

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Ilza Aurelia Perez Lopez,

Plaintiff,

vs.

Noe` Hernandez

Defendant.

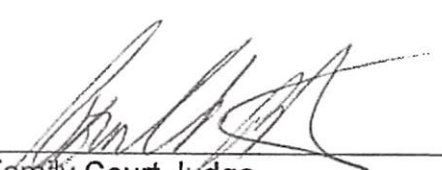
IN THE FAMILY COURT
FIFTEENTH JUDICIAL CIRCUIT

ORDER FOR PUBLICATION

Docket No.: 2019-DR-26-0256

UPON reading the Affidavit for an Order for Service by Publication of Brana J. Williams, Esq. on behalf of the Plaintiff, it is hereby **ORDERED** that the Defendant Noe` Hernandez be served by publication through GLOBAL LEGAL NOTICE, LLC (www.GlobalLegalNotices.com) which is more likely to give actual notice to the Defendant, and that the said publication be published once a week for three (3) consecutive weeks.

IT IS SO ORDERED this 6 day of February, 2019, in Conway, South Carolina.



Family Court Judge
Fifteenth Judicial Circuit

CLERK OF COURT
HORRY COUNTY, SC
2019 FEB -6 AM 10:20
HORRY COUNTY

ESTADO DE CAROLINA DEL SUR
CONDADO DE HORRY

Ilza Aurelia Perez Lopez

La Demandante

vs.

Noe` Hernandez

El Demandado

) EN EL TRIBUNAL DE FAMILIA DE LA
) DÉCIMOQUINTO CIRCUITO JUDICIAL
)

)
)
) **CITACIÓN Y**
) **NOTIFICACIÓN DE AUDIENCIA FINAL**
)

)
)
) **EXPEDIENTE NO.: 2019-DR-26-0256**
)

ENVIADO A: NOE` HERNANDEZ:

POR LA PRESENTE SE LE CITA y se le requiere que responda a la Demanda que es el objeto de la presente acción, una copia de la cual se le entrega por la presente, y que usted entregue una copia de su respuesta a la suscrita a su dirección: Brana J. Williams, Indigo Family Law, LLC, 2055 Glenns Bay Road, Surfside Beach, South Carolina, 29575, United States, dentro de treinta (30) días después de la entrega de la presente, sin contar el día de tal entrega, y si usted no respondere a la Demanda dentro del período susodicho, la Demandante de la presente acción solicitará que la Tribunal conceda el desagravio exigido en la Petición y la Demanda.

La acción fue presentada el 30 de enero del año 2019.

La presente servirá también como Notificación de Audiencia Final, la cual está programada para el 5 de abril del año 2019 a las 9:30 de la mañana ante el ilustrísimo señora Jan Bromell-Holmes, en la sala del Tribunal de Familia 2E en el Centro Judicial del Condado de Horry, ubicado a 1301 2nd Avenue, Conway, Carolina de Sur, Estados Unidos.

QUE ASÍ SE NOTIFIQUE.

BRANA J. WILLIAMS, ESQ.

Abogada de la Demandante

INDIGO FAMILY LAW, LLC
2055 Glenns Bay Road
Surfside Beach, South Carolina 29575
UNITED STATES
Telefono: +1 (843) 215-6100
Facsimil: +1 (843) 215-6105

(ENGLISH TRANSLATION)

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

IN THE FAMILY COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT

Ilza Aurelia Perez Lopez,

Plaintiff,

SUMMONS AND NOTICE OF FINAL HEARING

VS.

Noe' Hernandez,

Defendant

DOCKET NO.: 2019-DR-26-0256

TO: Noe` Hernandez:

YOU ARE HEREBY SUMMONED and required to respond to the Complaint in this action, a copy of which is hereby served upon you and to serve a copy of your response on the subscriber at her address, Brana J. Williams, Indigo Family Law, LLC, 2055 Glenns Bay Road, Surfside Beach, South Carolina, 29575, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Petition within the time aforesaid, the Petitioners in this action will apply to the Court for the relief demanded in the Petition.

This action was filed on January 30, 2019.

This shall also serve as a Notice of Final Hearing, which is scheduled for April 5, 2019 at 9:30 a.m. before the Honorable Jan Bromell-Holmes, in courtroom 2E at the Horry County Judicial Complex located at 1301 2nd Avenue, Conway, South Carolina.

BE SO NOTIFIED.

BRANA J. WILLIAMS, ESQ.
Attorney for Plaintiff

INDIGO FAMILY LAW, LLC
2055 Glens Bay Road
Surfside Beach, South Carolina 29575
Telephone: (843)215-6100
Facsimile: (843)215-6105

STATE OF SOUTH CAROLINA)

COUNTY OF HORRY)

Ilza Aurelia Perez Lopez)

Plaintiff,)

vs.)

Noe' Hernandez)

Defendant.)

IN THE FAMILY COURT
FIFTEENTH JUDICIAL CIRCUIT

FAMILY COURT COVERSHEET

Docket No. 2019-DR-26-

0256

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 docketing purposes for the Clerk of Court and must be signed and dated, and filled out completely. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

Submitted by: Brana J. Williams, Esq.
Address: 2055 Glenns Bay Road
Surfside Beach, SC 29575
Email: brana@indigofamilylaw.com

SC Bar # 64193
Telephone # (843)215-6100
Fax # (843)215-6105
Other: _____

DOCKETING INFORMATION (Check one box below if filing in a Mandatory Mediation County)

- ☒ This case is subject to MEDIATION pursuant to the Family Court Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR (certificate attached).

Nature of Action Codes
(Check One)

Marital Dissolution

- ☐ Divorce (110)
☐ Annulment (120)
☐ Separate Support and Maintenance (130)
☐ Registration of Foreign Divorce Decree – without support/custody (190)
☐ Registration of Foreign Divorce Decree – with support/custody (191)
☐ Marital Dissolution – Other (199) _____

Abuse and Neglect

- ☐ Abuse and Neglect – Child (210)
☐ Abuse and Neglect – Adult (220)
☐ Abuse and Neglect – Other (299) _____

Juvenile Delinquency

- ☐ Truancy (311)
☐ Incurable (312)
☐ Runaway (313)
☐ Criminal Offense – Drug (315)
☐ Criminal Offense – Against a Person (316)
☐ Criminal Offense – Property (317)
☐ Criminal Offense – Public Order (318)
☐ Criminal Offense – Other (320)
☐ Juvenile Delinquency – Other (399) _____

Protection from Domestic Abuse

- ☐ Domestic Abuse – Intimate Partner (410)
☐ Domestic Abuse – Minor (420)
☐ Registration of Foreign Order of Protection (490)
☐ Domestic Abuse – Other (499) _____

Support

- ☐ Child Support – Private (501)
☐ Child Support – Administrative Process (502)
☐ Child Support – Judicial Process (503)
☐ Registration of Foreign Order of Support (504)
☐ UIFSA – Outgoing (505)
☐ UIFSA – Incoming (506)
☐ Modification of Alimony (525)
☐ College Expenses (530)
☐ Support – Other (599) _____
☐ Modification of Custody/Visitation (615)
☐ Temporary Custody – Nonparent (616)
☐ Registration of Foreign Child Custody Order (690)
☒ Custody/Visitation – Other (699) _____

Miscellaneous Actions

- ☐ Name Change (710)
☐ Correction/Birth Record (720)
☐ Judicial Bypass (730)
☐ Adoption (740)
☐ Paternity – DSS (762)
☐ Termination of Parental Rights – Private (771)
☐ Termination of Parental Rights – DSS (772)
☐ Miscellaneous Actions – Others (799) _____

- ☐ This case is exempt from ADR (certificate attached).

Submitting Party Signature: Brana J. Williams

Date: 1-30-18

Custodial Parent (if applicable): _____

Note: Frivolous civil proceedings are subject to sanctions pursuant to Rule 11, SCRPC and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10 et seq.

SCCA 467 (12/2015)

Written request for final hearing in this case must be delivered by the party or his/her attorney to the Clerk of Court's office within 365 days of this filing date. Failure to comply with this rule shall result in the dismissal of this case by the Court.
Date: 1-30-20

Effective January 1, 2016, family court actions in all counties are subject to mediation. Under the provisions of the Supreme Court's Rules for Alternative Dispute Resolution (ADR), mediation is defined as [an] informal process in which a third-party mediator facilitates settlement discussions between parties. Any settlement is voluntary. In the absence of settlement, the parties lose none of their rights to trial.

Also under the ADR Rules, the parties may agree on a mediator or the Clerk of Court will appoint a mediator from the certified list. If the Clerk appoints a mediator from the list, the mediator will be certified by the Board of Arbitrator and Mediator Certification and may be either a lawyer, a licensed mental health professional or any other individual meeting the certification requirements.

Whether or not the mediator is a lawyer, if appointed by the court, the charge per hour is set at a specified amount under the provisions of ADR Rule 9. Parties are responsible for payment of the mediator as set out in ADR Rule 9.

SUPREME COURT RULES REQUIRE MEDIATION OF ALL CONTESTED DOMESTIC RELATIONS ACTIONS. IF THE DOCKETING INFORMATION ON PAGE 1 OF THIS COVERSHEET INDICATES THAT THIS CASE IS SUBJECT TO MEDIATION YOU ARE NOTIFIED THAT MEDIATED SETTLEMENT CONFERENCES ARE REQUIRED IN THIS CASE, AND THAT THE COURT-ANNEXED ADR RULES SHALL APPLY TO ALL CASES IN WHICH MEDIATION IS REQUIRED. FOR ADDITIONAL INFORMATION CONCERNING THE PROCESS AND TIME FRAMES, PLEASE CONSULT THE ADR RULES. KEY SECTIONS OF THE RULES ARE IDENTIFIED BELOW.

CONTESTED ACTIONS INVOLVING CUSTODY AND VISITATION

Rule 3	Actions Subject to ADR
Rule 4(d)(1)(3)(4) &(5)	Appointment of Mediator by Family Court
Rule 5(g)	Scheduling in Family Court
Rule 6(g)	Agreement in Family Court
Rule 7(f)	Reporting Results of Conference
Rule 9	Compensation of Neutral

ALL OTHER CONTESTED ACTIONS

Rule 3	Actions Subject to ADR
Rule 4(d)(2)(3)(4) &(5)	Appointment of Mediator by Family Court
Rule 5(g)	Scheduling in Family Court
Rule 6(g)	Agreement in Family Court
Rule 7(f)	Reporting Results of Conference
Rule 9	Compensation of Neutral

Indigent Cases: Where a mediator has been appointed, a party may move before the Chief Judge for Administrative Purposes to be exempted from payment of neutral fees and expenses based upon indigency. Applications for indigency shall be filed no later than ten (10) days after the ADR conference has been concluded. Determination of indigency shall be in the sole discretion of the Chief Judge for Administrative Purposes.

Please Note: Attendance at mediated settlement conferences is mandatory. You must comply with the Supreme Court rules regarding court-ordered mediation. Failure to do so may affect your case and may result in sanctions.

Note: Frivolous civil proceedings are subject to sanctions pursuant to Rule 11, SCRCP and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10 et seq.

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Ilza Aurelia Perez Lopez,

Plaintiff,

vs.

Noe` Hernandez,

Defendant.

IN THE FAMILY COURT
FIFTEENTH JUDICIAL CIRCUIT

SUMMONS

DOCKET NO.: 2019-DR-22-

TO: DEFENDANT ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to respond to the Complaint in this action, a copy of which is hereby served upon you and to serve a copy of your response on the subscriber at her address, Brana J. Williams, INDIGO FAMILY LAW, LLC., 1500 Highway 17N Suite 102, Surfside Beach, South Carolina, 29575, USA, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, the Plaintiff in this action will apply to the Court for the relief demanded in the Complaint.

Brana J. Williams

BRANA J. WILLIAMS, ESQ.

Attorney for Plaintiff

INDIGO FAMILY LAW, LLC
2055 Glens Bay Road
Surfside Beach, South Carolina 29575
Telephone: (843)215-6100
Facsimile: (843)215-6105

This the 30th day of January, 2019
in Surfside Beach, South Carolina.

FILED
CLERK OF COURT
Horry County, SC
2019 JAN 30 PM 12:00

STATE OF SOUTH CAROLINA
COUNTY OF HORRY

Ilza Aurelia Perez Lopez,

Plaintiff,

vs.

Noe' Hernandez,

Defendant.

IN THE FAMILY COURT
FIFTEENTH JUDICIAL CIRCUIT

COMPLAINT
(Custody)

DOCKET NO.: 2019-DR-26-

FILED
CLERK OF COURT
HORRY COUNTY, SC
2019 JAN 30 PM 12:00

TO: DEFENDANT ABOVE NAMED:

The Plaintiff, by and through her undersigned attorney, would respectfully allege and show unto this Honorable Court the following:

Jurisdiction

1. The Plaintiff is a resident of the County of Horry, State of South Carolina, and have been so for more than six (6) months prior to the commencement of this action, along with the child who is the subject of this action.

2. The Defendant is a citizen and resident of the country of Guatemala.

3. The Plaintiff and Defendant were never married but were involved in a short relationship prior to the child's conception and have one (1) child born of them, to wit: KJPL, now sixteen (17) years old. No other children were born or are expected.

4. The parties never resided together in Guatemala, and immediately after finding out that the Plaintiff was pregnant, he abandoned Plaintiff and cut all ties with her and the minor child.

5. In February of 2004, Plaintiff Mother made the hard choice to cross the border and come to the United States where she has resided ever since. She placed her child in the care of her sister, the minor child's maternal aunt. Defendant Father made no contact with the minor child KJPL while the child was in Guatemala with his aunt.

6. With a Father that had abandoned him and a Mother that lived in United States, KJPL entered United States, in 2018, illegally via Mexico-Texas Border and was apprehended by Border Patrol in Texas. He was later released to allow him to join Plaintiff Mother in South Carolina and was placed under her care, where he has remained since his release in 2018.

7. The minor child has a pending Immigration Court matter at the Immigration Court in Charlotte, North Carolina.

8. This is an action for child custody and for incidental relief and the Plaintiff is informed and believes that this Court has jurisdiction of the subject matter before it.

UCCJEA INFORMATION PURSUANT TO § 63-15-346, CODE OF LAWS OF SOUTH CAROLINA 1976 AS AMENDED

9. Plaintiff further alleges that the child has resided in Horry County, South Carolina with the Plaintiff Mother.

10. Plaintiff alleges that the parties have not participated as a party or witness in any other proceeding concerning the custody of or visitation with the child.

11. Plaintiff is unaware of any proceeding that could affect the current proceeding, including proceedings for enforcement and proceedings relating to domestic violence, protective orders, termination of parental rights, and adoptions.

12. Plaintiff is unaware of any person not a party to the proceeding who has physical custody of the child or claims rights of legal custody or physical custody of, or visitation with, the child.

Custody

13. Plaintiff is the biological mother of KJPL, and the child has been living with her since his entered the United States. Prior to his arrival, the child had lived with the Mother's family in the country of Guatemala, due to the fact that mother could not return to Guatemala, because of her immigration status. On the other hand, Father had abandoned the child and, upon information and belief, had become a drug addict and a habitual drunk.

14. While the child was in Guatemala, Mother sent money to the child's maternal aunt to assist in the raising of the minor child.

15. Upon the child's own recount of events, he has never met the Defendant Father and made no effort to provide any support for the minor child or be in the child's life. He was abusing alcohol and had become a drug addict.

16. Based upon the foregoing, Plaintiff prays for an Order granting her the custody of the minor child, and Plaintiff pray for this relief *pendente lite* and permanently.

Restraining Orders

17. The Plaintiff reiterates and incorporates her previous allegations as fully as if set forth herein verbatim.

18. Plaintiff requests an order of this court, *pendente lite* and permanently, enjoining Defendant from harassing, molesting, or interfering with her and from interposing any restraints upon her personal liberty.

19. Plaintiff further alleges that the Defendant should be restrained and enjoined from coming about the residence of the Plaintiff or her place of employment, unless agreed upon in writing, *pendente lite* and permanently.

Attorney's Fees

20. Plaintiff has incurred attorney's fees and costs in this matter and she is informed and believes that the Defendant should be fully responsible therefor, as the filing of this action is directly related to his behavior and actions negatively impacting the well-being of the minor child. She would affirmatively show that she was ultimately forced to institute this action based upon the Defendant's actions. Accordingly, she prays for this relief *pendente lite* and permanently.

Guardian ad Litem

21. Finally, especially given the Defendant's behavior, Plaintiff prays that a Guardian ad Litem be appointed.

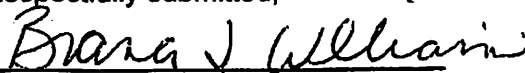
22. Plaintiff requests that the Guardian immediately begin investigations in this matter, and that he or she investigate the psychological harm the Defendant's behavior has caused on the minor child and to ensure that the child does not continue to suffer mentally or psychologically.

23. Further, the Plaintiff would seek this Court's Order requiring the Defendant to be responsible for all or a substantial portion of any Guardian *ad litem* fees to be incurred.

WHEREFORE, Plaintiff prays that this Honorable Court inquire into this matter and that it issue its Order awarding unto her the following relief *pendente lite* and permanently:

- (a) Granting the Plaintiff custody of the child permanently;
- (b) Making special findings that the child is dependent upon this court, the reunification with his Father is not viable due to neglect and abandonment, it is not in the child's best interest to return to Guatemala and it is in his best interest to stay in this country with his Mother;
- (c) Requiring the Defendant to cooperate with any investigation relating to the minor child;
- (d) Granting Plaintiff's attorney's fees and costs to be paid by Defendant;
- (e) Appointing a Guardian *ad Litem*, and requiring Defendant to pay all or a substantial portion of the fees; and,
- (f) Such other and further relief as this Honorable Court may deem just and proper.

Respectfully submitted,


Brana J. Williams, Esq.
Attorney for Plaintiff

INDIGO FAMILY LAW, LLC
2055 Glens Bay Road
Surfside Beach, South Carolina 29575
Telephone: (843)215-6100
Facsimile: (843)215-6105

This the 30th day of January, 2019
In Surfside Beach, South Carolina.

STATE OF SOUTH CAROLINA

COUNTY OF HORRY

Ilza Aurelia Perez Lopez,

vs.

Noe` Hernandez,

Plaintiff,

Defendant.

IN THE FAMILY COURT
FIFTEENTH JUDICIAL CIRCUIT

**CONFIDENTIAL
REFERENCE LIST OF
REDACTED IDENTIFIERS**

Case No. : 2019-DR-26-

FILED
Horry County
2019 JAN 30 PM 12:00
KATHLEEN ELVIS
CLERK OF COURT
HORRY COUNTY, S.C.

**THE INFORMATION ON THIS FORM IS CONFIDENTIAL AND MUST NOT BE
PLACED IN A PUBLICLY ACCESSIBLE PORTION OF A FILE OR CASE
MANAGEMENT SYSTEM.**

PLEADING OR DOCUMENT	UNREDACTED IDENTIFIER	SUBSTITUTED IDENTIFIER
Complaint	Kristofer Jeremias Perez Lopez DOB: 06/08/2001	KJPL, 17 year old son

CONFIDENTIAL