

STATE OF SOUTH CAROLINA )

IN THE FAMILY COURT  
THIRTEENTH JUDICIAL CIRCUIT

COUNTY OF PICKENS )

Case Number: 2007-DR-39-873

South Carolina Department of  
Social Services, )

Plaintiff, )

-vs- )

**MERITS ORDER for REMOVAL**  
[Agreement on the Merits §20-7-736]Antonia Jones and Carolyn Bailey,  
Defendants. )

In the interest of: )

Emily Bailey )

A minor child under the age of 18. )

Hearing Date:	October 03, 2007
Trial Judge:	The Honorable Alvin D. Johnson
Caseworker:	Jackie Kelly
Defendant's Attorneys:	Pro se
Guardian ad Litem:	Frances Youngblood
Guardian's Attorney:	Steven L. Alexander
Court Reporter:	Katherine F. Tibbs

This matter came before me for a hearing on the merits pursuant to South Carolina Code Section §20-7-736 (1976 Code, as amended). This Court has jurisdiction over the parties to and the subject matter of this action. The Defendants have received due and proper service of the Notice of Hearing, Notice of the Right to Counsel, Summons and Complaint in this action. The child has been voluntarily placed by the Defendant/mother with the paternal grandmother.

The Plaintiff was represented by staff attorney Patti Brady and by Jackie Kelly of the Pickens County Department of Social Services. The Defendant, Antonia Jones, was present; she was not represented by counsel. She is the biological mother to the minor child. The biological father is deceased. The Defendant, Carolyn Bailey, was present; she was not represented by counsel. She is the paternal grandmother to the minor child. The court-appointed Guardian ad Litem for the minor child, Frances Youngblood, was present with her attorney, Steven L. Alexander.

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At the commencement of the hearing, the Court was advised that the parties had reached an agreement, as to the findings and the proposed placement for the minor child. The agreement was recited for the record, and the Defendants were placed under oath and questioned about their understanding and acceptance of the agreement. The Guardian ad Litem also submitted her written report.

Based upon the representations and stipulations of the parties, and considering the recommendations of the Guardian ad Litem, the Court makes the following

**FINDINGS of FACT and CONCLUSIONS OF LAW**

1. All parties, including the Guardian ad Litem, stated that they fully understand this agreement and believe it to be fair, equitable, reasonable, and in the best interests of the child. Therefore, this agreement should be adopted as the Order of the Court.
2. By a preponderance of the evidence, the child is an abused and/or neglected child as defined in South Carolina Code Section §20-7-490 (1976 Code, as amended). The nature of harm to the child was physical neglect, based upon the Defendant/mother's inability to provide housing for the child and sufficient income to meet her basic needs.
3. Retention of the child in, or return of the child to, the home of the Defendant/mother would place the child at an unreasonable risk of harm, affecting the child's life, physical health or safety and/or mental well-being. The child cannot be protected reasonably from this harm without being removed from the home because the Defendant/mother cannot provide housing for the child and for her basic needs.
4. Custody of the minor child should remain with the paternal grandmother, Carolyn Bailey. It will incumbent upon the Defendant/mother to file an action and to show a substantial change in conditions, for the child to be transferred back to her custody. The Defendant, Carolyn Bailey, is restrained and enjoined from transferring custody back to the Defendant/mother, absent a court order.
5. The Plaintiff, as outlined in the Affidavit of Reasonable Efforts attached to the Complaint, has made reasonable efforts to prevent or eliminate the need for removal of the child from the home of the Defendant.
  - (a) The following services were made available to the family before removal of the child: Preparation and implementation of a safety plan and a proposed treatment plan; referrals to Behavioral Health Services, to address possible substance abuse issues.

(b) These services related to the needs of the family as follows: Services were to assist the Defendant in providing a stable home for the minor child.

(c) The South Carolina Department of Social Services made the following efforts to provide these services to the family: Referrals and appointments were made.

(d) These efforts did not eliminate the need for removal of the child, because the Defendant failed to establish a stable residence.

(e) The efforts of the South Carolina Department of Social Services to eliminate the need for removal of the child were reasonable in that the services were reasonably available and timely, reasonably adequate to address the needs of the family, reasonably adequate to protect the child and realistic under the circumstances.

6. Continuation of the child in the home of the Defendant/mother would be contrary to the welfare of the child and custody of the child should remain with the paternal grandmother.

7. With custody of the child remaining with the Defendant, Carolyn Bailey, and with the provisions of this Order, the Plaintiff may terminate protective services and close its file in this case.

8. The Court finds that the name of the Defendant, Antonia Jones, should be entered into the Central Registry of Child Abuse and Neglect, pursuant to South Carolina Code Section §20-7-650(K) (1976 Code, as amended). The basis for entering the name of the Defendant into the Central Registry is that the Defendant willfully or recklessly neglected the child.

9. The Defendant, Antonia Jones, should pay child support to the Defendant, Carolyn Bailey, and same is set in the amount of \$30.00 per week. This amount is based upon the Defendant's reported employment with Foothills Repair and Remodeling and her sporadic income. The Defendant's child support obligation shall be payable through the Office of the Clerk of Court for Pickens County, to include the five (5%) percent costs of administration, for a total of \$31.50, commencing Friday, October 12, 2007 and continuing to be due and payable, every Friday, thereafter.

10. The attorney for the Guardian ad Litem, Steven L. Alexander, was present during the entire hearing and is entitled to a fee for his services in accordance with the guidelines set forth by the Governor's Office, Division of Guardian ad Litem Program.

11. The Guardian ad Litem's obligation to the Court shall terminate and the Attorney for the Guardian ad Litem shall be relieved.

**THEREFORE, IT IS ORDERED that:**

1. The name of the Defendant, Antonia Jones, shall be entered into the Central Registry of Child Abuse and Neglect;
2. Custody of the minor child shall remain with the Defendant, Carolyn Bailey; it will be incumbent upon the Defendant/mother to file an action and to show a substantial change in conditions, for the child to be transferred back to her custody. The Defendant, Carolyn Bailey, is restrained and enjoined from transferring custody back to the Defendant/mother, absent a court order.
3. The Plaintiff may terminate protective services and close its file in this case.
4. The Defendant, Antonia Jones, shall pay child support to the Defendant, Carolyn Bailey, in the amount of \$30.00 per week through the Office of the Clerk of Court for Pickens County, to include the five (5%) percent costs of administration, for a total of \$31.50, commencing Friday, October 12, 2007 and continuing to be due and payable, every Friday, thereafter.
5. The attorney for the Guardian ad Litem, Steven L. Alexander, is entitled to a fee for his services in accordance with the guidelines set forth by the Governor's Office, Division of Guardian ad Litem Program.
6. Once the Department of Social Services has closed its file in this case, the attorney for the Guardian ad Litem, the attorney for the Defendant, and the Guardian ad Litem are effectively relieved of any further service or obligation in this matter.

**ALL OF WHICH IS SO ORDERED.**

  
Alvin D. Johnson, Judge of the Family Court  
for the Thirteenth Judicial Circuit

Dated: October 31, 2007  
At: Pickens, South Carolina

STATE OF SOUTH CAROLINA,  
COUNTY OF PICKENS

South Carolina Department of Social  
Services

IN THE FAMILY COURT

THIRTEENTH JUDICIAL CIRCUIT

Plaintiff )

vs. )

Antonia Jones and Carolyn Bailey,

Defendants. )

**DIRECTIONS FOR PAYMENT  
OF CHILD SUPPORT OR ALIMONY**

FILE NO. 2007-DR-39-873

- ☐ I. No support ordered
- ☐ II. Support ordered is NOT to be paid through the Clerk's office – remainder of form not applicable.
- ☒ III. Support payable through Clerk's office – complete remainder of form.

A. Total amount of arrearage, if any

B. Payments:

**CHILD SUPPORT**

30.00

**ALIMONY**

Base Amount

Base Amount

Arrearage

Arrearage

5% Fee

1.50

5% Fee

0.0

C. Frequency (check one)



weekly



semi-monthly (1st and 16th)



bi-weekly



semi-monthly (15th and 30th)



monthly

D. Date of first payment: FRIDAY, OCTOBER 12, 2007.

E. Paid by:

Name:

ANTONIA JONES

Address:

106 Miller Kids Drive

City:

Pickens

Phone: 878-1136 (h) / 607-8273 ©

State:

SC

Zip:

29671

SSN:

[REDACTED]

DOB:

[REDACTED]

Employer:

Employer

Address:

F. Paid to:

Name:

CAROLYN BAILEY

Address:

207 Our Road

City:

Pickens

Phone: 380-8534

State:

SC

Zip:

29671

G. Wage withholding ordered?



Required by Code §20-07-1315(L)



Ordered



Not ordered

Prepared By:

A Dickard, SCDSS PARALEGAL

Date:

10/17/2007

Att: Amy

## Title 63

(7) "Court" means the family court.

(8) "Department" means the Department of Social Services.

(9) "Emergency protective custody" means the right to physical custody of a child for a temporary period of no more than twenty-four hours to protect the child from imminent danger.

Emergency protective custody may be taken only by a law enforcement officer pursuant to this chapter.

(10) "Guardianship of a child" means the duty and authority vested in a person by the family court to make certain decisions regarding a child, including:

- (a) consenting to a marriage, enlistment in the armed forces, and medical and surgical treatment;
- (b) representing a child in legal actions and to make other decisions of substantial legal significance affecting a child; and
- (c) rights and responsibilities of legal custody when legal custody has not been vested by the court in another person, agency, or institution.

(11) "Indicated report" means a report of child abuse or neglect supported by facts which warrant a finding by a preponderance of evidence that abuse or neglect is more likely than not to have occurred.

(12) "Institutional child abuse and neglect" means situations of known or suspected child abuse or neglect where the person responsible for the child's welfare is the employee of a public or private residential home, institution, or agency.

(13) "Legal custody" means the right to the physical custody, care, and control of a child; the right to determine where the child shall live; the right and duty to provide protection, food, clothing, shelter, ordinary medical care, education, supervision, and discipline for a child and in an emergency to authorize surgery or other extraordinary care. The court may in its order place other rights and duties with the legal custodian. Unless otherwise provided by court order, the parent or guardian retains the right to make decisions of substantial legal significance affecting the child, including consent to a marriage, enlistment in the armed forces, and major nonemergency medical and surgical treatment, the obligation to provide financial support or other funds for the care of the child, and other residual rights or obligations as may be provided by order of the court.

(14) "Mental injury" means an injury to the intellectual, emotional, or psychological capacity or functioning of a child as evidenced by a discernible and substantial impairment of the child's ability to function when the existence of that impairment is supported by the opinion of a mental health professional or medical professional.

(15) "Party in interest" includes the child, the child's attorney and guardian ad litem, the natural parent, an individual with physical or legal custody of the child, the foster parent, and the local foster care review board.

(16) "Person responsible for a child's welfare" includes the child's parent, guardian, foster parent, an operator, employee, or caregiver, as defined by Section 63-13-20, of a