

STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
James Lloyd,)
Plaintiff,)
vs.)
Kendra Wilson,)
Defendant,)

IN THE FAMILY COURT
C.A. # 2022-DR-37-09

FILED OCONEE COUNTY, SC
MELISSA G. BURTON
CLERK OF COURT

2022 APR 19 A 9:24

TEMPORARY ORDER

DATE OF HEARING:
PRESIDING JUDGE:
PLAINTIFF'S ATTORNEY:
DEFENDANT'S ATTORNEY:
COURT REPORTER:

MARCH 23, 2022
KAREN BALLENGER
KIMBERLY F. DUNHAM
KIMBERLY PEASE
LE CONTRACT FAMILY

The Defendant (hereinafter, "Mother") and minor child are citizens and residents of Oconee County, State of South Carolina and have resided therein for at least six (6) months prior to the commencement of this action. Plaintiff (hereinafter, "Grandfather") is a citizen and resident of Greenville County, State of South Carolina.

Mother has a minor child, K.W., born in 2020. The minor child was born out of wedlock. Connor Lloyd filed an action to establish paternity on October 26, 2020 (2020-DR-37-529). Paternity testing was conducted in the prior action and confirmed Connor Lloyd as Father of the minor child. Under a Second Temporary Order Connor Lloyd was granted a graduated visitation schedule due to the young age of the minor child. Connor Lloyd was murdered on August 18, 2021 only days before his first overnight visitation was to occur. His murder remains under investigation. Plaintiff is the paternal grandfather of K.W.

Grandfather filed a Summons, Complaint, Notice of Representation, and Motion for Temporary Relief on January 12, 2022 seeking grandparent visitation. Mother was personally served with the pleadings on March 9, 2022. No responsive pleadings have been filed.

Grandfather appeared at the hearing with his attorney, Kimberly F. Dunham, Esquire. Mother appeared at the hearing with her attorney, Kim Pease, Esquire.

BASED UPON my review of the Affidavits, pleadings, and argument of counsel, the Court finds on a temporary basis as follows:

1. Grandfather shall have visitation with his grandchild as he and Mother may agree. If they are unable to agree then Grandfather shall have visitation as follows:

A. Beginning the first Saturday in April and continuing each Saturday for the remainder of April, Grandfather shall have visitation from 2:00 pm until 4:00 pm with Mother present for same. The visitation shall occur at the Wendy's in Easley. Only Grandfather and Mother shall be present. These visitations are intended to introduce K.W. to her Grandfather and to let them become comfortable with one another.

B. Beginning the first Saturday in May, Grandfather shall have visitation every other weekend from 2:00 pm until 6:00 pm. Grandfather shall pickup and return the minor child at Mother's residence.

C. Beginning the first Saturday in June, Grandfather shall have visitation every other weekend from 10:00 am until 6:00 pm. Grandfather shall pickup and return the minor child at Mother's residence.

2. The Court appoints Greg Steele, Esquire as the Guardian *ad Litem* in this matter. His appointment shall be detailed in the Guardian Order of Appointment. The Guardian *ad Litem* shall complete a preliminary investigation. Following her preliminary investigation either party or the Guardian *ad Litem* may file for a 2nd temporary hearing to consider the Guardian *ad Litem*'s Report. The Guardian *ad Litem* shall meet with Whitney Blalock and shall convey to both counsel whether

or not he has any concerns about her. If the Guardian *ad Litem* has no concerns then there shall be no restriction on Ms. Blalock being present when Grandfather has visitation beginning in May.

3. If either party is unavailable for a visitation, then a makeup visitation shall be scheduled.

4. The parties shall be mutually bound by a "No Adverse Conduct Order" (NACO) that shall restrain and enjoining the parties from engaging, directly or indirectly, in any adverse, hostile, harassing, argumentative, threatening, unwanted, or unpleasant conduct, or in any conduct beyond or worse than that described. This NACO shall allow the parties to contact, associate, and communicate with each other only so long as they each consent to such conduct; however, any party may end any contact, association, or communication as being adverse, hostile, harassing, or unpleasant. The purpose of this NACO is to encourage positive contact and communication between the parties. The parties shall further not allow any 3rd parties to have any adverse contact with the other party.

5. The parties shall be enjoined and restrained pursuant to the attached.

WHEREFORE, IT IS HEREBY ORDERED as follows:

[1] The findings set forth above along with the parties agreement shall become a Temporary Order of this Court.

IT IS SO ORDERED

S / Karen T. Bollenger
Family Court Judge

Walhalla, South Carolina

Date: 4/18

CERTIFIED TRUE COPY

RESTRANDING ORDERS

APR 19 2022 *M*

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT
2022 APR 19 A 9:25

- A. All parties are restrained against having any form of physical or verbal confrontation or allowing another to do so in front of the child.
- B. All parties are restrained against excessively consuming or being under the influence of alcohol (defined the same as might apply to driving under the influence), the consumption of any illegal drug or the abuse of any prescription drug or allowing another to do so while the child are under his/her care.
- C. All parties are restrained against the use of profanity or making any derogatory comments about or toward the other party or allowing anyone else to do so in front of the child or in any manner whereby the child might learn of the same.
- D. During pending litigation about the child the parties shall not discuss any details about the litigation beyond acknowledging the existence of the same. Further if the litigation is between the parties and involve adult matters not directly relating to the child the parties shall not discuss the litigation with the child. In no case shall the parties unnecessarily involve the child in the litigation. Once an Order is issued the details of it shall not be discussed with the child except to acknowledge it exists and must be complied with. The only exception to this restraining order is when the child is in counseling or under psychological/psychiatric care and the child's provider believes it is in the child's therapeutic best interest to discuss the same but this may be done only in that limited context absent a written order to the contrary.
- ~~E. All parties are restrained from having the child on an overnight basis in the presence of an adult party of the opposite sex (or the same sex if the party or guest is bi-sexual or homosexual) to whom the parties are not related by blood or marriage, or any lover/paramour.~~
- F. All parties are required to keep the child in a moral and safe environment at all times.
- G. All parties are required to see that the child in their care properly attend school and are not out of school in violation of any educational requirement of this State.
- H. All parties are required to see that the child in their care receive proper medical attention and appropriately take prescribed medications or reasonably necessary medical treatments and to that end shall ensure that the child in their care attend any scheduled medical appointments and shall exchange medications which are to be taken, all as might be reasonable and appropriate and in compliance with their religious beliefs, a specific court order or the law.
- I. All parties are restrained against conduct detrimental to the child of any particular nature relating to the particular needs of a given child such as not smoking around a child who is asthmatic.
- J. One party shall not schedule nor allow others to schedule elective matters to do with the child/children on or during the other party's time.
- K. At all times the child shall be properly supervised and not left with babysitters who are not appropriate in any manner by way of age, conduct, past history or otherwise of which a parent or custodian or visiting party has knowledge, should have knowledge or may with reasonable efforts have gained knowledge.

L. All parties are restrained against allowing the child to see or be exposed to age-inappropriate movies, computer access or websites, games or other such material or forms of entertainment and shall take all reasonable precautions against the same. In no case shall the children be exposed to any X-rated or pornographic material or R-rated movies. The parents may use discretion as to children sixteen (16) and over as to R-rated movies but if either parent objects, the child shall not be exposed to the R-rated movie.



STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
James Lloyd,)
Plaintiff,)
vs.)
Kendra Leigh Wilson,)
Defendant.)

IN THE FAMILY COURT
TENTH JUDICIAL CIRCUIT

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT

2022 DEC 12 P 1:52

SECOND TEMPORARY ORDER

Docket No: 2022-DR-37-09

DATE OF HEARING: NOVEMBER 14, 2022
PRESIDING JUDGE: DAVID E. PHILLIPS
ATTORNEY FOR PLAINTIFF: KIMBERLY F. DUNHAM
ATTORNEY FOR DEFENDANT: J. MARSHALL SWAILS
GUARDIAN AD LITEM: GREG R. STEELE
COURT REPORTER: MONA MANLEY

This matter is before the Court for a second temporary hearing pursuant to a provision in the original Temporary Order allowing either party or the Guardian ad Litem to request a second temporary hearing following the Guardian's preliminary report.

The Plaintiff was present and represented by Kimberly F. Dunham of the Greenville County Bar. The Defendant's attorney, J. Marshall Swails, also of the Greenville County Bar, appeared on behalf of Kendra Wilson and informed the Court that Ms. Wilson had become sick with flu-like symptoms the night before the instant hearing. Mr. Swails informed the Court that he did have Ms. Wilson's signed affidavit and financial declaration and is prepared to proceed without her presence. However, Mr. Swails further informed the Court that Ms. Wilson would like to be present for the hearing and Mr. Swails requested a continuance on behalf of the Defendant Wilson. Greg R. Steele, of the Anderson County Bar, appeared on behalf of the minor child as the duly appointed Guardian ad Litem.

Given that this is a second temporary hearing conducted without prejudice to a final hearing in this matter, this Court is not inclined to grant Defendant's request for a continuance and the same is denied. All parties previously indicated that they had submissions ready for the Court to review and they were otherwise prepared to go forward notwithstanding the absence of the Defendant.

Each party presented their affidavits and exhibits and the respective attorneys both presented brief arguments. Mr. Steele offered his Preliminary Guardian ad Litem Report.

Upon review of the affidavits, exhibits, arguments and the Preliminary Report, this Court finds as follows:

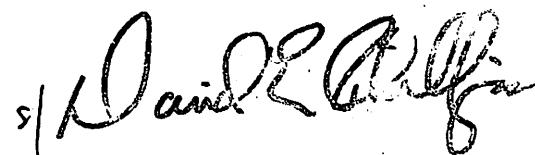
1. This Court has continuing jurisdiction of the parties and subject matter.
2. It is appropriate to maintain the status quo visitation schedule contained in the original Temporary Order dated April 19, 2022, the Honorable Karen F. Ballenger presiding.
3. The Guardian ad Litem has noted no objections to Whitney Blalock having contact with the minor child during the plaintiff's visitation sessions.

Based upon the findings of this Court, it is therefore **ORDERED, ADJUDGED and DECREED** as follows:

1. The plaintiff shall be entitled to visitation every other Saturday from 10:00 AM until 6:00 PM with the plaintiff being required to pick up and return the child at mother's residence. The parties may agree to additional visitation time without court intervention.
2. If either party is unavailable for a visitation sessions, then a makeup visitation session shall be scheduled.

3. Whitney Blalock shall be allowed to have contact with the minor child during the plaintiff's visitation sessions.
4. The parties shall continue to be bound by the a "No Adverse Contact Order" as specified in the Temporary Order issued April 19, 2022.
5. All other issues raised by the pleadings shall be held in abeyance.

AND IT IS SO ORDERED.



Judge David E. Phillips

Anderson, SC
Dated: 12/7/2022

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CLERK OF COURT

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CLERK OF COURT
OCONEE COUNTY, SC



STATE OF SOUTH CAROLINA)
COUNTY OF OCONEE)
James Lloyd,)
Plaintiff,)
vs.)
Kendra Wilson,)
Defendant,)

IN THE FAMILY COURT
C.A. # 2022-DR-37-09

FINAL ORDER

FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT

2024 SEP 13 PM 1:54

DATE OF HEARING:
PRESIDING JUDGE:
PLAINTIFF'S ATTORNEY:
DEFENDANT'S ATTORNEY:
GUARDIAN AD LITEM:
COURT REPORTER:

AUGUST 26, 2024
SCOTT E. MCELHANNON
KIMBERLY F. DUNHAM
JOHN MARSHALL SWAILS JR.
GREG STEELE
MONA MANLEY

This matter is before this Court for a Final Hearing scheduled for August 26th and 28th, 2024. At the call of the case, Plaintiff, James Lloyd (hereinafter "Grandfather") appeared with his attorney, Kimberly F. Dunham, Esquire. Defendant, Kendra Wilson, (hereinafter "Mother") appeared with her attorney, John Marshall Swails Jr., Esquire. The Guardian *ad Litem*, Greg Steele, Esquire was also present.

The parties announced to the Court that they had reached a final agreement, which was read into the record. Their Agreement is attached hereto and incorporated herein by reference. The parties requested the Court to incorporate this agreement into a Final Order.

Background

Mother has a minor child, K.W., born in 2020. The minor child was born out of wedlock. Connor Lloyd filed an action to establish paternity on October 26, 2020 (2020-DR-37-529). Paternity testing was conducted in the prior action and confirmed Connor Lloyd as Father of the minor child. Connor Lloyd was murdered on August 18, 2021. Plaintiff is the Paternal Grandfather of K.W.

Grandfather filed a Summons, Complaint, Notice of Representation, and Motion for Temporary Relief on January 12, 2022 seeking grandparent visitation. Mother was personally served with the pleadings on March 9, 2022. Mother filed an Answer and Counterclaim on October 28, 2022. Grandfather filed a Reply on February 21, 2024.

Jurisdiction and Venue

Mother and minor child are citizens and residents of Oconee County, State of South Carolina. Grandfather resides in Greenville County, State of South Carolina. The minor child was born in South Carolina and has continued to live here since birth. South Carolina is the "Home State" of the minor child pursuant to the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA). This Court has jurisdiction over the parties and subject matter herein. Oconee County Family Court is the Court for proper venue.

Approval of Settlement Agreement

Plaintiff's attorney indicated that Mother and Grandfather had reached a full and complete agreement, as set forth below:

1. Grandfather shall have visitation pursuant to the attached schedule.
2. Grandfather and Mother shall abide by the attached Guidelines and Restraining Orders.
3. Each party shall pay their own attorney's fees.

The Guardian *ad Litem* testified that the Agreement is in the best interest of the minor child. The parties were questioned as to the Agreement. I find the Agreement reached by the parties is complete as to the terms addressed by the agreement, and is the product of compromise and negotiation between the parties. Both parties fully understand the terms of the agreement and are able and willing to comply with the terms. I find that both parties have entered into the agreement knowingly and intelligently. The parties testified that the agreement is in the best interest of the minor child. There is no indication that

either party was forced, under duress, or coerced to agree to these terms or to seek approval of same. Both parties have not entered into this agreement under the influence of drugs, alcohol, prescription medication, intoxicating substance, or mental condition that might impair ones ability to understand the terms and conditions of this agreement and its effects or that might impair their ability to reason or exercise their free will. Substantively, the Agreement reflects the resolution of legal issues which are within the range of fairness given this Court's experience. I find that the terms of the agreement are fair and equitable from a procedural and substantive standpoint and in their child's best interest. I therefore approve the terms of this agreement, and adopt same as to an Order of this Court as to those issues addressed in the Agreement.

Guardian ad Litem Fees

The Guardian *ad Litem* has provided the parties a final invoice. Grandfather owes \$2,406.00, and Ms. Wilson owes \$629.50. Each party shall pay the Guardian *ad Litem* within thirty (30) days of the filing of this Order or make a suitable payment arrangement in writing with the Guardian *ad Litem* that they abide by.

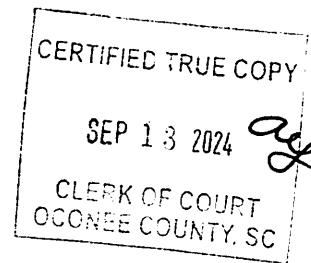
WHEREFORE, IT IS HEREBY ORDERED as follows:

- [1] The Settlement Agreement set forth above and attached hereto shall become an Order of this Court.
- [2] The parties shall pay Guardian *ad Litem*'s fees as set forth above.

AND SO IT IS ORDERED

Anderson
Walhalla, South Carolina
Dated: 9-11

s/ M. Scott McElhannon
Scott McElhannon
Family Court Judge



FILED OCONEE COUNTY, SC
MELISSA C. BURTON
CLERK OF COURT
2024 SEP 13 P 1:55

VISITATION SCHEDULE

1. Weekend Visitation:

Grandfather shall have weekend visitation with the minor child on the second weekend of the month from Friday at 6:00 pm until Sunday at 6:00 pm, beginning September 13, 2024.

2. Holiday Visitation:

A. Mother's Day/Father's Day: The child shall be with the mother on Mother's Day and with the grandfather on Father's Day (to honor and celebrate biological Father) from 10:00 am until 6:00 pm. (Regardless of whose weekend upon which it may fall.)

B. Christmas Holiday: For the Christmas Holiday Grandfather shall have from December 26th at noon until December 29th at noon.

C. Monday/Friday Holidays: If during the school year grandfather's weekend visitation falls on a weekend where the child is out of school on a Monday and/or Friday Holiday then grandfather's weekend shall be extended to include the time the child is not in school. For example, if the child is off school on a Monday then Grandfather's weekend would end Monday at 6:00 pm.

D. Summer Visitation: Grandfather shall have one week of visitation during the summer. Grandfather shall pick his week in writing on or before March 1st of each year. Grandfather may not select the 4th of July in consecutive years. Grandfather shall not take the minor child out of the State of South Carolina during this summer visitation in 2025 and 2026. Mother may have telephone contact with the minor child every evening during Grandfather's Summer visitation to tell the child goodnight.

GUIDELINES AND RESTRAINING ORDERS

GUIDELINES, RIGHTS & INSTRUCTIONS:

- A. Telephone Contact:** Grandfather shall have two phone calls per week with the minor child. This phone call shall occur on Mondays and Thursdays after 2:00 pm.
- B. Important Events:** Mother shall keep Grandfather informed as to the child's school functions and extra-curricular activities so that he can attend if he so desires.
- C. Pick-up and Return of Child:** The parties shall exchange the minor child at the [REDACTED] located at [REDACTED]
- D. Altering Visitation:** The parties may by agreement alter visitation. However, absent a written agreement to deviate a rebuttal presumption exists that the deviation was not with the agreement of the other party.
- E. Makeup Visitation:** If the minor child is unable to attend a visitation for reasons such as an illness, The visitation shall be made up on a weekend prior to Grandfather's next weekend visitation.

RESTRAINING ORDERS:

- A. All parties are restrained against having any form of physical or verbal confrontation or allowing another to do so in front of the child.**
- B. All parties are restrained against excessively consuming or being under the influence of alcohol (defined the same as might apply to driving under the influence), the consumption of any illegal drug or the abuse of any prescription drug or allowing another to do so while the child is under his/her care.**
- C. All parties are restrained against the use of profanity or making any derogatory comments about or toward the other party or allowing anyone else to do so in front of the child or in any manner whereby the child might learn of the same.**
- D. During pending litigation about the child the parties shall not discuss any details about the litigation beyond acknowledging the existence of the same. Further if the litigation is between the parties and involve adult matters not directly relating to the child the parties shall not discuss the litigation with the children. In no case shall the parties unnecessarily involve the children in the litigation. Once an Order is issued the details of it shall not be discussed with the child except to acknowledge it exists and must be complied with. The only exception to this restraining order is when the child is in counseling or under psychological/psychiatric care and the child's provider believes it is in the child's therapeutic best interest to discuss the same but this may be done only in that limited context absent a written order to the contrary.**
- E. All parties are required to keep the child in a moral and safe environment at all times.**
- F. All parties are required to see that the child in their care properly attend school and are not out of school in violation of any educational requirement of this State.**

- G. All parties are required to see that the child in their care receive proper medical attention and appropriately take prescribed medications or reasonably necessary medical treatments and to that end shall ensure that the child in their care attend any scheduled medical appointments and shall exchange medications which are to be taken, all as might be reasonable and appropriate and in compliance with their religious beliefs, a specific court order or the law. In a non-emergency medical situation Grandfather agrees to utilize the child's regular Pediatrician if the Pediatrician is available. Currently, the child sees a pediatrician in Seneca, SC. If Grandfather is forced to seek urgent or emergency medical care for the minor child while the child is in his care, then he shall make every effort to immediately contact Mother before transporting the child for treatment. Mother will notify Grandfather within a reasonable time if the child has an urgent and/or emergency medical situation.
- H. All parties are restrained against conduct detrimental to the child of any particular nature relating to the particular needs of a given child such as not smoking around a child who is asthmatic.
- I. One party shall not schedule nor allow others to schedule elective matters to do with the child on or during the other party's time.
- J. At all times the child shall be properly supervised and not left with babysitters who are not appropriate in any manner by way of age, conduct, past history or otherwise of which a parent or custodian or visiting party has knowledge, should have knowledge or may with reasonable efforts have gained knowledge.
- K. All parties are restrained against allowing the child to see or be exposed to age-inappropriate movies, computer access or websites, games or other such material or forms of entertainment and shall take all reasonable precautions against the same. In no case shall the children be exposed to any X-rated or pornographic material or R-rated movies. The parents may use discretion as to children sixteen (16) and over as to R-rated movies but if either parent objects, the child shall not be exposed to the R-rated movie.