979).

CONCLUSION

While at one time the Court Information Sheet may have had a purpose, it is now submitted by the agency during all stages of the case, containing inadmissible evidence, hearsay, and sometimes outright falsehoods. The Court would never allow the Defendants in this matter to file an unverified document allowing the same. Counsel asks the Court to strike the Court Information Sheet and restrain SCDSS from further filing anymore of these ex parte communications with the Court.


THE FOSTER CARE ABUSE LAW FIRM, PA



Deborah J. Butcher
Robert J. Butcher
S.C. Bar Numbers 74029
Post Office Box 486
Manning, South Carolina 29102
Telephone: 803.432.7599
Facsimile: 803.432.7466
dbutcher@camdensc-law.com
rbutcher@camdensc-law.com

October 16, 2017
Manning, South Carolina

Dorchester County Family Court
212 Deming Way
Summerville, SC 29483

JUDGE _____
HEARING SET 12-7-17
TIME: 1:30 pm

DOCKETING CLERK
DORCHESTER COUNTY CLERK OF COURT
YOU ARE REQUIRED TO NOTIFY
ALL PARTIES

STATE OF SOUTH CAROLINA

COUNTY OF DORCHESTER

South Carolina Department of Social Services,

Plaintiff,

v.

Kaci May and Warren May,

Defendants,

In the interest of:



Minors under the age of 18.

IN THE FAMILY COURT OF THE

NINTH JUDICIAL CIRCUIT

Case No.: 2017-DR-18-01334

ANSWER AND COUNTERCLAIMS

2017 OCT 20 AM 10:43

Defendants answer the complaint of SCDSS and assert the following:

1. Plaintiff has listed the wrong dates of birth for some of the children in the caption. They have been corrected in this caption.
2. Defendants admit the allegations of paragraph 1.
3. Defendants admit the allegations of paragraph 2.
4. Defendants deny the allegations of paragraph 3 in that the minor children were abused or neglected and demand strict proof thereof. Defendant's further deny the allegations of 3a, 3d as stated, 3e, 3f, and demand strict proof thereof.
5. Defendants admit the allegations of paragraph 3b.
6. Defendants admit the allegations of paragraph 3c.
7. Defendants admit the allegations in paragraph 3g in that they appealed Plaintiff's decision to indicate a case against them for neglect and abuse of their minor children.

Defendants do not have enough information to admit or deny exactly what the County Director did or did not do.

8. Defendants admit the allegations of paragraph 4.
9. Defendants deny the allegations of paragraph 5 and demand strict proof thereof.
10. Defendants object to the allegations of paragraph 6 as stated in that the allegation is nonspecific as to what the children's mental and/or physical condition may be. Therefore Defendants would deny the same and move to strike..
11. Defendants object to the allegations of paragraph 7 as stated in that the allegation is nonspecific as to what harm the children are likely to suffer. Therefore Defendants would deny the same and move to strike..
12. Defendants object to the allegations of paragraph 8 as stated in that the allegation is nonspecific as to what steps will be taken to minimize harm as a result of the removal of the children. Therefore Defendants would deny the same and move to strike..
13. Defendants deny the allegations of paragraph 9 and demand strict proof thereof.
14. Defendants deny the allegations of paragraph 10 and demand strict proof thereof.
15. Defendants deny the allegations of paragraph 11 and demand strict proof thereof.
16. Defendants deny the allegations of paragraph 12 and demand strict proof thereof.
17. Defendants admit the allegations of paragraph 13 in so much as this Court has jurisdiction of the parties and subject matter of this action but is without information to admit or deny that these allegations are properly before the Court pursuant to S.C. Code section 63-7-1660 and therefore would deny the same.

COUNTERCLAIMS

A. PARTIES AND JURISDICTION

18. Defendants incorporate paragraphs 1-17 as if restated herein verbatim.

19. Defendants Kaci May and Warren May are citizens and resident of Dorchester County in the State of South Carolina.
20. Plaintiff South Carolina Department of Social Services (SCDSS) is an agency of the State of South Carolina created by the General Assembly of the State of South Carolina. SCDSS is mandated to investigate reports of suspected child abuse and neglect; provide necessary services to children and families to protect children who are the subject of such reports, including, (1) placement of children into out-of-home custody; (2) the provision of proper care to abused and neglected children who are receiving services; (3) the protection of the safety and well-being of such children; (4) the protection of such children from further maltreatment; (5) securing permanent placements for such children; and (6) the provision of post-adoption services.
21. J [REDACTED] M [REDACTED], DOB [REDACTED], L [REDACTED] M [REDACTED], DOB [REDACTED] and J [REDACTED] M [REDACTED], DOB [REDACTED], were placed in foster care with the May Family on or about November 8, 2013. They remained with the May Family until their adoption by the May's in 2015. J [REDACTED] is diagnosed with ADHD. L [REDACTED] hasn't received any diagnosis at this time. J [REDACTED] is diagnosed with PTSD due to sexual abuse.
22. J [REDACTED] M [REDACTED], DOB [REDACTED], A [REDACTED] R [REDACTED] M [REDACTED], DOB [REDACTED], C [REDACTED] M [REDACTED], DOB [REDACTED], and J [REDACTED] M [REDACTED], DOB [REDACTED], are the biological children of Defendants Kaci May and Warren May.
23. The Dorchester County Family Court has jurisdiction over this matter pursuant to S.C. Code Ann. §§ 63-7-30, 63-7-1610, 63-7-1640, 63-7-1650, 63-7-1660, 63-7-1670, and 63-7-740. Venue is in Dorchester County pursuant to S.C. Code Ann. § 63-7-1610.

B. BACKGROUND

24. Defendants incorporate paragraphs 1-23 as if restated herein verbatim.
25. The purpose of this detailed complaint is to show that the Defendants have provided for the safety and well being of all of their children during the past three years.
26. Before coming into placement and adoption of the May Family, J [REDACTED] was sexually abused by her biological father and possibly his biological brother.
27. The extent to which J [REDACTED] M [REDACTED] was sexually abused by her biological father, was not disclosed to the May's by SCDSS.
28. On October 13, 2017 J [REDACTED] M [REDACTED] disclosed that he was sexually abused by his biological father before the time he came into the care and custody of SCDSS and well before he was adopted by the Mays.
29. From 2014-2017, Warren May and Kaci May began noticing inappropriate and violent behaviors towards animals in J [REDACTED] M [REDACTED] which worsened over time.
30. In May 2017 J [REDACTED] admitted to killing chickens, lizards, and frogs.
31. During 2015, the May's repeatedly asked for sexual trauma therapy and the assistance of SCDSS Post Adoptions for J [REDACTED]. SCDSS refused to assist them.
32. J [REDACTED] and J [REDACTED] were placed by the Mays at Three Rivers Residential Treatment Facility on October 13, 2017 for intensive therapy and psychiatric treatment due to the children's severe pre-adoptive abuse history, subsequent behavioral issues, and subsequent psychiatric/psychological issues.
33. During 2014-2015, all of the May's biological and adoptive children disclosed that J [REDACTED] had sexually assaulted them while in the playhouse.
34. SCDSS was aware of these sexual assaults yet did nto remove J [REDACTED] and allowed the adoption to go through. At the time the Mays did not understand the extent of J [REDACTED]'s issues.

35. Upon learning of the disclosures, the May's changed house rules and no longer allowed the children to play in the playhouse and Jasmine was moved into a bedroom of her own. J [REDACTED] is not allowed to play with or be alone with the other children unsupervised. Cameras were installed and alarms were placed on the door in order to protect the children in the home.
36. During 2014-2015 J [REDACTED] M [REDACTED] received therapy from the National Trauma Victims at MUSC.
37. J [REDACTED] openly discloses that she has sexually assaulted her biological and adoptive siblings.
38. J [REDACTED] openly discloses that she masturbates at home and at school.

C. SCDSS SHOULD BE HELD ACCOUNTABLE FOR ABUSING AND NEGLECTING THE MAY CHILDREN.

39. Defendants incorporate paragraphs 1-38 as if restated herein verbatim.
40. SCDSS was charged by the South Carolina General Assembly in Title 63, The Children's Code, with "...a responsibility to implement prevention programs aimed at identifying high risk families and to provide supportive intervention and to reduce occurrence of maltreatment." S.C. Code Ann. § 63-7-10(3). SCDSS is also responsible to provide "[s]ervices for families [that] should be accessible and designed to encourage and enable families to adequately deal with their problems within their own family system." S.C. Code Ann. § 63-7-10(4). The Children's Code specifically states that, "[a]ll child welfare intervention by the State has as its primary goal the welfare and safety of the child." S.C. Code Ann. § 63-7-10(4). SCDSS is required by the Children's Code to take "[a] family assessment approach, stressing the safety of the child, building on the strengths of the family, and identifying and treating the family's needs is the appropriate approach for cases not requiring law enforcement involvement or the removal of the child." S.C. Code

Ann. § 63-7-10(10). “Should removal of a child become necessary, the state’s foster care system must be prepared to provide timely and appropriate placements for children with relatives or in licensed foster care settings and to establish a plan which reflects a commitment by the State to achieving permanency for the child within reasonable timelines.” S.C. Code Ann. § 63-7-10(12).

41. SCDSS was aware of the sexual issues of the adopted May children prior to allowing the Mays to adopt these children into their family yet failed to fully disclose this abuse to the Mays.
42. Plaintiffs were further aware that the Mays were not equipped or qualified to handle sexually reactive children.
43. Plaintiffs were further aware at the time of the adoption that J [REDACTED] had not been properly treated for the sexual abuse she endured by her biological father not had a therapist released J [REDACTED] to be placed with other minor children.
44. Plaintiffs were further aware that the May home lacked sufficient bedrooms to accommodate a sexually reactive child.
45. Any sexual reactive behavior that J [REDACTED] has demonstrated, in the May home, was not generated from the May home but was present at the time she was adopted by the Mays. SCDSS held this knowledge from the Mays, kept the information from the Mays, and created an environment that placed all seven of the May children at risk.
46. Since the time of the adoption the Mays have had to learn how to protect J [REDACTED] from herself as well as protecting the other children in the May home from J [REDACTED].
47. Since the time of the adoption the Mays have equipped their home with alarms and cameras to keep the children safe.

48. Since the time of the adoption the Mays have added additional bedrooms in order to keep the children safe.
49. The Mays have sought help from SCDSS only to be offered nothing or a level of treatment that does not fit the needs of a child with severe issues such as those that J. [REDACTED] suffers from.
50. The Mays have sought and located a sexual trauma therapist who has assessed the children, sought and received placement of both J. [REDACTED] and J. [REDACTED] M. [REDACTED] into residential care at Three Rivers Residential Treatment Facility.
51. Despite SCDSS's failure to protect these children, the Mays have protected all of the children.
52. The Mays have just recently learned upon information and belief that SCDSS was aware that J. [REDACTED] was also sexually abused prior to being placed in her home, yet SCDSS did not disclose this information or treat J. [REDACTED] for the trauma he endured. The Mays are currently addressing his needs.

D. ADDITIONAL RELIEF

53. Defendants further ask the Court to issue an order finding that SCDSS's policy of threatening the use of process against parents of adopted children who seek assistance of the agency through S.C. Code Ann. § 63-7-10 et seq. is in violation of the statute and causes harm to children and families.

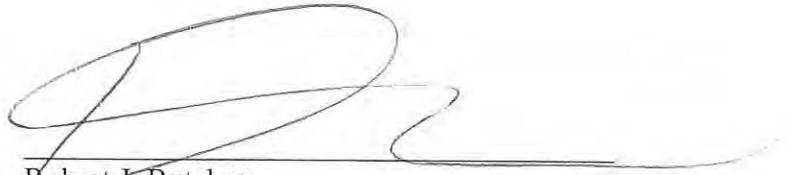
WHEREFORE, Defendants respectfully ask the Court:

- A. Deny SCDSS's requested relief and dismiss this action or in the alternative;
- B. Appoint a guardian ad litem pursuant to S.C. Code Ann. §63-7-1620.
- C. Regarding J. [REDACTED] M. [REDACTED]:

1. That she was sexually abused and did not receive appropriate medical treatment in the custody of SCDSS prior to being adopted by the Mays and the agency presented a serious threat of harm to the May children by placing J. [REDACTED] in the home without warning the May family of J. [REDACTED]'s issues;
- D. Regarding J. [REDACTED] M. [REDACTED]:
1. That he was sexually abused and did not receive appropriate medical treatment in the custody of SCDSS prior to being adopted by the Mays and the agency presented a serious threat of harm to the May children by placing J. [REDACTED] in the home without warning the May family of J. [REDACTED]'s issues.
- E. Harassment and threats by SCDSS:
1. Issue an order restraining SCDSS from harassing Defendants Kaci and Warren May and the children in the May's home.
 2. Issue an order restraining SCDSS caseworkers from speaking with the May's about legal issues in this matter.
- F. Issue an order finding that SCDSS's policy of threatening the use of process against parents of adopted children who seek assistance of the agency through S.C. Code Ann. §§ 63-7-10 et seq. is in violation of the statute and causes harm to children and families.
- G. Any and all other relief that this Court believes is equitable and just.

Respectfully submitted,

THE FOSTER CARE ABUSE LAW FIRM, P.A.



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