

DATE: _____

COUNTY OF ACTION: _____

CLIENT'S INFORMATION

SPOUSE'S INFORMATION

FULL NAME: _____

FULL NAME: _____

Address: _____

Address: _____

City/State/Zip: _____

City/State/Zip: _____

Phone #: _____

Phone #: _____

House _____ Work _____

House _____ Work _____

Cell Phone #: _____

Cell Phone #: _____

Email Address: _____

Email Address: _____

Date of Birth: _____

Date of Birth: _____

State & County of Birth: _____

State & County of Birth: _____

SSN: _____

SSN: _____

Driver's License #: _____

Driver's License #: _____

Race: _____

Race: _____

Weekly Income: \$ _____

Weekly Income: \$ _____

Employer: _____

Employer: _____

Employer's Address: _____

Employer's Address: _____

1st, 2nd, or 3rd Marriage: _____

1st, 2nd, or 3rd Marriage: _____

Date of Marriage: _____

Date of Separation: _____

State and County of Marriage: _____

Last Address Resided Together: _____

NAME OF CHILDREN	DATE OF BIRTH	SOCIAL SECURITY #	STATE & COUNTY OF BIRTH

ACTION DESIRED: _____ Legal Separation _____ Divorce _____ Custody Only

GROUNDS FOR DIVORCE (Circle all that apply):

- 1. Adultery
- 2. Physical Cruelty
- 3. Habitual Drunkenness
- 4. One Year Separation

Corroborating Witness: _____
Action Contested: _____

DEMAND (Circle all that apply):

- 1. Custody
- 2. Child Support
- 3. Alimony
- 4. Attorney's Fees and Costs
- 5. Payment of Marital Debts
- 6. Vehicles
- 7. Restraining Order
- 8. Medical Insurance
- 9. House Payments
- 10. Vacate Premises
- 11. Possession of Home
- 12. Furniture
- 13. Other Property
- 14. Maiden Name Restored

Home in Name of : _____ Mortgage Company: _____
_____ House _____ Land _____ Mobile Home _____ Apartment

WIFE'S FULL MAIDEN NAME: _____

DIVORCE

THINGS YOU NEED TO KNOW

In South Carolina there are only four (4) grounds for divorce; (1) Adultery, (2) Physical Cruelty, (3) Habitual Drunkenness, (4) One Year Separation. The first 3 grounds are called “fault” divorces and if established, a divorce can be obtained in ninety (90) days from the date the Complaint is served on the adverse spouse. The final ground requires one complete year of living apart but can be filed and served 11 months after separation.

There is another cause of action called Separate Maintenance and Support. This does not end the marriage like a divorce but does establish rules for the two (2) spouses to live legally separated from each other. This cause of action provides for who stays in the house, who has custody, who pays child support, visitation, division of debts, division of assets, and any other relief but the divorce. Most parties seek this relief when no grounds for divorce exist. After a year a living under this Order, usually one spouse or the other will seek a divorce on one year separation.

In most cases, except a divorce on one year separation, you will go to Court at least twice. The first time is called a temporary hearing and can be held within ten (10) days of separation. The temporary hearing is held before a Judge and last only 15 minutes. Neither party may testify as all testimony is presented by affidavits only. Your witnesses are required to give notarized statements for the Court’s consideration. We prepare those affidavits at your instruction. We are also required to supply the Judge with a financial declaration which sets out your gross income and monthly expenses. The Judge considers both declarations when deciding on temporary support and payment of bills.

The Temporary Order sets out the rules each of you live by until the final hearing. A Temporary Order is just what it sounds like. Nothing in the Order is permanent unless both parties agree. Therefore, any ruling made may change in the final Order.

If children are involved, the Court considers their age and sex when deciding custody. The Court also reviews who the primary caretaker has been and who is at fault in the breakdown of the marriage. It is not wise for you to try and have custody and live with your girlfriend/boyfriend. Judges do not like this. Also any arrest for drugs will end any hope of custody. Stay away from all drugs/alcohol.

Child support is set by a guideline that the State Court Administration has provided to each attorney and Judge. Support is based on gross monthly income not net income. As your attorney, we need to know childcare costs each week and any health insurance premium on the children. These costs are factored into support. Also, if your child has regular medical treatment for a health problem, these costs may be included in support. The Court includes all these expenses in their computation.

Automobiles are usually given to the party that customarily drives the vehicle. So if you normally drive the family van, the Court will probably award this to you in the Temporary and Final Order. The monthly payments on each vehicle is a ruling the Court makes on the over-all circumstances.

Who stays in the home? Usually the person who obtains custody. If there are no children involved then usually the person who did not leave or create the problem. Staying in the marital home is a case by case issue. We discuss this with you as your attorneys.

Marital property is anything obtained during the marriage. There is no “my car, his car, or her car.” Retirement accounts with employers, 401K plans, stocks, furniture, boats, business property are all marital assets. These properties are considered and divided in the final hearing.

The final hearing is live testimony. All witnesses must be present, as no written statement will be introduced here. Final hearings may take thirty minutes or all day. We prepare you for your day in Court and let you know what to expect. Divorces are emotional and frightening. We've been there many times and we can help you through this traumatic event. Listen to our advice but always tell us everything. One little surprise can change the final result. It is best to tell us everything and let us know so we can be prepared. We do not criticize your decisions we just provide counseling as to what may happen when you do make decisions. We are here to help you and protect you. Even when we do not like your decision or position, we will fight for you. Our job is to advise and represent. We will do this for you.