

**THIS OPINION HAS NO PRECEDENTIAL VALUE. IT SHOULD NOT BE
CITED OR RELIED ON AS PRECEDENT IN ANY PROCEEDING
EXCEPT AS PROVIDED BY RULE 268(d)(2), SCACR.**

**THE STATE OF SOUTH CAROLINA
In The Court of Appeals**

South Carolina Department of Social Services,
Respondent,

v.

Kimberly A. Esco and David Steele, Defendants,

of whom David Steele is the Appellant.

In the interest of minors under the age of eighteen.

Appellate Case No. 2025-002029

Appeal From Sumter County
Thomas M. Bultman, Family Court Judge

Unpublished Opinion No. 2026-UP-425
Submitted August 20, 2026 – Filed August 21, 2026

AFFIRMED

Kindle Kay Johnson, of K. Johnson Law Firm, LLC, of
Charleston, for Appellant.

Kelly Ann Sansone-Galley, of the South Carolina
Department of Social Services, of Myrtle Beach; and
Steve Bernard Suchomski, of the South Carolina

Department of Social Services, of Sumter, both for Respondent.

John Stephen Keffer, of Keffer Law Firm, LLC, of Sumter, for the Guardian ad Litem.

PER CURIAM: David Steele (Father) appeals a family court order terminating his parental rights to his two minor children (Children). On appeal, he argues the family court erred in finding (1) clear and convincing evidence showed Children had been in foster care for fifteen of the previous twenty-two months and (2) termination of parental rights (TPR) was in Children's best interests. We affirm pursuant to Rule 220(b), SCACR.

1. We hold clear and convincing evidence proved Children had been in foster care for fifteen of the previous twenty-two months. *See S.C. Dep't of Soc. Servs. v. Smith*, 423 S.C. 60, 67, 814 S.E.2d 148, 151 (2018) ("On appeal from a matter in the family court, [the appellate c]ourt reviews factual and legal issues de novo."); *Stoney v. Stoney*, 422 S.C. 593, 595, 813 S.E.2d 486, 487 (2018) ("[D]e novo review allows an appellate court to make its own findings of fact; however, this standard does not abrogate two long-standing principles still recognized by our courts during the de novo review process: (1) a trial [court] is in a superior position to assess witness credibility, and (2) an appellant has the burden of showing the appellate court that the preponderance of the evidence is against the finding of the trial [court]."); S.C. Code Ann. § 63-7-2570 (Supp. 2025) (explaining the family court may order TPR upon finding one or more of twelve statutory grounds is met and finding TPR is in the child's best interest); *Smith*, 423 S.C. at 76, 814 S.E.2d at 156 ("The grounds for TPR must be proven by clear and convincing evidence."); § 63-7-2570(8) (providing a statutory ground for TPR is met when a "child has been in foster care . . . for fifteen of the most recent twenty-two months").

Children, who are twins, entered foster care in March 2023, approximately twenty-seven months before the July 2025 TPR hearing. Further, we find Father's inability to provide Children a safe and nourishing environment, rather than mistakes by the government or acts by other outside forces, caused the delay in reunification. *See S.C. Dep't of Soc. Servs. v. Sarah W.*, 402 S.C. 324, 336, 741 S.E.2d 739, 746 (2013) ("[S]ection 63-7-2570(8) may not be used to sever parental rights based solely on the fact that the child has spent fifteen of the past twenty-two months in foster care. The family court must find . . . the delay in reunification of the family unit is attributable not to mistakes by the government, but to the parent's

inability to provide an environment where the child will be nourished and protected."); *Charleston Cnty. Dep't of Soc. Servs. v. Marccuci*, 396 S.C. 218, 227, 721 S.E.2d 768, 773 (2011) ("Where there is 'substantial evidence that much of the delay . . . is attributable to the acts of others,' a parent's rights should not be terminated based solely on the fact that the child has spent greater than fifteen months in foster care." (alteration in original) (quoting *S.C. Dep't of Soc. Servs. v. Cochran*, 356 S.C. 413, 420, 589 S.E.2d 753, 756 (2003) (Pleicones, J., concurring))). Children entered foster care in 2023 due to the physical conditions of the home and to concerns of domestic violence and substance abuse in Children's presence. Father was ordered to complete a placement plan requiring him to maintain stable housing and employment, complete treatment services with the Midlands Fatherhood Coalition, and submit to random drug screens within seventy-two hours of Department of Social Services (DSS) issuing the request. Although Father completed a course with the Fatherhood Coalition, he maintained sporadic employment throughout the case, and at the time of the TPR hearing, the DSS case worker and the guardian ad litem (GAL) retained serious concerns about the state of the family home. Significantly, Father and Kimberly A. Esco (Mother; collectively, Parents) missed drug screens throughout the case, and Father did not submit to any hair follicle drug screens during the case, despite DSS's repeated requests. He offered several differing explanations for his inability to submit to a hair follicle test to the case worker, GAL, and family court. Moreover, although Father asserted he lacked transportation to attend each drug screen, the case worker testified Parents had a seven-day window to submit to the tests and stated she had offered to transport them to be tested but received no response. Accordingly, due to the evidence of Father's inability to provide a safe, stable home to which Children could return, we hold clear and convincing evidence supports TPR on this ground. *Cf. Marccuci*, 396 S.C. at 227, 721 S.E.2d at 773 (holding the family court erred in granting TPR when substantial evidence showed the child "languished unduly in foster care not because of any actions, or inactions, by [the father], but because the delays generated and road blocks erected in the removal action made it impossible for the parties to regain legal custody of her prior to the expiration of the fifteen month period").

2. We hold TPR is in Children's best interests. *See Smith*, 423 S.C. at 85, 814 S.E.2d at 161 ("In a TPR case, the best interest of the child is the paramount consideration."); *Sarah W.*, 402 S.C. at 343, 741 S.E.2d at 749-50 ("Appellate courts must consider the child's perspective, and not the parent's, as the primary concern when determining whether TPR is appropriate."); S.C. Code Ann. § 63-7-2620 (2010) ("The interests of the child shall prevail if the child's interest and the parental rights conflict."). Children, who were ten years old at the time of

the hearing, were both diagnosed with post-traumatic stress disorder and attended counseling to address behavioral issues. Although Parents visited Child 1 regularly, Child 2 had not attended visits since October 2024 after suffering severe reactions to the visitations. Child 2's therapist opined that the visits were not in Child 2's best interest, and the GAL testified Child 2's behavior worsened following a September 2024 TPR hearing in which TPR was denied. The GAL also recounted several instances in which Child 2 either urinated or vomited due to the stress of the visits. Child 2's therapist confirmed her behavior improved after she stopped attending visitations.

Moreover, Children were placed in separate foster homes due to their behavioral issues, and the case worker and GAL testified Children's foster parents each wanted to adopt them. The GAL testified Child 1 was open to being adopted and Child 2 had asserted she wanted to be adopted since the GAL was appointed in November 2023. The GAL believed TPR and adoption was in Children's best interests. Accordingly, based on Father's failure to provide a safe, stable home for Children, their need for permanency, and the likelihood they can be adopted, we hold TPR is in their best interests. *See* S.C. Code Ann. § 63-7-2510 (2010) (describing the purpose of the TPR statute as "to establish procedures for the reasonable and compassionate termination of parental rights where children are abused, neglected, or abandoned in order to protect the health and welfare of these children and make them eligible for adoption by persons who will provide a suitable home environment and the love and care necessary for a happy, healthful, and productive life").¹

AFFIRMED.²

WILLIAMS, C.J., and MCDONALD and TURNER, JJ., concur.

¹ Father's argument that the family court was required to make additional findings to support its rulings is not preserved for this court's review. *See Payne v. Payne*, 382 S.C. 62, 70, 674 S.E.2d 515, 519 (Ct. App. 2009) ("Issues not raised and ruled upon in the [family] court will not be considered on appeal."); *Grant v. S.C. Coastal Council*, 319 S.C. 348, 356, 461 S.E.2d 388, 392 (1995) (holding a party who did not file a motion to alter or amend an order failed to preserve its argument regarding the order's perceived deficiencies).

² We decide this case without oral argument pursuant to Rule 215, SCACR.