

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

ORDER

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

FILED

August 18, 2022

Gamble Hartzell Anderson, Esquire

The Honorable Angela R. Taylor

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

ORDER

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

Appeal from Lee County

Angela R. Taylor, Family Court Judge

Unpublished Opinion No. 2022-UP-274

Submitted June 17, 2022 – Filed June 29, 2022

AFFIRMED

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), SCRCR, 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, SCRCR (providing for the service of process for a summons and complaint) with Rule 5. SCRCR (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]ourt 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 KONDROS 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