

STATE OF SOUTH CAROLINA )

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND )

Amber Jones, on behalf of herself and as the PR for the Estates of her minor children A.J., E.J., G.J., M.J., and N.J., )

CIVIL ACTION COVERSHEET

Plaintiff(s) )

2016 -CP- 40-25- 2608

vs. )

South Carolina Department of Social Services and Lexington County Department of Social Services, )

Defendant(s) )

Submitted By: Richard A. Harpootlian
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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. 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.

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)

- Contracts: Constructions (100), Debt Collection (110), General (130), Breach of Contract (140), Fraud/Bad Faith (150), Failure to Deliver/Warranty (160), Employment Discrim (170), Employment (180), Other (199)
Torts - Professional Malpractice: Dental Malpractice (200), Legal Malpractice (210), Medical Malpractice (220), Previous Notice of Intent Case # 20 -NI- -, Notice/ File Med Mal (230), Other (299)
Torts - Personal Injury: Conversion (310), Motor Vehicle Accident (320), Premises Liability (330), Products Liability (340), Personal Injury (350), Wrongful Death (360), Assault/Battery (370), Slander/Libel (380), Other (399) Negligence
Real Property: Claim & Delivery (400), Condemnation (410), Foreclosure (420), Mechanic's Lien (430), Partition (440), Possession (450), Building Code Violation (460), Other (499)
Inmate Petitions: PCR (500), Mandamus (520), Habeas Corpus (530), Other (599)
Administrative Law/Relief: Reinstate Drv. License (800), Judicial Review (810), Relief (820), Permanent Injunction (830), Forfeiture-Petition (840), Forfeiture-Consent Order (850), Other (899)
Judgments/Settlements: Death Settlement (700), Foreign Judgment (710), Magistrate's Judgment (720), Minor Settlement (730), Transcript Judgment (740), Lis Pendens (750), Transfer of Structured Settlement Payment Rights Application (760), Confession of Judgment (770), Petition for Workers Compensation Settlement Approval (780), Other (799)
Appeals: Arbitration (900), Magistrate-Civil (910), Magistrate-Criminal (920), Municipal (930), Probate Court (940), SCDOT (950), Worker's Comp (960), Zoning Board (970), Public Service Comm. (990), Employment Security Comm (991), Other (999)
Special/Complex/Other: Environmental (600), Automobile Arb. (610), Medical (620), Other (699), Sexual Predator (510), Permanent Restraining Order (680), Pharmaceuticals (630), Unfair Trade Practices (640), Out-of State Depositions (650), Motion to Quash Subpoena in an Out-of-County Action (660), Pre-Suit Discovery (670)

Date: April 22, 2016

**Submitting Party Signature:**

**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.**

STATE OF SOUTH CAROLINA, )  
)  
COUNTY OF RICHLAND )  
)  
Amber Jones, on behalf of herself and as the )  
PR for the Estates of her minor children, )  
A.J., E.J., G.J., M.J., and N.J., )  
Plaintiff, )  
)  
vs. )  
)  
South Carolina Department of Social )  
Services and Lexington County Department )  
of Social Services, )  
Defendant. )

IN THE COURT OF COMMON PLEAS

SUMMONS

FILE NO.

2016 APR 22 PM 3:01  
CLERK OF COURT  
COURT OF COMMON PLEAS  
COLUMBIA, SOUTH CAROLINA

TO THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the complaint herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this complaint upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the complaint, judgment by default will be rendered against you for the relief demanded in the complaint.

Columbia, South Carolina

Dated: April 22, 2016

  
\_\_\_\_\_  
Plaintiff/Attorney for Plaintiff

Address: Richard A. Harpootlian, Esq.  
Richard A. Harpootlian, PA  
1410 Laurel Street  
Columbia, South Carolina 29201

**STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND**

**IN THE COURT OF COMMON PLEAS  
FIFTH JUDICIAL CIRCUIT**

Amber Jones, on behalf of herself and as the  
PR for the Estates of her minor children A.J.,  
E.J., G.J., M.J., and N.J.,

Plaintiff,

v.

South Carolina Department of Social  
Services and Lexington County Department  
of Social Services,

Defendants.

Civil Action Number: 2016-CP-40-\_\_\_\_\_

**COMPLAINT  
(Jury Trial Demanded)**

2016 APR 22 PM 3:07

NCM/APP COURT

Plaintiff Amber Jones, on behalf of herself and as the Personal Representative for the Estates of her minor children A.J., E.J., G.J., M.J., and N.J., herein alleges and would respectfully show unto the Court as follows:

**JURISDICTION AND VENUE**

1. Plaintiff Amber Jones is a citizen of South Carolina and the duly appointed Personal Representative for the Estates of A.J., E.J., G.J., M.J., and N.J., hereafter collectively referred to as the "Children." Ms. Jones is the mother of the Children. Ms. Jones brings this action on behalf of herself as the heir of her deceased Children pursuant to South Carolina Code § 15-5-90, and on behalf of herself as the statutory beneficiary of her deceased Children pursuant to § 15-51-10, et seq.
2. The Court has jurisdiction over the subject matter of this action pursuant to Article V, § 11 of the South Carolina Constitution and South Carolina Code §§ 15-78-10, et seq.
3. Venue is proper in Richland County pursuant to South Carolina Code § 15-78-100(b), because numerous acts or omissions described here occurred in Richland County.

## PARTIES

4. Defendant South Carolina Department of Social Services (SCDSS) is an agency of the State of South Carolina, created under South Carolina Code § 43-1-10, and charged with the authority and duties as prescribed by statute in Title 43, Chapter 1 and Title 63, Chapter 7 of the South Carolina Code.

5. Defendant Lexington County Department of Social Services (Lexington County DSS) is a department of Lexington County, South Carolina, created under South Carolina Code § 43-3-10. South Carolina Code § 43-1-90 authorizes SCDSS to create rules and regulations binding on the county departments.

## FACTS

6. Plaintiff Amber Jones, on behalf of herself and as Personal Representative for the Estates of her five deceased minor children A.J., E.J., G.J., M.J., and N.J., seeks damages for the wrongful deaths and conscious pain and suffering of her children—victims of a known child abuser, whose abuse went uninterrupted by Defendants South Carolina Department of Social Services and Lexington County Department of Social Services. Notwithstanding a statutory duty to act, and repeated opportunities to intervene, Defendants failed to provide the statutorily mandated protection that would have saved them from abuse and neglect and prevented their deaths. As a result of this inaction, Plaintiff's five children were subjected to continued abuse and were eventually gruesomely strangled or beaten to death by their abuser—one after another. Their lifeless bodies, ranging in age from just 1 to 8 years old, were stuffed into black bags and dumped in a shallow ditch.

7. The Children were the biological offspring of Ms. Jones and Timothy Jones, Jr., a well-documented child abuser and the person responsible for their eventual murder.

8. In or around 2000, Mr. Jones was discharged from the United States Navy for substance abuse problems. The Navy recommended Mr. Jones receive treatment for his substance abuse, but he never sought any.

9. In or around March 2001, Mr. Jones was convicted of a series of criminal offenses, including possession of cocaine, check forgery, and car theft, and served time in the Illinois Department of Corrections.

10. After his release, on June 29, 2004, Mr. Jones married Ms. Jones, who was just 19 at the time.

11. Soon thereafter, Ms. Jones became pregnant and gave birth to the couple's first child, M.J., on May 15, 2006, followed by E.J on April 22, 2007, and N.J on April 11, 2008.

12. In or around July 2011, Mr. Jones moved the family to Batesburg-Leesville, South Carolina.

**September 2011: Report to and inaction by Defendants.**

13. On September 15, 2011, Lexington County DSS received a report of abuse and/or neglect alleging the Children were frequently seen filthy, substantial amounts of trash were piled in or around the Children's home, and the Children's father had threatened to shoot the neighbor's dog.

14. Lexington County DSS made no contact with the family until September 29, 2011, after a report had been made alleging that Mr. Jones attempted to buy a firearm on the black market. Upon visiting the home, the caseworker found power tools in areas accessible to the Children. A "safety plan" was initiated by Lexington County DSS based upon possible physical neglect.

15. At the time, Ms. Jones was in the third trimester of her pregnancy with the couple's fourth child.

16. Lexington County DSS made *three* additional visits to the home between September 30, 2011 and October 21, 2011, but took no action further action.

17. In the meantime, M.J., E.J., and N.J. remained at risk of physical harm.

**Caseworker threatened and police called; Children remain in the home.**

18. On October 28, 2011, a Lexington County DSS caseworker made an unannounced visit to the home.

19. Mr. Jones became very hostile towards the caseworker and said the caseworker “was ruining people’s lives.”

20. Law enforcement was called to defuse a physically threatening situation.

21. That same day, the caseworker made a report that the allegations of abuse and/or neglect were founded, and specifically found that the Children were suffering from maltreatment and neglect that presented a substantial risk of physical injury.

22. The caseworker also observed that Mr. Jones’ power tools were consistently out and accessible to the Children, dangerous chemicals were left within the reach of the Children, and there was an excessive amount of clutter in the home.

23. A second “safety plan” was adopted, but no action was taken to protect the Children from the abuse and neglect observed by Defendants’ caseworker.

24. On November 11, 2011, Lexington County DSS opened a “treatment plan” based on its findings of maltreatment and neglect presenting a substantial risk of physical injury, but this so-called plan resulted in no action to protect the children.

25. Ms. Jones fourth child, G.J., was born on December 5, 2011, but Lexington County DSS took no action to contact the family and assess the safety of the newborn.

26. The Children's case was transferred to a new caseworker on or about December 9, 2011. The new caseworker took no action to assess the Children's safety.

27. In the meantime, M.J., E.J., N.J., and now G.J., were left in the home and suffered physical abuse and neglect.

**Defendants fear Jones family about to flee, lose track of endangered Children.**

28. On January 13, 2012, Lexington County DSS caseworkers completed a "Comprehensive Safety and Risk Assessment" that documented physical violence, neglect, multiple risk factors, a belief the family was about to flee or deny caseworkers access to the Children, and other serious concerns indicative of an imminent threat to the Children. The assessment indicates the family's whereabouts was unknown.

29. No attempt was made by Lexington County DSS to locate the Children until February 25, 2012, when a caseworker made an unannounced visit to the home—the first contact with the Jones family since the case was transferred to a new caseworker in December 2011.

30. The caseworker reviewed the safety plan with Mr. and Ms. Jones and— notwithstanding the above-described evidence to the contrary—found the home met minimal safety standards.

31. Instead of taking action, Lexington County DSS adopted a fourth safety plan in March 2012.

32. M.J., E.J., N.J., and G.J., remained in the home during this period and continued to suffer from physical abuse and neglect.

**Mr. Jones threatens to "snap" the Children's mother's neck; plays "chicken" with an 18-wheeler while the Children are in the vehicle; Defendants document, but take no action.**

33. In late April 2012, caseworkers made an unannounced visit to the Jones' home and discovered Ms. Jones living in the home and Mr. Jones whereabouts unknown.

34. Lexington County DSS was supposed to contact Ms. Jones with referrals for mother's assistance, but failed to do so. Lexington County DSS made no inquiry into the terms and circumstances of the separation.

35. In May 2012, Mr. Jones returned to the home where the Children were still living with Ms. Jones.

36. Mr. Jones threatened the life of the Children's mother stating that he would "snap her neck." He also threatened to shoot the neighbors.

37. On another occasion around the same time period, Mr. Jones "played chicken" with an 18-wheeler while Mrs. Jones and the Children—then M.J., E.J., N.J., and G.J.—were all in the vehicle.

38. Afterward, he head-butted Ms. Jones and spit in her face.

39. Ms. Jones filed a criminal domestic violence report with the Lexington County Sheriff's Department reporting these incidents in late May 2012.

40. Lexington County DSS took no action to investigate whether the Children were at risk of harm or to protect the Children by removing them from the home, or pursuing any other interim measure.

41. After the criminal domestic violence report was filed, Ms. Jones reported to a Lexington County DSS caseworker that the report had been made.

42. Ms. Jones informed the caseworker of the report number.

43. Ms. Jones also reported ongoing domestic violence inside the home in addition to what was reported to the sheriff's department.

44. Lexington County DSS adopted a *fifth* safety plan, but took no action.

45. M.J., E.J., N.J., and G.J., remained in the home during this period as well, and suffered the risk of physical abuse and neglect.

**Mr. Jones kidnaps the Children; Defendants learn of kidnapping and close the case.**

46. On June 18, 2012, Ms. Jones contacted Lexington County DSS several times to report that Mr. Jones kidnapped the Children and fled the State to Mississippi.

47. The caseworker failed to report the matter to law enforcement and took no action whatsoever. Instead, the caseworker advised Ms. Jones to contact a family law lawyer and she, the caseworker, would follow-up with referral assistance.

48. Defendants took no action to locate the Children or notify South Carolina law enforcement, Mississippi law enforcement, or law enforcement in any of the states in Mr. Jones' path that a dangerous and violent individual had absconded with four minor children ranging in age, at that time, from six months to six years old.

49. The caseworker even failed to provide the promised referral assistance.

50. On August 16, 2012, Lexington County DSS *closed* the Children's child protective services case.

51. On October 15, 2012, a caseworker recommended that SCDSS's open Child Protective Services case regarding the Jones Family be closed due to the unknown whereabouts of the minor Children and Mr./Mrs. Jones

52. On or about October 16, 2012, a SCDSS program coordinator reviewed the Children's cases and closed them because the "risk has been reduced and services are no longer needed."

53. At that time, SCDSS and Lexington County DSS were aware that Mr. Jones had not completed substance abuse treatment, that significant events evidencing continued abuse and neglect had occurred during the last quarter, and that the risks to the Children's safety had not been eliminated or reduced.

54. Sometime in the fall of 2012, Mr. Jones returned to South Carolina with the Children.

55. M.J., E.J., N.J., and G.J., remained in Mr. Jones's home throughout this period, suffered physical abuse and neglect, and were in constant danger of being seriously harmed.

56. Defendants took no action aside from closing the Children's files.

**Teachers report abuse; the Jones' divorce; Mr. Jones receives custody.**

57. The Jones' fifth child, A.J., was born on December 12, 2012.

58. Notwithstanding the history of abuse and neglect suffered by the other Children, Lexington County DSS made no contact with the family to assess the safety of the newborn.

59. On March 7, 2013, a school teacher contacted Lexington County DSS to report abuse of one of the Children after learning that Mr. Jones considered using kerosene and a heat gun to rid the child of lice.

60. Defendants took no action to investigate or ensure the safety of the child threatened with this violence or the other four children in Mr. Jones's home.

61. On September 30, 2013, Mr. and Ms. Jones divorced and Mr. Jones was awarded primary custody of the five Children.

62. Defendants took no action to assess the safety of the children or inform the family court of the serious risk of harm to the Children posed by Mr. Jones.

63. M.J., E.J., N.J., G.J., and now A.J., remained in Mr. Jones's home and eventually were transferred to Mr. Jones' primary custody throughout this period, during which children suffered physical abuse and neglect and remained in imminent danger of physical harm.

64. Defendants still took no action.

**Teacher reports abuse (again), is frustrated in the prospect that Defendants will not act.**

65. On April 24, 2014, a school teacher reported abuse of one of the Children to Lexington County DSS after observing hand-print bruising on the child. The child told the teacher her father grabbed her and pulled her around the house as punishment.

66. Defendants took no action to protect this particular child, or any of the Children in Mr. Jones's home, as a result of this report.

67. The teacher subsequently became very frustrated that Defendants were not "investigating or documenting everything" about the child's abuse.

68. All of the Children remained in Mr. Jones's home, the victims of neglect and abuse and under threat of imminent harm.

**Multiple school officials report of abuse; child choked, thrown into wall; caseworker drafts another safety plan and worries about repercussions.**

69. On May 5, 2014, an elementary school official reported child abuse to Lexington County DSS.

70. The official told Lexington County DSS that Mr. Jones choked one of the Children and threw the child against the wall, causing bruising to the right jawline and right forearm and a circular mark resembling thumb or finger prints on the child's neck.

71. That same day, another school official reported to the caseworker that another one of the Children reported that the child's crotch area was hurting "more and more."

72. Lexington County DSS spoke with both Children regarding the May 5, 2014, abuse report, and the two Children indicated that their father spansks them with a belt and that one child received 12 spankings. They also reported that Mr. Jones made the Children—none of whom was older than 8 years—do pushups and other exercises as punishment and that he would “slam them around” while “playing.”

73. The two Children did not want caseworkers to take photographs of their bruising but did allow a school official to take photographs.

74. Lexington County DSS subsequently interviewed Mr. Jones, who claimed he grabbed one child by the shirt collar but that the child was very clumsy and bruised easily.

75. No action was taken to protect any of the five Children. Instead, Defendants drafted a *sixth* safety plan indicating the caseworker would monitor the Children with home visits and telephone calls.

76. A referral to Fatherhood Coalition was recommended, but not provided.

77. Lexington County DSS made only one follow-up visit to the home within a 10-day period. Instead of taking action, the caseworker’s notes indicated the caseworker was “worried about repercussions” from the school official’s report.

78. The Children continued to suffer serious abuse and neglect.

**Home visit reveals more direct evidence of physical violence.**

79. On June 17, 2014, the Lexington County DSS case manager conducted a home visit and observed bruising on one of the Children’s faces. Mr. Jones stated he did not “intentionally” try to harm the child. The other Children said they observed their father grab the child by the chin, which caused bruising.

80. The caseworker also observed an excessive number of religious iconography in the home.

81. Nevertheless, the case manager submitted the Children's case for disposition.

82. Defendants took no other action and the Children continued to be physically abused, neglected, and at risk for serious harm.

**Teacher reports multiple children bruised "all over", others hidden from view.**

83. On July 15, 2014, a teacher reported abuse to Lexington County DSS after seeing the Children with their father at a local store and noticing bruising "all over" three of the five children. The two youngest children remained hidden from view in a buggy.

84. Defendants took no action, except to complete a fact sheet concerning the Jones family and submitting it to the program coordinator for disposition.

85. On July 24, 2014, a DSS supervisor completed a review of the Children's case and closed the file.

86. The Children continued to be abused and neglected.

**Babysitter reports abuse; DSS discovers child with bandaged eye.**

87. On August 7, 2014, an anonymous caller reported physical abuse of one of the Children to Lexington County DSS.

88. Lexington County DSS and the Lexington County Sheriff's Department found one of the Children had a bandaged eye.

89. A babysitter, the suspected anonymous caller, also reported that Mr. Jones was abusive to the Children, withheld food from them, and made them exercise as a form of punishment, and the caller also reported walking in on Mr. Jones as he was "about to hurt" one of

the Children. The babysitter also reported that Mr. Jones planned to take the Children out of state after Labor Day.

90. The SCDSS intake form completed by the caseworker after these reports indicated “client abuse/neglect issues related to this Intake; physical abuse; and substantial risk of physical abuse.” The intake form also identified the case as one posing high risk to the Children.

91. Nevertheless, no action was taken to remove the Children from Mr. Jones’s home.

92. Instead, on August 8, 2014, Lexington County DSS referred the case to law enforcement, citing Mr. Jones’s conduct of beating and bruising one of the Children, his failure to properly feed the Children, and his failure to return the Children to school.

93. SCDSS reported that Mr. Jones did not want to send the Children back to public schools because he feared the school would report the beatings.

94. In the meantime, the Children remained in Mr. Jones’s home and continued to suffer abuse and neglect, and throughout this period DSS knew and recorded that Mr. Jones was overwhelmed and posed a high risk of danger to Children.

**Mr. Jones strangles four, beats the fifth, killing all five Children.**

95. On August 28, 2014, Mr. Jones picked up all five Children from school and daycare and took them home.

96. He killed four of the Children, one-by-one, strangling each child at the neck with his bare hands until dead.

97. He beats the fifth child causing his gradual and painful death.

98. Each child suffers a horrific, but entirely preventable, death.

99. Mr. Jones wrapped the Children's bodies in black plastic and then drove them over 700 miles through four different states before dumping the bodies in a shallow ditch in a remote part of Alabama.

100. On September 6, 2014, Mr. Jones was stopped at a vehicle safety checkpoint in Mississippi and arrested for driving under the influence and drug possession.

101. After being interrogated by police, Mr. Jones led law enforcement to a ravine off a dirt road where the Children's dead bodies lay unburied.

102. Mr. Jones was extradited back to South Carolina where he faces five counts of murder.

**SCDSS had actual knowledge Lexington County DSS was  
Leaving the Children in a dangerous environment subject to abuse  
and had the power and responsibility to act to stop it.**

103. SCDSS has a statutory mandate to "supervise and administer the public welfare activities and functions of the State as provided in Chapters 1, 3, 5, 7, 9, 19, and 23 [of the Social Services code] and child protective services as referred to in Title 63, Chapter 7 or as otherwise authorized by law and may act as the agent of the State." S.C. Code Ann. § 43-1-80. SCDSS has power to adopt all necessary rules, policies, and methods of administration to effectuate this statutory mandate and ensure that agencies of the state and local governments function as part of a unified child welfare system. Id.

104. Specifically, SCDSS is required to supervise the administration of assistance offered by county departments of social services, among other services. Id. § 43-1-90. This supervision includes a mandatory quality assurance review of the child protective services program in each county in the State. Id. § 43-1-115.

105. A report outlining the results of the quality assurance review is submitted by SCDSS to the Governor and each member of the county legislative delegation and is posted on SCDSS's website.

106. In 2013 Lexington County DSS was determined to provide services sufficiently to families in only 41.7% of the cases reviewed. In 2014 the review of LCDSS reported services were sufficiently provided in just 47.6% of the cases reviewed.

107. Lexington County DSS was found to make concerted efforts to assess properly the risks posed to children's health and welfare 43.3% of the time in 2013 and only 50% of the time in 2014. In other words, Lexington County children known to be at risk of harm had only a fifty-fifty chance of having that risk properly recognized by Lexington County DSS, to say nothing of whether appropriate interventions occurred, and SCDSS knew of these substantial risks to Lexington County children.

108. In fact, the 2013 report specifically mentions a report of abuse investigated by Lexington County DSS in which a child reported being hit by her father in the face. This report was corroborated by the child's teacher who observed physical injuries to the child's eye and lip and is believed to be M.J. Lexington County DSS determined this report of abuse to be "unfounded."

109. In 2014, SCDSS examiners reviewed a number of randomly selected case files to assess the quality and consistency of Lexington County DSS documentation. Of the files reviewed, all of the casefiles were found noncompliant with SCDSS policy and procedure. More specifically, the reviewers found:

- a. Information in the DSS Risk Matrix and witness statements concerning allegations were contradictory;

- b. Casefile documentation did not indicate all appropriate contacts were made;
- c. Lexington County DSS did not use the proper legal definition of "maltreatment" during assessments;
- d. Lexington County DSS failed to conduct searches using the state database for child abuse (CAPSS);
- e. Assessment of maltreatment risk was inadequate or incorrect; and
- f. The rating level assigned to indicate the severity of a case failed to reflect the seriousness of abuse documents by Lexington County DSS.

110. At all times relevant to this action, SCDSS had actual knowledge of the risk posed to the Children by Mr. Jones and the inadequacy of Lexington County DSS's response to those risks based on reports and investigations provided to SCDSS by Lexington County DSS.

**AS A FIRST CAUSE OF ACTION**  
(Negligence/Negligence *Per Se*/Gross Negligence/Willful/  
Wanton/Reckless Misconduct as to all Defendants)

111. Each of the foregoing paragraphs are incorporated here.

112. Defendants had a special duty to each of the Children, imposed by statute, including the Child Protection Act, S.C. Code Ann. §§ 63-7-10 et seq., which required Defendants to act to protect the Children from foreseeable abuse and neglect at the hands of Mr. Jones once Defendants received reports of child abuse.

113. Defendants were grossly negligent on innumerable separate occasions in failing to act to protect the Children from neglect and abuse.

114. Defendant Lexington County DSS's negligent acts included:

- a. Failing to fully investigate numerous, credible allegations of abuse and neglect;

- b. Failing to make timely investigations in response to reports of abuse and neglect;
- c. Failing to remove the Children from Mr. Jones's home based on the information gathered;
- d. Failing to report evidence of criminal child abuse and neglect to law enforcement for the purpose of emergency child custody and/or criminal prosecution;
- e. Failing to recognize that prior reports of abuse and neglect had been made concerning Mr. Jones, the Children, and the same subject matters;
- f. Failing to adequately document abuse and neglect of the Children;
- g. Failing to initiate a termination of parental rights action;
- h. Failing to require that the Children be removed from Mr. Jones's home so long as Mr. Jones was present;
- i. Failing to notify law enforcement when the Children were taken by Mr. Jones;
- j. Closing the Children's case on multiple occasions even though the abuse and neglect was ongoing; and
- k. In other such ways as may be discovered during this action.

115. Defendant SCDSS's negligent and grossly negligent acts and omissions included:

- a. All of the failures identified above;

- b. Failing to intervene in the Children's case once it became clear Lexington County DSS failed to take appropriate and timely action to protect the Children;
- c. Failing to adequately supervise Lexington County DSS even though it had a known track record of failing to take appropriate measures to protect children;
- d. Failing to carry out its statutory duty of making all necessary good faith efforts to provide staff, training, and other necessary resources to fulfill its mandate to protect neglected and abused children; and
- e. In other such ways as may be discovered during this action.

116. These repeated failures to conform to statutory mandates and generally accepted standards of care for child welfare/child protective services were the factual and proximate cause of abuse and neglect suffered by each of the Children after each occurrence in which Defendants failed to take action.

117. These repeated failures to conform to statutory mandates and generally accepted standards of care for child welfare/child protective services were the factual and proximate cause of the brutal deaths of five innocent and vulnerable minor children.

118. As a result of the abuse and neglect following each occurrence of gross negligence, the Children each suffered damages in the form of physical injuries, physical pain, suffering, mental anguish, emotional distress, and, ultimately, death.

**FOR A SECOND CAUSE OF ACTION  
(Survival Action)**

119. Each of the foregoing paragraphs is incorporated herein.

120. As a result of the above-described acts and omissions of the Defendants, each child, M.J., E.J., N.J., G.J., and A.J., died a violent, senseless, painful, and terrifying death as well as suffering bodily injuries on numerous occasion which caused physical pain and emotional anguish.

121. As a direct and proximate result of Defendants' conduct, the Children experienced great physical pain, suffering, mental anguish, and emotional distress prior to their deaths.

**FOR A THIRD CAUSE OF ACTION  
(Wrongful Death Action)**

121. Each of the foregoing paragraphs is incorporated herein.

122. As a result of the above described acts of the Defendants, Plaintiff, the statutory beneficiary of M.J., E.J., N.J., G.J., and A.J., has suffered and continues to suffer grief; shock; sorrow; wounded feelings; loss of aid, comfort, and companionship; emotional distress; pecuniary loss in funeral expenses; and loss of the deceased Children's future support.

**JURY DEMAND**

Plaintiff respectfully demands trial by jury on all claims so triable.

**PRAYER**

WHEREFORE, Plaintiff prays for judgment in this matter in a sum sufficient to adequately compensate her as the statutory heir of the Children's estates and the statutory beneficiary under the wrongful death act for damages suffered, for the costs of this action, and for all such further relief as the Court may deem just and proper.

[signature page follows]

Respectfully submitted by,

  
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April 22, 2016  
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