

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

John Doe, *minor child, by and through*)
his Guardian, Jane Doe,)
)
Plaintiff,)
)
v.)
)
Nikki Haley, *et al.*,)
)
Defendants.)
_____)

C/A No.: 8:13-cv-01772-GRA

ORDER
(Written Opinion)

This matter comes before this Court on Jane Doe’s Petition to Approve a Minor Settlement, which asks this Court to appoint Jane Doe as John Doe’s guardian ad litem for purposes of this settlement and to approve a settlement for John Doe, a minor child. ECF No. 218. This settlement would resolve all claims against Defendants South Carolina Department of Social Services, Merry Eve Poole, Cassandra Daniels, and Ursula Best, terminating this case. *Id.* This Court held a hearing on this matter on Friday, April 4, 2014. ECF No. 219. After carefully considering the filings and arguments by all parties, this Court has concluded that Jane Doe should be appointed as John Doe’s guardian *ad litem* for purposes of this settlement and the settlement should be approved.

Standard of Review

S.C. Code Ann. § 62-5-433 details the procedures for settlement of claims in favor of minors. § 62-5-433(B)(1) states that settlement of any claim over twenty-five thousand dollars in favor of a minor requires the petitioner to file with the court a “verified petition setting forth all of the pertinent facts concerning the claim, payment,

attorney's fees, and expenses, if any, and the reasons why, in the opinion of the petitioner, the proposed settlement should be approved." S.C. Code Ann. § 62-5-433(B)(1). The petitioner must also state in the verified petition that "in his opinion, the proposed settlement is in the best interests of the minor." *Id.*

The court shall issue an order approving the settlement if "the court concludes that the proposed settlement is proper and in the best interests of the minor." S.C. Code Ann. § 62-5-433(B)(2). The court "must require that payment or delivery of the money or personal property be made through the conservator." S.C. Code Ann. § 62-5-433(B)(3).

Appointment of Jane Doe as guardian *ad litem* for John Doe

The Petition to Approve a Minor Settlement seeks to appoint Jane Doe as John Doe's guardian *ad litem* for purposes of this settlement. ECF No. 218. Jane Doe is John Doe's maternal aunt and foster mother. *Id.* Jane Doe has had physical custody of John Doe since March 28, 2012 pursuant to an Order by the Eighth Judicial Circuit Family Court, stating that John Doe's parents are not capable of providing the requisite care and custody to the minor child and that Jane Doe should be responsible for the care and custody of John Doe. ECF Nos. 175-1 & 218. Importantly, Jane Doe was previously appointed as John Doe's guardian *ad litem* for purposes of another settlement in this litigation. ECF No. 203.

Therefore, this Court finds good cause for appointing Jane Doe as John Doe's guardian *ad litem* for purposes of the current settlement between Plaintiff and Defendants South Carolina Department of Social Services, Merry Eve Poole, Cassandra Daniels, and Ursula Best.

Approval of Settlement

The Petition to Approve a Minor Settlement seeks approval of a settlement for John Doe, a minor child, who has settled all claims against Defendants South Carolina Department of Social Services, Merry Eve Poole, Cassandra Daniels, and Ursula Best. ECF No. 218. In exchange for an agreed upon amount, Plaintiff will release all claims and dismiss all counts with prejudice, as well as “any and all possible claims, suits, demands, or causes of action against South Carolina Department of Social Services, Merry Eve Poole, Cassandra Daniels, and Ursula Best.” *Id.* The funds “will be placed in a discretionary trust and an educational trust” to benefit John Doe. *Id.*

This Court finds that the settlement of John Doe’s claims in the manner set forth in the Petition to Approve a Minor Settlement is reasonable and appropriate and in the best interests of the minor child.

IT IS THEREFORE ORDERED that Jane Doe is appointed as John Doe’s guardian *ad litem* for purposes of this settlement, and the proposed settlement is approved as being in the best interests of John Doe.

IT IS SO ORDERED.



G. Ross Anderson, Jr.
Senior United States District Judge

April 4, 2014
Anderson, South Carolina

