

If you are in need of a divorce in South Carolina, chances are that you have probably already exhausted most other efforts to resolve your marriage. While you may have spent time consulting with friends, family, even therapists for advice, it is absolutely best that you consult ultimately with a qualified divorce attorney in your local area, as divorces are completely different in every state. For most people, divorces are one of the most stressful things that you and your family will go through. Allow a divorce attorney to ease the process for you and your family.

In the state of South Carolina, there are five grounds for divorce. The first four grounds are “at fault” divorces, meaning that one or both parties involved in the divorce are at fault for the failure of the marriage due to 1) adultery, 2) habitual drunkenness (or drug use), 3) physical cruelty, 4) abandonment/desertion. The fifth ground for divorce, 5) no fault, would be considered a “no fault” divorce, meaning neither party is putting the blame on the other for the failure of the marriage and that the parties have separated themselves and have been living apart for a minimum of one year, without cohabitation. It is important to note that the one year separation is a requirement for any divorce in South Carolina, therefore the abandonment/desertion is very rarely used as grounds for a divorce.

If you are seeking a divorce from your spouse, consult with an attorney to determine the grounds for divorce, and if applicable, how you wish to divide the marital debts and assets, as well as any minor children of the marriage and a plan for child custody, visitation, child support. Your attorney will file all of these aspects with the court in a Summons and Complaint, to initiate the divorce. Once your case is filed, the opposing spouse has 30 days to file an Answer. In their answer, they will respond to the allegations against them, if any, and with how they would like the court to proceed with the case.

If you are filing for a divorce only, your case will only have one hearing, which would also be the “final divorce hearing”, in which a judge will determine if the requirements for a divorce have been met, and then grant you as your spouse a divorce so long as a third party witness is present. If you need to file a separate order along with your divorce regarding the actual division of property, assets, alimony, and regarding child custody and visitation, that will be filed as an Order of Separate Maintenance and Support. If you and your spouse are able to reach an agreement on these issues then the judge will review the order to make sure it is fair, and that it is in the best interest of the children involved in the divorce. If the parties cannot agree however, both parties will be able to present their wishes to a judge in a separate hearing, who will then review the issues and make a decision if the parties are unable to compromise. While this is not a final or permanent order, it will remain in place until a trial or Final Agreement.

Before filing an Order of Separate Maintenance and Support, your attorney should discuss with you the basic laws in South Carolina regarding the division of property and assets as a result of the divorce. The state of South Carolina considers both assets and liabilities, marital or separate, so long as they were accrued during the marriage, as property. Property can be both monetary, and non-monetary as well. The most common types of property of monetary value

that a judge (or the parties) will need to decide on how to divide are the marital home, bank accounts, businesses, retirement, furniture, jewelry, and cars. Types of property of non-monetary value are things like childcare and homemaking. It is very important to have an understanding of the divorce laws in the state of South Carolina so that you and your spouse can try to civilly agree on most of the decisions going forward, rather than leaving the issues up to a judge to resolve. This will ensure that your divorce is served in the most timely manner, ultimately saving you time and money.

Cost is usually a very big concern for people who are looking to get a divorce. There is no way to determine the cost of any divorce, as every case is entirely different. However, in the state of South Carolina you can expect to pay at least \$4,000 for a divorce. Be prepared to spend more along the lines of \$7,000-\$12,000 after attorney's and court costs are considered. Some divorce cases that are complicated and where both parties fail to cooperate can be in the upwards of \$20,000-\$30,000.

You are not required by law to have an attorney in a South Carolina divorce, however trying to navigate the divorce process on your own will prove to be extremely difficult, and likely will not result in the resolution you hope for. It will also result in you spending much more money and time trying to work through the legal system without the proper training, knowledge, or experience. A licensed, experienced attorney in family law will be your safest bet in ensuring that your divorce runs as smooth as possible, while also protecting the future interests of you and your family.