

SUPREME COURT OF SOUTH CAROLINA

Lori Dandridge Stoney v. Richard S.W. Stoney Sr. and Theodore D. Stoney Jr.

421 S.C. 528 (2017) · No. Appellate Case No. 2016-002076 · Decided December 20, 2017

SUMMARY

The South Carolina Supreme Court reversed and remanded a Court of Appeals decision in a family-law matter because the Court of Appeals applied or referenced an abuse-of-discretion standard rather than the required de novo standard of review. The court reiterated that de novo review applies in family court appeals, while preserving the trial judge’s superior position regarding witness credibility and the appellant’s burden to show that the preponderance of the evidence is against the trial court’s findings.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Beatty; Justice Kittredge; Justice Hearn; Justice Few; Justice James
JURISDICTION	South Carolina
DECIDED	December 20, 2017
DOCKET	Appellate Case No. 2016-002076
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Petitioners sought writs of certiorari to review the South Carolina Court of Appeals' decision directing the family court to conduct a new trial.
STANDARD OF REVIEW	De novo review applies in family court matters. An appellate court may make its own findings of fact, while still recognizing that the trial judge is in a superior position to assess witness credibility and that the appellant bears the burden of showing that the preponderance of the evidence is against the trial judge's finding.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Richard S.W. Stoney Sr., Theodore D. Stoney Jr. v. Lori Dandridge Stoney

TOPICS

family law procedure

standard of review

appellate procedure

family law

constitutional law

PRACTICE AREAS

family law

appellate procedure

constitutional law

QUESTIONS PRESENTED

1. What standard of review governs appeals from family court matters in South Carolina?
2. Whether the Court of Appeals erred by applying or repeatedly invoking an abuse-of-discretion standard rather than conducting de novo review.

HOLDINGS

1. The proper standard of appellate review in family court matters is de novo review, not abuse-of-discretion review.

KEY QUOTATIONS

“For these reasons, we reiterate that the proper standard of review in family court matters is de novo, rather than an abuse of discretion, and encourage our courts to avoid conflating these terms in appeals from the family court.”

FACTUAL BACKGROUND

The underlying family-law appeal involved multiple challenges to a family court judge's ruling. The Court of Appeals treated the family court's decision under an abuse-of-discretion standard and ordered a new trial after finding error on several issues.

PROCEDURAL HISTORY

The family court entered a ruling concerning the parties' family-law dispute. The South Carolina Court of Appeals concluded that the family court judge had abused his discretion or otherwise erred on multiple issues and directed a new trial. The South Carolina Supreme Court granted certiorari, reversed the Court of Appeals, and remanded for review under the proper de novo standard.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Court of Appeals was instructed to reconsider the issues on appeal under the de novo standard of review.

CASES CITED

- Stoney v. Stoney, 417 S.C. 345, 790 S.E.2d 31 (Ct. App. 2016)

- Lewis v. Lewis, 392 S.C. 381, 709 S.E.2d 650 (2011)
- Dorman v. Dep't of Health & Envtl. Control, 350 S.C. 159, 565 S.E.2d 119 (Ct. App. 2002)
- McKinney v. Pedery, 413 S.C. 475, 776 S.E.2d 566 (2015)
- Crossland v. Crossland, 408 S.C. 443, 759 S.E.2d 419 (2014)
- Wilburn v. Wilburn, 403 S.C. 372, 743 S.E.2d 734 (2013)
- Woods v. Woods, 418 S.C. 100, 790 S.E.2d 906 (Ct. App. 2016)
- Ricigliano v. Ricigliano, 413 S.C. 319, 775 S.E.2d 701 (Ct. App. 2015)
- Srivastava v. Srivastava, 411 S.C. 481, 769 S.E.2d 442 (Ct. App. 2015)
- Hawkins v. Hawkins, 403 S.C. 228, 742 S.E.2d 677 (Ct. App. 2013)
- Lewis v. Lewis, 400 S.C. 354, 734 S.E.2d 322 (Ct. App. 2012)
- Sheila R. v. David R., 396 S.C. 41, 719 S.E.2d 682 (Ct. App. 2011)
- Moeller v. Moeller, 394 S.C. 365, 714 S.E.2d 898 (Ct. App. 2011)
- Reed v. Pieper, 393 S.C. 424, 713 S.E.2d 309 (Ct. App. 2011)

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