

## **INDEX TO APPENDENICES**

## **APPENDIX A: Decision of State Court of Appeals**

The South Carolina Court of Appeals

South Carolina Department of Social Services, Respondent,

v.

Dominique Gerald Burns, Appellant. Appellate

Case No. 2021-000558

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ORDER

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After careful consideration of the petition for rehearing, the Court is unable to discover that any material fact or principle of law has been either overlooked or disregarded, and hence, there is no basis for granting a rehearing. Accordingly, the petition for rehearing is denied.

\_\_\_\_\_. C.J.

\_\_\_\_\_. J.

\_\_\_\_\_. J.

Columbia, South Carolina

cc:

Dominique Gerald Burns

Gamble Hartzell Anderson, Esquire

The Honorable Angela R. Taylor

FILED

August 18, 2022

**APPENDIX B: Decision of State Court**

The Supreme Court of South Carolina

South Carolina Department of Social Services, Respondent,

V.

Dominique Gerald Burns, Petitioner.

Appellate Case No. 2022-001176

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ORDER

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Based on the vote of the Court, the petition for a writ of  
certiorari is denied.

FOR THE COURT

BY: Patricia A. Howard Clerk

Columbia, South Carolina

April 18, 2023 cc:

Gamble Hartzell Anderson, Esquire Dominique Gerald  
Burns

The Honorable Jenny Abbott Kitchings

**APPENDIX C**  
**DECISION OF STATE SUPREME COURT DENYING**  
**REVIEW**

THIS OPINION HAS NO PRECEDENTIAL VALUE. IT  
SHOULD NOT BE CITED OR RELIED ON AS A  
PRECEDENT IN ANY PROCEEDING EXCEPT AS  
PROVIDED BY RULE 268(d) (2) , SCACR.

THE STATE OF SOUTH CAROLINA

In The Court of Appeals

South Carolina Department of Social Services, Respondent,  
v.

Dominique Gerald Burns, Appellant.

Appellate Case No. 2021-000558

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Appeal from Lee County

Angela R. Taylor, Family Court Judge

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Unpublished Opinion No. 2022-UP-274

Submitted June 17, 2022 – Filed June 29, 2022

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AFFIRMED

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Dominique Gerald Burns, of Bishopville, pro se.

Gambell Hartzell Anderson, of South Carolina Department  
of Social Services, of Florence for Respondent.

**PER CURIAM:** Dominique Gerald Burns appeals a family court order denying his motion to vacate an administrative order of default (the default order). On appeal, Burns argues the family court should have vacated the default order because the Department of Social Services (DSS) did not properly serve him under Rule 4(d) (8), SCRCF, with a notice of a rescheduled negotiation conference, and thus, the family court lacked personal jurisdiction over him. We affirm pursuant to Rule 220(b), SCACR.

In November 2019, DSS served Burns with an initial notice of financial responsibility to pay support for his two minor children. Burns subsequently acknowledged receipt of the November 2019 notice of financial responsibility and appeared at the first scheduled negotiation conference on December 13, 2019. DSS was required to reschedule the December 13, 2019 conference because it had not served Burns thirty days in advance of the conference date. Accordingly, when serving the notice of the rescheduled conference date, DSS was only required to mail the notice to Burn's last known address in order to comply with the service requirements of South Carolina's Rules of Civil Procedure. Compare Rule 4, SCRCF (providing for the service of process for a summons and complaint) with Rule 5. SCRCF (addressing the process for serving "pleadings subsequent to the original summons and complaint" and "written notices"); see also Rule 5(b)(1) ("Service... upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address..."); S.C. Code Ann. §63-17-740 (2010) (providing DSS "shall serve a notice of financial responsibility on the obligor not less than thirty days before the date stated in the notice for the negotiation conference: (1) in the manner prescribed for



service of process in a civil action; or .... "). Because DSS's certificate of mailing provided the notice of the rescheduled negotiation conference was "mailed in a sealed envelope, postage prepaid" to Burns's last known address, we hold the family court did not err by denying Burns's motion to vacate for lack of personal jurisdiction. See *Simmons v. Simmons*, 392 S.C. 412,414, 709 S.E.2d 666,667 (2011) ("In appeals from the family court, this [ c ]court reviews factual and legal issues de novo. "); *Lewis v. Lewis*, 392 S.C. 381, 392, 709 S.E.2d 650, 655 (2011) ("[A]n appellant is not relieved of his burden to demonstrate error in the family court's findings of fact. Consequently, the family court's factual findings will be affirmed unless 'appellant satisfies this court that the preponderance of the evidence is against the finding of the [family] court.'" (quoting *Finley v. Cartwright*, 55 S.C. 198,202, 33 S.E. 359, 360-61 (1899))).

AFFIRMED.1

WILLIAMS, C.J., and KONDUROS and VINSON, JJ.,  
concur.

We decide this case without oral argument pursuant to  
Rule 215, SCACR

**The South Carolina Court of Appeals**

JENNY ABBOTT KITCHINGS CLERK  
V. CLAIRE ALLEN  
CHIEF DEPUTY CLERK

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April 20, 2023

The Honorable Teresa A. Brown  
PO Box 387  
Bishopville SC 29010-0387

**REMITTITUR**

Re: SCDSS v. Dominique G. Burns  
Lower Court Case No. 2020DR3100049  
Appellate Case No. 2021-000558

Dear Clerk of Court:

The above referenced matter is hereby remitted to the lower court or tribunal. A copy of the judgement of the Court is enclosed.

Very truly yours,  
Catherine Harrison, deputy  
CLERK

Enclosure

Cc: Dominique Gerald Burns  
Gamble Hartzell Anderson, Esquire  
The Honorable Angela R. Taylor