

PRO SE PACKET

DIVORCE-SEPARATED FOR ONE YEAR

- **NO MINOR CHILDREN**
- **NO PROPERTY**
- **NO DEBTS**

By providing these forms in our clinic, neither the South Carolina Legal Services nor any member of its staff is contracting in any way to provide you with legal advice or representation. If you do not understand how to complete these forms, you need to seek the advice of any attorney.

*******Any legal action you take can permanently affect your legal rights.*******

***SOUTH CAROLINA LEGAL SERVICES
701 SOUTH MAIN STREET
GREENVILLE, SOUTH CAROLINA 29601***

***(864) 679-3232
1-800-763-4825***

INSTRUCTIONS FOR COMPLETING THE
SELF-REPRESENTED LITIGANT SIMPLE DIVORCE
PACKET

PLAINTIFF

WARNING: You are strongly encouraged to seek the advice of an attorney before filing any legal matter. This packet is designed to provide information and forms to people who are representing themselves in court. If you proceed without an attorney, it may negatively affect your legal rights. If you are unsure whether to proceed, or have questions about these forms or your legal rights, consult an attorney. Please note that clerks of court, court staff and judges cannot give you legal advice.

DISCLAIMER: The information in this packet is not legal advice and cannot replace the advice of competent legal counsel licensed in your state. Divorce laws vary from state to state and the information contained in this packet is specific to South Carolina. Please note that the information contained in this packet is subject to change and make sure that you have the most current version of this packet before filing.

~~**Information on page 4 of this packet has been amended as of February 2016 to include reference to the revised Certificate of Exemption**~~

PART 1: COMPLETING YOUR PAPERWORK

The following instructions will help you file for a simple divorce in South Carolina *pro se*, or without an attorney. *Pro se* is a Latin term meaning “in person” or “on one’s own behalf.” As the courts see more people representing themselves in court, you may also hear the term self-represented litigant instead of *pro se*. While the self-represented litigant may not incur the attorney expense, the self-represented litigant does not have the expert guidance that an attorney can provide.

Getting a divorce is not an easy process, and divorce should not be taken lightly. If you are not sure whether you want to divorce, do not file these forms. You may want to consider an alternative such as mediation. When you are sure you want to file for a divorce, a filing fee (\$150) will be collected by the Clerk of Court at the time of filing. Additionally, Clerk of Court offices may charge their standard copy fee for the forms in this packet if you request the forms from their offices.

The self-represented simple divorce packet is designed for people who meet **all** of the following:

- ✓ Are filing on the ground of One (1) Year Continuous Separation without co-habitation
- ✓ Have no marital property or marital debt **OR** have reached an agreement on how to divide marital property or marital debt
- ✓ Have no children **AND** none are expected **OR**
- ✓ Have minor children and have reached an agreement as to custody, visitation, and child support that meets the minimum requirements as set by the South Carolina Child Support Guidelines

If you and your spouse have been living in separate dwellings for less than one (1) year or cannot agree on the issues regarding minor children, marital property, and marital debt, then obtaining a divorce on your own is not recommended. You need to hire an attorney.

If you do not know an attorney who can assist you, you may call the South Carolina Bar's Lawyer Referral Service at 1-800-868-2284 and ask for a Family Law attorney in your county. Members of the South Carolina Bar's Lawyer Referral Service have been in practice for more than 3 years, are in good standing, have provided proof of malpractice insurance, and have agreed to provide a 30 minute consultation for no more than \$50. If you believe you qualify for South Carolina Legal Services (SCLS), you may contact their Legal Aid Telephone Intake Service (LATIS) at 1-888-346-5592. Please note that to qualify for SCLS, your income must not be more than 125% of the Federal Poverty Guidelines.

If you and your spouse have been living in separate dwellings for more than one (1) year without co-habitation and can agree on all of the issues involving minor children, property, and debt, the next step is to study all of the forms listed below. The name of each form can be found in the upper right hand corner and the form number in the bottom left hand corner.

The following sixteen (16) forms are included in this packet:

- ✓ Family Court Coversheet (SCCA 467)
 - ✓ Certificate of Exemption (SCRFCFORM02)
 - ✓ Summons for divorce (SCCA 400.01 SRL-DIV)
 - ✓ Complaint for Divorce (SCCA 400.02 SRL-DIV)
 - ✓ Financial Declaration Form (SCCA 430)
 - ✓ Motion and Affidavit to Proceed *In Forma Pauperis* (SCCA 405F)
 - ✓ Acceptance of Service (SCCA 400.03 SRL-DIV)
 - ✓ Affidavit of Service by Mailing (SCCA 400.04 SRL-DIV)
 - ✓ Affidavit of Default for Divorce (SCCA 400.07 SRL-DIV)
-
- ✓ Request for Hearing (SCCA 400.08 SRL-DIV)
 - ✓ Affidavit of Service by Mailing (Notice of Hearing) (SCCA 400.09 SRL-DIV)
 - ✓ Final Order of Divorce (SCCA 100.10 SRL-DIV)
 - ✓ Sample Script for Questioning the Witness in a Simple Divorce Action (SCCA 400 SRL-DIV)
 - ✓ Sample Script for Plaintiff's Testimony (SCCA 400.11 SRL-DIV)
 - ✓ Judgement in a Family Court Case (SCRCP Form 4F)

Some of the information on each form will be the same, such as your name and address, but each form has a different purpose and requires different information. It is important that you make copies of all divorce paperwork. Keep the paperwork in a safe place and bring it to court with you. If any necessary information is missing, you risk your case being dismissed or rescheduled. If your case is dismissed, you will have to begin again by filing your information with the Clerk of Court a second time and paying a filing fee (\$150).

To begin, print the first five forms listed above: (1) the Family Court Cover Sheet (SCCA 467); (2) Certificate of Exemption (SCRFCFORM02); (3) Summons for divorce (SCCA 400.01 SRL-DIV); (4) the Complaint for Divorce (SCCA 400.02 SRL-DIV); and (5) the Financial

Declaration Form (SCCA 430). On all five (5) forms print your name in the space labeled "Plaintiff." Next, print your spouse's name where it is labeled "Defendant." This section of all legal forms is called the caption. This caption should be completed on all forms filed with the court.

On the Family Court Cover Sheet (SCCA 467), print your contact information in the appropriate spaces below the caption, which includes your name, address, and a reliable telephone number. Please check the box next to "divorce" to indicate the action you are filing. Sign and date the Cover Sheet at the bottom of the page, and set this page aside.

The next form is the Certificate of Exemption (SCRFCFORM02). Most Plaintiffs will find that the first option, "An agreement has been reached among all parties on every issue" or the last option, "All contested issues have been previously subjected to an ADR conference meeting the requirements of the ARD Rule (Proof of ADR must be attached)" will apply. If you are not sure, proceeding on your own may not be the best option for you, and you may want to hire an attorney. Sign and date the Certificate of Exemption and set this page aside.

The next three forms – Summons for Divorce, Complaint for Divorce, and Financial Declaration Form – will become the official court record that will establish your case once you file them. It is important to complete each form accurately and truthfully. Complete these forms to the best of your ability.

The Complaint for Divorce asks questions about where you live and how long you or your spouse have lived in South Carolina. You cannot file for divorce in South Carolina unless either you or your spouse have resided in South Carolina for a certain period of time, either: (1) you have lived in South Carolina for at least one year prior to the start of this action; (2) you are a resident of another state, but your spouse has lived in South Carolina for at least one year prior to the start of this action; or (3) you and your spouse both live in South Carolina and you have lived in South Carolina for at least three (months prior to the start of this action. Please check the box on the Complaint that best describes your residency.

The Financial Declaration Form asks questions about the finances of both you and your spouse. Fill out the sections of the form that apply to you. If applicable, attach a copy of your most recent pay stub. You must take the Financial Declaration Form to a notary public before you sign it. **Do not sign the form until you are in front of a notary. The notary must witness your signature on the Financial Declaration Form.**

The next step, which officially begins the divorce process, is to file the papers with the appropriate Clerk of Court, Family Court Division, and to pay the filing fee (\$150). If you, the Plaintiff, are a resident of South Carolina, you can choose one of the three following courthouses in which to file your case:

- a) In the county where you and your spouse last shared a residence, OR
- b) In the country where your spouse lives at the time of filing, OR

- c) In the county where you live, if your spouse is a non-resident of the State of South Carolina and lived in South Carolina for at least a year.
- d)

If you, the Plaintiff, are not a resident of South Carolina, the action **must** be filed in the county where the Defendant lives. Physical locations of all South Carolina Family Courts can be found in the telephone book or online at <http://www.sccourts.org>. Only bring cash, a cashier's check, or a money order for the filing fee (\$150); **do not bring a personal check.**

If you feel you are unable to pay the filing fee and your income is below the federal poverty guidelines, you may submit the form titled "Motion and Affidavit to Proceed In Forma Pauperis" **with a copy of your signed and notarized Financial Declaration attached to the Motion to the Clerk of Court. By filling out and signing this form and having it notarized, you are swearing under oath that you do not have the funds available to pay the filing fee (\$150). The judge will review your motion. If the motion is denied, you must pay the filing fee (\$150) and other fees by the date set by the court. If the fee is not paid on or before that date, your case will be dismissed, and you will have to begin the process again by re-filing your information.**

After you determine which Family Court is the correct county in which to file, make two copies of the entire packet and take your originals and copies to the Clerk of Court in that county. The Clerk of Court will: (1) assign your case a docket number; (2) record the docket number on the upper right hand corner of all of the forms; (3) keep the originals; and (4) return two copies of the forms to you. It is important that you print the docket number that has been issued for your case on all future forms you file with the court.

PART 2: SERVICE OF PROCESS

After you receive copies of the documents from the Clerk of Court, you will need to serve one copy of the Family Court Cover Sheet, Certificate of Exemption, Summons for Divorce, Complaint for Divorce, and the Financial Declaration Form on your spouse or spouse's attorney. This is called Service of Process and can be done in one of four ways:

1) U.S. MAIL

You **must** send these documents Certified Mail, Restricted Delivery, Return Receipt Requested. When you get the return receipt card (green card) back from the U.S. Post Office, check it to make sure your spouse signed the card. **If someone other than your spouse signed the return receipt card (green card), re-send all the documents again by certified mail.**

If you receive the return receipt card (green card) and it was signed by your spouse, record the docket number you received from the Clerk of Court and the words "Summons and Complaint" across the top of the return receipt (green card) and then make a copy of the card for your file. Next, complete and sign the Affidavit of Mailing form before a notary. **Do not sign this form until you are in front of a notary. The notary must witness your signature on the Affidavit of Mailing.** Attach the return receipt card (green card) to the notarized Affidavit of Mailing and take it to the Clerk of Court's office for filing.

If you do not get the return receipt card (green card) back, you may have to call your local Sheriff's office to serve the papers on your spouse. There may be a charge for this service by the Sheriff's office. If your Motion to Proceed *In Forma Pauperis* was granted, provide a copy to the Sheriff's office.

2) PERSONAL SERVICE

If your spouse is willing to accept service, provide your spouse with an Acceptance of Service form. After your spouse completes the form, take it to the Clerk of Court's office for filing. Ask the Clerk of Court to make a copy of the form for you at the time of filing.

3) SHERIFF'S OFFICE

Contact the Sheriff's office in the county where the defendant lives or works to serve the papers. When the Sheriff serves the papers, ask the office to complete the bottom half of the Affidavit of Service form before a notary, have the form notarized, and return the form to you. We suggest you provide the Sheriff's office a self-addressed, stamped envelope. File the notarized Affidavit of Service with the Clerk of Court.

4) PRIVATE PROCESS SERVER

Private process servers are listed in the telephone book. There will be a fee for this service. Using a calendar, count thirty-five (35) days after your spouse received the forms (not counting the day your spouse was served) and mark that day on a calendar. On that day, if you have not received an Answer from your spouse, complete the Affidavit of Default for Divorce (SCCA 400.07 SRL-DIV) and the Request for Hearing (SCCA 400.08 SRL-DIV). On the Affidavit of Default for Divorce, print the month, day, and year the Summons and Complaint was delivered. Check whether the forms were served by personal service, certified mail, or acceptance of service. **Do not sign this form until you are in front of a notary. The notary must witness your signature on the Affidavit of Default Divorce.**

5) SERVICE BY COMMERCIAL DELIVERY SERVICE

You may use a commercial delivery company like UPS or FedEx to serve the summons and complaint. The company must be one approved by the International Revenue Service.

You may check to be sure the company is approved at the IRS website:

[http://www.irs.gov/uac/Private-Delivery-Services-\(PDS\)](http://www.irs.gov/uac/Private-Delivery-Services-(PDS))

The delivery company will give you a delivery record showing the date, time and place of delivery, the name of the person served and an original signature or electronic image of the signature of the person served. If someone other than the defendant signs for the documents, you will not be able to proceed if the defendant does not appear. If delivery is refused or returned undelivered, you must try another method.

You must provide an affidavit showing the documents served with the delivery record attached. This affidavit and delivery record must be filed with the Clerk of Court.

Next, complete the Request for Hearing (SCCA 400.08 SRL-DIV). Print your name in the space marked "Plaintiff." Print your address, telephone number, and email address where requested. ~~Print any comments or issues that you would like to bring to the Court's attention and sign your name at the bottom of the form where it says "Plaintiff."~~ Take the original **Affidavit of Default for Divorce, Request for Hearing, and a self-addressed, stamped envelope** to the hearing notice to be returned to you, to the Clerk of Court and file them with the Clerk of Court. Ask the Clerk of Court to make a copy of this form for you.

If you received an Answer from your spouse within 35 days, and that answer indicates that your spouse **agrees** with every paragraph in your Complaint, complete a Request for Hearing form and file it with the Clerk of Court. Ask the Clerk of Court to make a copy of this form for you.

If you received an Answer from your spouse that he/she **does not agree** with every paragraph in your Complaint, then your divorce is contested and you need to hire an attorney.

PART 3: THE HEARING

The Clerk of Court will inform you of your hearing day by mailing you a Notice of Hearing. After you receive the Notice of Hearing from the Court, you **must** provide a copy to your spouse or spouse's attorney at least 10 days before the hearing. The Notice of Hearing needs to be sent to your spouse or spouse's attorney by certified mail, return receipt requested. This is the only way that counts.

You will then need to complete the Affidavit of Service by Mailing (Notice of Hearing) (SCCA 400.09 SRL-DIV) before a notary. This form indicates when you mailed the Notice of Hearing. **Do not sign this form until you are in front of a notary. The notary must witness your signature on the Affidavit of Service by Mailing (Notice of Hearing).**

If the envelope used to mail the Notice of Hearing to your spouse is returned from the U.S. Post Office, take the returned envelope to the hearing. It is only necessary to show that the Notice of Hearing was mailed. You do not have to show that your spouse actually received the notice.

To prepare for the hearing, complete the Final Order of Divorce and the Report of Divorce or Annulment of Marriage (DHEC Form 0682). On the Final Order of Divorce, print the date assigned for your hearing, the name of the judge assigned to your case, and, if you know it, the name of your spouse's attorney. Complete the Report of Divorce or Annulment of Marriage (DHEC Form 0682). In addition, ask someone who has personal knowledge that you have lived separate and apart from your spouse for one (1) year to testify under oath in Court on the day of your hearing. Ask more than one person to testify on your behalf in case there are last-minute problems.

On the day of your hearing, you and your witness should arrive at the courthouse at least thirty (30) minutes prior to your scheduled time. Make sure to take the copies of your documents with you to court. **Dress appropriately and turn off your cell phones.** Appropriate dress includes suits, jackets, dresses, or dress slacks. Males should tuck their shirts into their pants. Casual clothing such as sweat clothes, tank tops, shorts, and similar summer beach wear is not appropriate for the courtroom. Remove hats when entering the courtroom, unless they are required for a medical condition. Most courts do not allow children into the courtroom so make arrangements for a responsible adult to watch your children while you are in court.

When it is time for your hearing, the Bailiff will call your name. At that time, enter the courtroom, sit, and wait for the judge to ask you if you are ready. When the judge asks if you are ready, please stand if you are able to and say: "May it please the Court, my name is _____, and I am ready to proceed in this divorce action." The judge will tell you to

proceed or wait. When the judge is ready, tell the judge that you will be the first witness in this hearing. You will take the witness stand and take an oath to tell the truth. Make sure you tell the judge everything outlined in the Complaint. If necessary, you can ask to look at your Complaint to remind you of all the details you need to cover to prove our case. This packet also includes a Sample Script for Plaintiff's Testimony that you may use. **It is very important to tell the judge everything in your Complaint, since leaving out any detail may keep you from getting a divorce.**

The judge may interrupt you from time to time to ask you a question. Listen carefully and answer the questions the judge asks you. When you are finished testifying, you will call your witness to the stand and ask questions that will help your case. You may use the "Sample Script for Questioning the Witness in a Simple Divorce Action" form included in this packet.

If the judge grants the divorce, hand the judge the Final Order of Divorce and the completed Report of Divorce or Annulment (DHEC Form 0682) along with two copies of the order. Also, have two self-addressed, stamped envelopes for one order to be returned to you and another order to be returned to your spouse.

You should also complete and take with you SCRC Form 4F – Judgment in a Family Court Case. If the judge asks you to complete form 4F, be sure the form is filled out completely by the steps listed below:

- 1) Be sure the correct information is entered in the caption field at the top of the form, including names of the plaintiff and defendant, judicial circuit, and docket number.
- 2) In the "submitted by" box, enter your name and check the box named "Self-Represented Litigant."
- 3) In the "Decision by Court" section, check the box which reads, "This action came to trial, hearing, or was resolved by consent and an order was rendered."
- 4) In the "Order Information" section, check the box "Final order" to indicate that this is a final order from the court.
- 5) If there is no property involved in this simple divorce action, place "N/A" in one of the boxes in the section named "Information for the Public Index/Transcript of Judgement." If you have reached an agreement on property that requires information to be enrolled in the public index, complete the "Information for the Public Index/Transcript of Judgement." Section to list information about the property referenced in the order.

The judge will sign the Final Order of Divorce and the Form 4-F. make sure the Final Order of Divorce and the Judgement in a Family Court Case forms are filed with the Clerk of Court. Make sure you get a certified copy of each form.

NOTE: You are not divorced until the Final Order for Divorce has been signed by the judge and filed with the Clerk of Court. You are divorced when you receive a clocked copy of the final order of divorce from the Clerk of Court.

Plaintiff Simple Divorce Checklist

- Complete the first five forms in this packet – Family Court Cover Sheet, Certificate of Exemption, Summons for Divorce, Complaint for Divorce, and the Financial Declaration Form.
- File the five forms with the Clerk of Court in the appropriate county.
- Serve copies of the five forms on your spouse in one of five ways: (1) U.S. Mail; (2) Personal Service; (3) Sheriff's office; (4) Process server; or (5) commercial carrier.
- Count Thirty-five (35) days from the day your spouse was served.
 - o If you do not receive an Answer, file the Affidavit of Default for Divorce, Request for Hearing, and the Return Receipt (Green Card) with the appropriate Clerk of Court.
 - o If you received an Answer and your spouse agrees with every paragraph in your Complaint, then file a Request for Haring with the Clerk of Court.
 - o If you received an Answer and your spouse does not agree with every paragraph in your Complaint, then your divorce is contested and you need to hire an attorney
- Once you receive the Notice of Hearing from the Clerk of Court, mail a copy of this Notice to your spouse by certified mail only (at least 10 days before the hearing date). File the Affidavit of Mailing with the Clerk of Court.
- To prepare for your divorce hearing, complete the Final Order of Divorce and the Report of Divorce or Annulment of Marriage (DHEC Form) and judgement cover sheet, and ask someone who can testify that you have lived apart from your spouse for at least a year to serve as your witness.
- On the day of your hearing, you and your witness should arrive at least 30 minutes early and be sure to dress appropriately, turn off cell phones, and remove your hats. Unless the judge specifically requests that you bring your children, it is best if you do not bring your child/children to the Court hearing.
- At the hearing you and your witness will testify.
- The judge will allow your spouse to present his/her case, and you will have the opportunity to ask your spouse questions.
- At the end of the hearing the judge will sign the Final Order for Divorce and Form 4F.
- Be sure that the signed Final Order for Divorce and Form 4F is filed with the Clerk fo Court's office and you receive a clocked copy for your files.
- Mail the clocked copy of the Final Order for Divorce to your spouse.

PART 1:
COMPLETING YOUR
PAPERWORK

STATE OF SOUTH CAROLINA)

COUNTY OF _____)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

Plaintiff,)

vs.)

Defendant.)

FAMILY COURT COVERSHEET

Docket No. _____

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: _____

SC Bar # _____

Address: _____

Telephone # _____

Email: _____

Fax # _____

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 Child Support – Private (507)
- Modification of Child Support – DSS (508)
- Modification of Alimony (525)
- College Expenses (530)
- Support – Other (599) _____

Custody/Visitation

- Child Custody/Visitation (610)
- 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)
- Foreign Adoption (741)
- Post Dissolution Equitable Distribution (750)
- Paternity – Private (761)
- Paternity – DSS (762)
- Termination of Parental Rights – Private (771)
- Termination of Parental Rights – DSS (772)
- Miscellaneous Actions – Others (799) _____

Submitting Party Signature: _____ Date: _____

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.

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, SCRPC and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10 et seq.

STATE OF SOUTH CAROLINA)

IN THE FAMILY COURT
____ JUDICIAL CIRCUIT

COUNTY OF _____)

Plaintiff,)

vs.)

Defendant.)

Docket No. _____

**CERTIFICATE OF
EXEMPTION**

I certify that this action is exempt from mediation based on the following:

- An agreement has been reached among all parties on every issue.
- This is a contempt action.
- This is a family court case initiated by South Carolina Department of Social Services
- All contested issues have been previously subjected to an ADR conference meeting the requirements of the ADR Rules (Proof of ADR must be attached).

Submitting Party Signature: _____ **Date:** _____

Print Name: _____

Attorney for Plaintiff Defendant or Self Represented Litigant

SC Bar # (if applicable): _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
)
)
)

Plaintiff,)
vs.)
)
)

Defendant.)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

SUMMONS FOR DIVORCE
(One Year Continuous Separation)

Docket No. _____

To the **DEFENDANT** Above-Named: _____

YOU ARE HEREBY NOTIFIED that you have been sued by the Plaintiff for DIVORCE in the Court indicated above. You must respond in writing to the attached Complaint for Divorce and serve a copy of your Answer on the Plaintiff at the address below within thirty (30) days after the service of this Summons upon you, not counting the day of service, or thirty-five (35) days if you were served by certified mail, restricted delivery, return receipt requested.

If you wish to retain an attorney to represent you in this matter, it is advisable to do so before submitting your Answer to the Plaintiff.

If you do not answer the Complaint within the required thirty (30) days, the Court may grant a DIVORCE and grant the Plaintiff the relief requested in the Complaint.

Date: _____, 20_____

Plaintiff's Signature

_____, S.C. Address: _____

STATE OF SOUTH CAROLINA)

COUNTY OF _____)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

Plaintiff,)

vs.)

Defendant.)

COMPLAINT FOR DIVORCE
(One Year Continuous Separation)

Docket No. _____

Plaintiff, _____, would respectfully show this Court the following:

1. Plaintiff is a resident of _____ County in the State of _____.
2. Upon information and belief, Defendant is a resident of _____ County, State of _____.
3. Plaintiff and Defendant last shared a residence in _____ County in the State of _____.
4. Subject matter jurisdiction (check one):

- Plaintiff has lived in South Carolina for over one year prior to the start of this action; or
- Plaintiff and Defendant have both lived in South Carolina for longer than three (3) months prior to the start of this action; or
- Plaintiff is a resident of another state, but Defendant has lived in South Carolina for more than one (1) year.

5. Plaintiff is informed and believes this Court has subject matter jurisdiction over the issues and personal jurisdiction over the parties in this action.
6. Plaintiff and Defendant were married to each other on _____ (date) in _____ County, City of _____ in the State of _____.
7. Plaintiff and Defendant separated on or about _____ (date). The parties have remained living separate and apart from each other without cohabitation for more than one (1) continuous year prior to filing this action.

8. There are:

- no minor children of this marriage and none are expected; or
- _____ number of child(ren) were born of this marriage: namely

Name	Date of Birth

9. The parties:

- have no marital property or
 have agreed as to how the marital property shall be divided.

10. The parties:

- have no marital debt or
 have agreed as to how the marital debt shall be divided.

11. Name Change

The (Plaintiff/Defendant) requests to resume the former name of _____

The (Plaintiff/Defendant) does not request to resume the former name.

The preference is unknown.

12. Plaintiff believes that this marriage is forever broken and is that Plaintiff is entitled to a complete and final divorce, a *vinculo matrimonii*, from Defendant upon the ground of One (1) Year's Continuous Separation, pursuant to § 20-3-10(5) of the Code of Laws of South Carolina, 1976, as amended.

13. Plaintiff gives up the right to alimony and believes Defendant should be barred from receiving alimony from the Plaintiff.

14. There is no collusion (agreement to defraud the court) between the parties to get a divorce, and reconciliation of the parties is not possible.

Plaintiff asks that this Court to grant the following relief:

- A. For an Order of divorce, a *vinculo matrimonii*, from Defendant upon the ground of One (1) Year's Continuous Separation, pursuant to § 20-3-10(5) of the Code of Laws of South Carolina, 1976, as amended; (If no name change is requested, please leave blank).**
- B. For an Order allowing the Plaintiff to resume the former name of _____ pursuant to §20-3-180 of the Code of Laws of South Carolina, 1976, as amended;**
- C. For all other just and proper relief.**

I affirm under the penalties of perjury that the statements and representations in the Complaint are true.

Date: _____, 20____
_____, S.C.

Plaintiff's Signature

Printed Name of Plaintiff

Street Address

City, State, Zip

Telephone No.

STATE OF SOUTH CAROLINA)

COUNTY OF _____)

Plaintiff,)

vs.)

Defendant.)

IN THE FAMILY COURT OF THE
_____ JUDICIAL CIRCUIT

FINANCIAL DECLARATION
OF _____

Docket No. _____

HUSBAND/FATHER		WIFE/MOTHER	
Address		Address	
Age		Age	
Occupation		Occupation	
Employer		Employer	
Employer Address		Employer Address	

Gross Monthly Income	Husband/Father	Wife/Mother
Principal Earnings from Employment ¹		
Overtime, Tips, Commission, Bonuses ²		
Pensions, Retirement, and Annuities income		
Additional Employment income		
Social Security Benefits (SSA) and VA Benefits		
Disability and Worker's Compensation Benefits		
Unemployment and AFDC		
Spousal or Child Support (from other marriage/relationship)		
Dividends, Interest, Trust Income, and Capital Gains		
Rental Income and Business Profits		
Other (Specify):		
TOTAL GROSS MONTHLY INCOME		

Payroll Deductions from Monthly Income	Husband/Father	Wife/Mother
Federal Income Tax ³		
State Income Tax		
Social Security and Medicare Tax (FICA)		
Self-Employment Tax		
Health and Dental Insurance (Adult)		
Health and Dental Insurance (Child)		
Union Dues		
Voluntary Retirement Contribution (401(k), 457, IRA)		
Mandatory Retirement Contribution		
Savings Plan		
Other (Specify):		
TOTAL MONTHLY DEDUCTIONS		
NET MONTHLY INCOME ⁴		

Estimate monthly expenses: (Specify which party is the custodial parent and list name and relationship of all members of household whose expenses are included. _____)

MONTHLY EXPENSES ⁵	Husband/Father	Wife/Mother
Residential Rent Payment		
Note or Mortgage Payment on Residence(s)		
Food and Household Supplies ⁶		
Utilities, Water, and Garbage Collection		
Telephone and Cellular Phone		
Medical, Dental and Disability Insurance Premiums (not deducted from paycheck)		
Life Insurance Premiums (not deducted from paycheck)		
Child Support (from other relationship)		
Work Related Day Care		
Spousal Support (from prior marriage)		
Auto Payment		
Auto Insurance, taxes, gasoline, and maintenance ⁷		
SUBTOTAL: 		
Real-Property Tax on Residence(s)		
Maintenance for household ⁸		
Adult Clothing		
Children's Clothing ⁹		
Cable Television, Satellite, and Internet/Online Services		
Laundry and Dry Cleaning ¹⁰		
Medical and Dental Expenses (not paid by insurance)		
Prescriptions, Glasses, and Contacts (not paid by insurance)		
Children's incidental expenses ¹¹		
School lunches, supplies, field trips, and fees ¹²		
Entertainment ¹³		
Adult Incidental expenses ¹⁴		
All Installment payments ¹⁵		
Other (Specify):		
SUBTOTAL: 		
TOTAL MONTHLY EXPENSES		

Installment Loan Payments Section

Creditor	For	Monthly Payment	Balance	Owed by ¹⁶

Other Debts and Obligations *not* payable in monthly installments

Creditor	For	Date Payable	Balance	Owed by ¹⁶

Are you currently in Bankruptcy? YES NO

Are any obligations listed above, including mortgage and note payments, in arrears? YES NO

If yes, please list the obligations in arrears.

All Marital Property Known to Parties

Assets	Husband/Father	Wife/Mother	Joint
Cash and Money in Checking Account(s)			
Money in Savings Account(s), Credit Union, Money Market, or Cert. of Dep.			
Value of Voluntary Retirement Account(s)			
Value of Pension Account			
Value of Publicly Held Stocks, Bonds, Securities, Mutual Funds			
Value of Privately Held Stocks and Other Business			
Value of Real Estate – Net of Mortgage Balances			
Value of All Other Property ¹⁷			
TOTAL ASSETS			

Any Non Marital Property Known to Parties

Description of Asset	Title Owner	Date of Acquisition	Source of Funds to Acquirer	Estimate Present market Value

If total assets are less than \$300,000.00, sign and have notarized.

If total assets are greater than \$300,000.00, itemize assets by completing additional sections below and sign and have notarized.

Financial Accounts Section¹⁸

Owner	Name of Institution	Type of Account	Balance

Voluntary Retirement Accounts and Pension Accounts Section

Type of Account	Value

Publicly Held Stocks, Bonds, Securities, Mutual Funds Section (Non-Retirement)¹⁹

Name of Company	Number of Shares/Type of Account	Value

Real Estate Section²⁰

Owner	Address	Value	Mortgage Balance	Mortgage Equity

Other Property Section¹⁷

Owner	Description of Asset	Value	Loan Balance	Equity

Signature

Sworn to before me this ____ of _____,
2____.

(SEAL)
Notary Public for South Carolina
My commission expires: _____

Custodial Parent (if applicable): _____

1. A recent paystub should be attached to the Financial Declaration. To compute Principal Earnings from Employment, first determine whether you are paid semi-monthly, biweekly, or weekly. If you are paid semi-monthly, multiply the gross amount of your pay check by two. If you are paid biweekly, multiply the gross amount of your pay check by 26 and then divide by 12. If you are paid weekly, multiply the amount of your paycheck by 52 and divide by twelve. Round to the nearest whole dollar.
 2. To compute Overtime, Tips, Commission, and/or Bonuses, take an average of your monthly earnings from overtime, tips, commission, bonuses, etc. from the past three years or the length of employment if employed less than three years (including this year).
 3. To compute State, Local, and Social Security Tax deductions, use the same formula used to compute principal earnings in endnote 1 above, or consult or have your attorney consult an accountant.
 4. Net monthly Income is equal to Total Gross Monthly Income minus Total Monthly Deductions.
 5. Do not include any expense in the Monthly Expenses section that has already been included in the Deductions from Gross Monthly Income on page one of the Declaration.
 6. Food Expense is to include the cost of groceries, toiletries, cleaning supplies, and casual eating out.
 7. Auto Expenses are to include gasoline, oil changes, tune-ups, tire replacement, maintenance, and related items.
 8. Maintenance for Household is to include appliance and household repairs, landscaping, house cleaning, pest control, pool service, alarm service, and other related items.
-
9. Clothing Expense is to include shoes and clothing purchases, clothing repair and alterations, and related items.
 10. Laundry Expense is to include the cost of laundry service, dry cleaning, and related items.
 11. Children's Incidental Expenses are to include allowance, summer camp, baby sitters, lessons, activities, participatory sports, and related items.
 12. School Expense is to include tuition, supplies, field trips, dues, tutors, locker rentals, school lunches, and other related items.
 13. Entertainment is to include movies, theater, vacations, sporting events, compact discs, digital video discs, and related items.
 14. Adult Incidental Expenses are to include cosmetics, hair and nail care, books, magazines, newspapers, business dues, memberships, pets, charity, religious dues or tithes, gifts, bank charges, hobbies, and related items.
 15. All Installment Loan Payments is the total amount itemized in Installment Loan Payments Section, which should include all loan payments not already listed as a monthly expense. Examples: home equity loan, credit cards, etc.
 16. Indicate which spouse legally owes the payment (husband, wife, or joint).
 17. Other property is to include automobiles (minus loan balance), boats (minus loan balance), furniture, furnishings, china, silver, jewelry, collectibles, and other personal property.
 18. Itemize Financial Accounts such as checking, savings, credit union, money market, or certificate of deposit accounts in the Financial Accounts Section.
 19. Itemize Publicly Held Stocks, Bonds, Securities, Stock Options and Mutual Funds (excluding retirement accounts) in the Publicly Held Stocks, Bonds, Securities, Mutual Funds Section.
 20. Itemize each parcel of Real Estate in the Real Estate Section.

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
)
_____)
Plaintiff,)
vs.)
_____)
Defendant.)

IN THE FAMILY COURT
_____) JUDICIAL CIRCUIT

**MOTION AND AFFIDAVIT
TO PROCEED IN FORMA PAUPERIS**

Docket No. _____

I, _____, being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in this case. I request that the complaint be filed and service made without cost to me.

Sworn to before me this
_____ day of _____, 20____

_____) Notary Public of South Carolina Plaintiff

My Commission expires: _____

ORDER

- Leave is *granted* to proceed in forma pauperis.
- Leave is *denied* to proceed in forma pauperis. This case will be dismissed without further order of the court if the filing fee and associated costs are not paid on or before _____, 20____. (Family Court Only)

Date: _____, 20____
_____) Family Court Judge
_____) ,S.C.

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

Custodial Parent (if applicable): _____

PART 2:
SERVICE OF PROCESS

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
 Plaintiff,)
 vs.)
 _____)
 Defendant.)

IN THE FAMILY COURT
 _____ JUDICIAL CIRCUIT

AFFIDAVIT OF SERVICE

(One Year Continuous Separation)

Docket No. _____

Personally appeared the Plaintiff who states that (s)he served the Defendant with a copy of the Family Court Coversheet, Certificate of Exemption, Summons, Complaint for Divorce and Financial Declaration:

_____ by certified mail, restricted delivery, return receipt requested (receipt attached) in the United States Mail, with proper postage attached,

_____ by commercial delivery pursuant to Rule 4(d)(9), SCRCF with delivery record attached, _____ on _____ (date) addressed as follows:

Sworn to before me this
 _____ day of _____, 20__

 Notary Public of South Carolina

My Commission expires: _____

 Plaintiff

Date: _____

STATE OF SOUTH CAROLINA)

COUNTY OF _____)

Plaintiff,)

vs.)

Defendant.)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

ACCEPTANCE OF SERVICE
(One Year Continuous Separation)

Docket No. _____

Pursuant to Rule 4(j), SCRCF, I certify that I received a copy of the Family Court Cover Sheet, Certificate of Exemption, Summons, Complaint for Divorce, and Financial Declaration in this action on _____ (date) at the following location

Date: _____, 20_____

_____, S.C.

Defendant's Signature

Printed Name of Defendant

Home/Mailing Address

City, State, Zip

Telephone No.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
 Plaintiff,)
 vs.)
)
 _____)
 Defendant.)

IN THE FAMILY COURT
 _____ JUDICIAL CIRCUIT

**AFFIDAVIT OF DEFAULT
 FOR DIVORCE**
 (One Year Continuous Separation)

Docket No. _____

Personally appeared the Plaintiff who states that the Defendant was served with a copy of the Family Court Coversheet, Certificate of Exemption, Summons, Complaint for Divorce and Financial Declaration on the _____ day of _____, 20____. The Defendant was served in the following manner:

(Check One)

- Personal service – an Affidavit of Service has been filed with this Court.
- Certified mail, restricted delivery – and Affidavit of Service by Mailing and return receipt have been filed with this Court.
- Accepting service – an Acceptance of Service has been filed with this Court.
- Commercial delivery service, pursuant to Rule 4(d)(9), SCRPC and Affidavit of Service with delivery record attached have been filed with this court.

The Plaintiff further states that

- 1) more than 30 days have passed since the date of service;
- 2) no contested Answer or other responsive pleadings have been served upon the Plaintiff as required by the Summons;
- 3) Defendant is either not in active military service of the United States or has waived his/her rights under the Uniformed Service Members Civil Relief Act; and
- 4) Defendant is now in default.

Sworn to before me this

_____ day of _____, 20____

 Notary Public of South Carolina

 Plaintiff

My Commission expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
)

) Plaintiff,)
)
) vs.)
)
)

) Defendant.)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

**REQUEST FOR HEARING
FOR DIVORCE**
(One Year Continuous Separation)

Docket No. _____

Plaintiff or Attorney for Plaintiff:

Address: _____

Telephone: Home: _____

Cell: _____

Other: _____

Email: _____

Defendant or Attorney for Defendant:

Address: _____

Telephone: Home: _____

Cell: _____

Other: _____

Email: _____

Contested: **No** Child Custody Issue: **No**

GROUND FOR DIVORCE: Continuous Separation for One (1) Year

Amount of Time Requested: **15 Minutes**

Dates / Times the Plaintiff and/or Defendant is/are UNAVAILABLE (exclude weekends and holidays): See Attached list(s)

Hearing Requested By: PLAINTIFF DEFENDANT

COMMENTS / ISSUES: _____

Date: _____, 20____.

_____, S.C.

Signature

******Section below to be completed by Clerk of Court******

The Final Hearing in this matter is scheduled for _____ day of _____, 20____ at _____ a.m./ p.m., Courtroom _____, before the Honorable _____.

PART 3:
THE HEARING

STATE OF SOUTH CAROLINA

COUNTY OF _____

Plaintiff,

vs.

Defendant.

IN THE FAMILY COURT
____ JUDICIAL CIRCUIT

**AFFIDAVIT OF SERVICE
BY MAILING
(Notice of Hearing)**

) Docket No. _____

Personally appeared the Plaintiff who states that (s)he served the Defendant with a copy of the Notice of Hearing by certified mail, return receipt requested (receipt attached) in the United States Mail, with proper postage attached, on _____, 20__ addressed as follows:

Sworn to before me this
_____ day of _____, 20__

Notary Public of South Carolina

Plaintiff

My Commission expires: _____

STATE OF SOUTH CAROLINA)

COUNTY OF _____)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

Plaintiff,)

vs.)

Defendant.)

**JUDGMENT IN A
FAMILY COURT CASE**

Docket No. _____

Submitted by:	Attorney for <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	<input type="checkbox"/> Self-Represented Litigant <input type="checkbox"/> GAL

DECISION BY COURT (check all that apply)

- This action came to trial, hearing or was resolved by consent and an order was rendered.
- This action has been dismissed pursuant to Rule 12(b), SCRPC Rule 41(a), SCRPC
- Rule 43(k), SCRPC Family Court Benchmark
- Other: _____

IT IS ORDERED AND ADJUDGED: See attached order; Statement of Judgment by the Court:

Additional information for Clerk: _____

ORDER INFORMATION

- This is a Temporary Final order. If Final, does this order end the case? Yes No
- Support is not ordered is ordered, and it is to be paid through the court. directly to the CP.
- Case number under which support is paid if different from this one: _____
- This order involves the immediate issuance dismissal of a bench warrant, or does not apply.
- The following motions are ended by this order (include motion filing date): _____
- This order adds or dismisses the following parties to this case:
- dismiss add: _____ dismiss add: _____

INFORMATION FOR THE JUDGMENT INDEX/TRANSCRIPT OF JUDGMENT (§ 20-3-670(B)(1))		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information to enroll, indicate "N/A" in one of the boxes below.		
Judgment In Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount to be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order: _____		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the South Carolina Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: title abstractors and researchers should refer to the official court order for judgment details.**

Family Court Judge	Judge Code	Date
--------------------	------------	------

FOR CLERK OF COURT OFFICE USE ONLY

This judgment was entered on the _____ day of _____, 20____ and a copy mailed first class or placed in the appropriate attorney's box on this _____ day of _____, 20____ to attorneys of record or to parties (when appearing pro se) as follows:

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEYS FOR THE DEFENDANT(S)

Court Reporter: _____

CLERK OF COURT

Custodial Parent (if applicable): _____

FORM 4F INSTRUCTIONS – JUDGMENT IN A FAMILY COURT CASE
(Instructions for Information Only – Not to be filed with Form 4F)

1. Form 4F – Judgment in a Family Court Case has been modified to add order information and enrollment instructions for the Clerk of Court. The purpose of Form 4 has not changed with the exception that judgment information is provided when applicable.
2. Please note that Form 4F must be attached to all orders that include information to enroll in the judgment index. The clerk will not be responsible for reading the order to determine the enrollment information.

The attorney or prevailing party will prepare and attach Form 4F when submitting an order that includes enrollment information for the judgment index. The judge will review and sign Form 4F when he or she signs an order that includes enrollment information for the judgment index.

3. Form 4F is not required to be submitted to the court with orders that do not include information to enroll in the judgment index. If the clerk receives such an order without a Form 4F attached, the clerk should enter and process the order pursuant to Rule 58 and Rule 77(d), SC Rules of Civil Procedure. (i.e. the clerk should serve notice of entry of the judgment by mail or provide the attorneys with copies of the signed order by other means.)
4. The "Information for the Judgment Index/Transcript of Judgment" section should be completed when the judgment affects title to real or personal property or if any amount should be enrolled. Items traditionally awarded in family court cases such as the payment of attorney's fees, Guardian ad Litem fees or court costs should not be entered in this section unless the judge orders those amounts be reduced to judgment. In the "Judgment in Favor of" column, enter the name of the party to whom the judgment is awarded. In the "Judgment Against" column, enter the name of the person to whom the judgment is against. The judgment amount to be enrolled should be noted in the "Judgment Amount" column. As necessary, describe any property referenced in the order if it is to be enrolled in the judgment index.
5. The "Order Information" section of Form 4F may be used by the submitting party to indicate information about the order that requires special processing.
6. If Form 4F is submitted by an attorney or self-represented litigant with an order and there is no judgment information to enroll, indicate "N/A" in one of the boxes in this section of the form.
7. To enter information to accommodate multiple parties, additional Form 4Fs may be used as necessary. Additional space may be inserted on the form as necessary.
8. Unless otherwise instructed by the judge, attorneys for DSS, DJJ or the solicitor's office are not required to attach Form 4F to orders submitted to the court, unless the order contains information to be enrolled to the judgment index.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
 Plaintiff,)
 vs.)
)
 _____)
 Defendant.)

IN THE FAMILY COURT
 _____ JUDICIAL CIRCUIT

FINAL ORDER OF DIVORCE
 (One Year's Continuous Separation)

Docket No. _____

Plaintiff Attorney: _____
 Defendant Attorney: _____
 Guardian ad Litem: _____

Hearing Date: _____
 Judge: _____
 Court Reporter: _____

A hearing for complete and final divorce was held in this case on the date listed above. Plaintiff and Plaintiff's witness were present at the hearing. Defendant (was/ was not) present and (was/ was not) represented by an attorney.

This case is before this Court upon the Complaint of Plaintiff who is requesting that this Court grant a complete and final divorce from Defendant upon the ground of One (1) Year's Continuous Separation, pursuant to § 20-3-10(5) of the Code of Laws of South Carolina, 1976, as amended.

The original Family Court Cover Sheet, Certificate of Exemption, Summons, Complaint for Divorce, and Financial Declaration were filed in the Office of the Clerk for _____ County on _____ (date). A copy of these documents was served upon Defendant by (Certified Mail/ Process Server/ Personal Service/ Sheriff's Office) on _____ (date).

After being duly sworn, Plaintiff stated to the Court that reconciliation of the parties was not possible. Plaintiff then offered testimony, which substantiated the allegations found in the Complaint, and which was corroborated by the duly-sworn witness.

FINDINGS OF FACTS and CONCLUSIONS OF LAW

This Court, after hearing the testimony and considering the other evidence in this case, makes the following findings of fact:

1. Plaintiff is a resident of _____ County in the State of _____.
2. Upon information and belief, Defendant is a resident of _____ County, State of _____.
3. Plaintiff and Defendant last shared a residence in _____ County in the State of _____.

4. Subject matter jurisdiction (check one):

Plaintiff has lived in South Carolina for over one year prior to the start of this action; or

Plaintiff and Defendant have both lived in South Carolina for longer than three (3) months prior to the start of this action; or

Plaintiff is a resident of another state, but Defendant has lived in South Carolina for more than one (1) year.

5. Plaintiff is informed and believes this Court has subject matter jurisdiction over the issues and personal jurisdiction over the parties in this action.

6. Plaintiff and Defendant were married to each other on _____ (date) in _____ County, City of _____ in the State of _____.

7. Plaintiff and Defendant separated on or about _____ (date). The parties have remained living separate and apart from each other without cohabitation for more than one (1) continuous year prior to filing this action.

8. Defendant was served with a copy of the Family Court Cover Sheet, Certificate of Exemption, Summons, Complaint for Divorce, and Financial Declaration by (Certified Mail/ Process Server/ Personal Service/ Sheriff's Office) on _____.

9. Defendant (did/ did not) file an Answer or other responsive pleading.

10. Defendant (is/ is not) in default.

11. All legal requirements as to filing, service, notice and waiting periods have been met.

12. Present at the hearing were Plaintiff and Plaintiff's witness, _____. Both presented testimony and/or evidence as to the parties living separate and apart without cohabitation for more than one (1) year.

13. Based on the testimony of Plaintiff and Plaintiff's witness, the parties have lived separate and apart from each other without cohabitation for more than one (1) continuous year.

14. **Child Custody, Visitation, and Support**

No minor children of this marriage and none are expected; or

_____ number of child/ren were born of this marriage: namely

Name	Date of Birth

Custody and visitation are not contested in this action; or

The parties have reached an agreement as to how custody, visitation, and support, which is attached. The attached agreement is incorporated and made a part of this Order.

15. Marital Property

The parties have no marital property.

The parties have reached an agreement as to how the marital property shall be divided, which is attached. The attached agreement is incorporated and made a part of this Order.

16. Marital Debt

The parties have no marital debt.

The parties have reached an agreement as to how the marital debt shall be paid, which is attached. The attached agreement is incorporated and made a part of this Order.

17. Plaintiff and Defendant waive alimony.

18. Reconciliation of the parties is not possible.

19. (Plaintiff's/ Defendant's) requested that his/her name be changed pursuant to § 20-3-180 of the Code of Laws of South Carolina, 1976, as amended that allows (Plaintiff Defendant) to change her name from _____ to _____.

20. There has been no collusion between the parties in bringing this action.

21. Plaintiff is entitled to a complete divorce, a *vinculo matrimonii*, from the Defendant on the ground of One (1) Year's Continuous Separation.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

A. Plaintiff is hereby granted a complete and final divorce, a *vinculo matrimonii*, from the Defendant upon the ground of One (1) Year's Continuous Separation, pursuant to § 20-3-10(5) of the Code of Laws of South Carolina, 1976, as amended;

B. The agreement was entered freely and voluntarily and the court finds the agreement is in the best interests of the parties and any minor children, if applicable;

C. If applicable, the parties' agreement(s) is/are made a part of this Order and is/are enforceable through the contempt powers of the Court;

D. That both parties are barred from receiving alimony from each other; and

E. If requested, (Plaintiff/ Defendant) is allowed to resume the use of the maiden/former name of _____.

I further find _____.

AND IT IS SO ORDERED.

Date: _____, 20_____

_____, S.C.

Family Court Judge



State of South Carolina
Department of Health and Environmental Control

REPORT OF DIVORCE OR ANNULMENT OF MARRIAGE

State File No. _____

1. PLAINTIFF (First, Middle, Last, Suffix)		2. LAST NAME ON BIRTH CERTIFICATE (if Different)	
3. DATE OF BIRTH (Month, Day, Year)		4. PLACE OF BIRTH (State or Foreign Country)	
5. RESIDENCE (County, State/Country)		6. NUMBER OF THIS MARRIAGE - First, Second, etc. (Specify)	
7. DEFENDANT (First, Middle, Last, Suffix)		8. LAST NAME ON BIRTH CERTIFICATE (if Different)	
9. DATE OF BIRTH (Month, Day, Year)		10. PLACE OF BIRTH (State or Foreign Country)	
11. RESIDENCE (County, State/Country)		12. NUMBER OF THIS MARRIAGE- First, Second, etc. (Specify)	
13. PLACE OF THIS MARRIAGE (County, State/Country)		14. DATE OF MARRIAGE (mm/dd/yyyy)	
15. TYPE OF DECREE <input type="checkbox"/> Absolute Divorce <input type="checkbox"/> Annulment		16. COUNTY OF DECREE	17. DOCKET NUMBER
18. DATE DECREE FILED (mm/dd/yyyy) - TO BE COMPLETED BY CLERK OF COURT.			
19. I CERTIFY THE MARRIAGE OF THE ABOVE NAMED PERSONS WAS DISSOLVED ON THE DATE DECREE FILED.			
SIGNATURE OF CLERK OF COURT: _____		DATE SIGNED: _____ (mm/dd/yyyy)	

Confidential and statistical information (The information below will not appear on certified copies of the report)

20. PLAINTIFF - SOCIAL SECURITY NUMBER (Last 4 Digits)	21. PLAINTIFF - RACE	22. PLAINTIFF - SEX
23. DEFENDANT - SOCIAL SECURITY NUMBER (Last 4 Digits)	24. DEFENDANT - RACE	25. DEFENDANT - SEX
26. ATTORNEY FOR PLAINTIFF	27. ATTORNEY BAR NUMBER	
28. LEGAL GROUNDS		

Sample Script for Plaintiff's Testimony

Before the hearing, the judge will ask you and your spouse if there is anything the court can do to help you reconcile your marriage. If you want a divorce, the proper answer is "no."

Before you present your case, you will be sworn in.

After you are sworn in, you should testify as follows:

- My name is _____.
- My address is: _____.
- I live in _____ County, State of _____.
- The Defendant lives in _____ County, State of _____.
- I married the Defendant on _____ in _____ County, State of _____.
- I last lived with the Defendant in _____, County, State of _____.
- I would like a divorce based on one year's continuous separation.
- The Defendant and I separated on _____ and we have not lived together since that time.
- The Defendant and I have not made this up so you would give me a divorce.
- The Defendant and I have no minor children and none are expected at this time.
- The Defendant and I have no property, real or personal, or any debts that need to be divided by the court.
- I waive my right to alimony and I understand I cannot come back later and ask for any.
- **(IF APPLICABLE)** My maiden name is _____ and I would like to go back to using it. I am not looking to change my name to avoid criminal prosecution or defraud creditors. I am not listed on any sex offender registry and I am not listed on the DSS Central Registry of Child Abuse and Neglect.
- That is all of my testimony. I can answer any questions that you or the Defendant may have for me.

Listen carefully to any questions you are asked and answer truthfully. If at any time the judge tells you that you cannot proceed because of a technical error or for any other reason, you should request to have your hearing continued. You can say the following:

- Your Honor, I respectfully move for a continuance of this hearing.

Sample Script for Questioning the Witness in a Simple Divorce Action (Plaintiff)

- “Your Honor, if you have no further questions for me at this time, I call _____, who is my witness.”
- (The witness may be sworn by the Court at this point before taking his or her place at the witness stand).
- “Good morning/afternoon (witness) _____.”
- “Please state your full name for the court.”
- “Please state your address for the court.”
- “Please tell the court how you know me.”
- “How often do you and I see each other?”
- “How often do you speak with me?”
- “Do you know my spouse?”
- “How often do you speak with my spouse?”
- “Do you remember approximately when my spouse and I separated?”
- “When did we separate?”
- “Has it been at least a year since my spouse and I separated?”
- “How do you know this to be true?”
- “To your knowledge, have my spouse and I gotten back together since we separated?”
- “Those are all of the questions I have for my witness at this time, Your Honor. Please answer any questions the Judge or the Defendant may have for you.”

At this point, the Judge and Defendant may ask your witness questions. When there are no further questions from the Judge or Defendant, stand up and say, “That concludes the presentation of my case, Your Honor” and take your seat.