

SUPREME COURT OF SOUTH CAROLINA

Jane Doe v. State of South Carolina

Doe v. State of South Carolina, Opinion No. 27728 (S.C. Nov. 17, 2017) · No. Appellate Case No. 2015-001726;
Opinion No. 27728 · Decided November 17, 2017

SUMMARY

The South Carolina Supreme Court considered whether statutory definitions of "household member" in the state's domestic-violence statutes unconstitutionally excluded unmarried, same-sex cohabiting couples from protection orders. The court held that the definitions were facially valid but unconstitutional as applied to the petitioner because the exclusion violated equal protection and lacked a rational relationship to the legislative purpose. The court issued a declaratory judgment and, on rehearing, substituted the attached opinions for those previously filed.

CASE DETAILS

COURT	Supreme Court of South Carolina
WRITING FOR THE COURT	Chief Justice Donald W. Beatty; Justice John W. Kittredge; Justice Kaye G. Hearn; Justice John Cannon Few; Acting Justice Costa M. Pleicones
JURISDICTION	South Carolina
DECIDED	November 17, 2017
DOCKET	Appellate Case No. 2015-001726; Opinion No. 27728
DISPOSITION	other
PROCEDURAL POSTURE	Original-jurisdiction declaratory judgment action challenging the constitutionality of the statutory definition of household member under South Carolina's domestic-violence statutes.
STANDARD OF REVIEW	Statutes are presumed constitutional and, if possible, are construed to render them valid. A statute may be declared unconstitutional only when its invalidity is clear beyond a reasonable doubt. The court applied rational-basis review to the equal-protection challenge.
PRECEDENTIAL VALUE	Published opinion; binding South Carolina Supreme Court decision.
PARTIES	Jane Doe v. State of South Carolina

TOPICS

domestic violence

family law procedure

equal protection

constitutional law

declaratory judgment

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the statutory definition of household member in S.C. Code sections 16-25-10(3) and 20-4-20(b), which included a male and female who are cohabiting or formerly have cohabited, violated equal protection as applied to an unmarried same-sex couple.
2. Whether the statutes were facially unconstitutional.
3. What remedy was appropriate for the unconstitutional application of the statutes.

HOLDINGS

1. The statutory definition of household member was not facially unconstitutional because it had valid applications, including to same-sex married couples, opposite-sex married couples, and unmarried opposite-sex cohabiting couples.
2. Sections 16-25-10(3) and 20-4-20(b) violated the Equal Protection Clauses of the federal and South Carolina Constitutions as applied to Doe because excluding unmarried same-sex cohabitants from the household-member definition bore no rational relationship to the purpose of protecting victims of domestic violence.
3. The court declared the household-member provisions unconstitutional as applied to Doe and directed that the family court may not use those provisions to prevent Doe or persons in similar same-sex relationships from seeking an Order of Protection.

KEY QUOTATIONS

“Defining “household member” to include “a male and female who are cohabiting or formerly have cohabited,” yet exclude (1) a male and male and (2) a female and female who are cohabiting or formerly have cohabited,” fails this low level of scrutiny.”

“Because the Acts are intended to provide protection for all victims of domestic violence, the definition of “household member,” which eliminates Doe’s relationship as a “qualifying relationship” for an Order of Protection, bears no relation to furthering the legislative purpose of Acts.”

“Therefore, the family court may not utilize these statutory provisions to prevent Doe or those in similar same-sex relationships from seeking an Order of Protection.”

FACTUAL BACKGROUND

Jane Doe alleged that she and her former same-sex fiancé cohabited from 2010 through 2015. After the relationship ended, Doe reported that her former fiancé assaulted her outside a hotel and later followed her from her apartment to her workplace, causing her to feel threatened. The Richland County Family Court denied Doe’s

request for an Order of Protection because it concluded that she was not a household member under the Protection from Domestic Abuse Act.

PROCEDURAL HISTORY

After the Richland County Family Court summarily denied Doe's request for an Order of Protection for lack of jurisdiction, Doe filed a declaratory judgment action in the South Carolina Supreme Court's original jurisdiction. The Supreme Court granted the petition for original jurisdiction, and after rehearing it substituted the opinions previously filed in the case.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The court issued a declaratory judgment that the provisions were unconstitutional as applied to Doe and held that the family court may not use them to prevent Doe or persons in similar same-sex relationships from seeking an Order of Protection.

CASES CITED

- Joytime Distribs. & Amusement Co. v. State, 338 S.C. 634, 528 S.E.2d 647 (2000)
- Hendrix v. Taylor, 353 S.C. 542, 579 S.E.2d 320 (2003)
- Citizens United v. Fed. Election Comm'n, 558 U.S. 310, 331 (2010)
- State v. Legg, 416 S.C. 9, 785 S.E.2d 369 (2016)
- United States v. Salerno, 481 U.S. 739, 745 (1987)
- Travelscape, L.L.C. v. S.C. Dep't of Revenue, 391 S.C. 89, 705 S.E.2d 28 (2011)
- Renne v. Geary, 501 U.S. 312 (1991)
- GTE Sprint Commc'ns Corp. v. Pub. Serv. Comm'n of S.C., 288 S.C. 174, 341 S.E.2d 126 (1986)
- Grant v. S.C. Coastal Council, 319 S.C. 348, 461 S.E.2d 388 (1995)
- Denene, Inc. v. City of Charleston, 359 S.C. 85, 596 S.E.2d 917 (2004)
- Boiter v. S.C. Dep't of Transp., 393 S.C. 123, 712 S.E.2d 401 (2011)
- Moore v. Moore, 376 S.C. 467, 657 S.E.2d 743 (2008)
- Obergefell v. Hodges, 135 S. Ct. 2584 (2015)
- V.L. v. E.L., 136 S. Ct. 1017 (2016)
- Shelley Constr. Co. v. Sea Garden Homes, Inc., 287 S.C. 24, 336 S.E.2d 488 (Ct. App. 1985)
- State v. Leopard, 349 S.C. 467, 563 S.E.2d 342 (Ct. App. 2002)
- Futch v. McAllister Towing of Georgetown, Inc., 335 S.C. 598, 518 S.E.2d 591 (1999)
- Sangamo Weston, Inc. v. Nat'l Surety Corp., 307 S.C. 143, 414 S.E.2d 127 (1992)
- Thayer v. S.C. Tax Comm'n, 307 S.C. 6, 413 S.E.2d 810 (1992)
- Gartner v. Iowa Dep't of Pub. Health, 830 N.W.2d 335 (Iowa 2013)

