

## PART 1: FILING YOUR PAPERWORK

**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. Child Support 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. Be sure that you have the most current version of this packet before filing.

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 your 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 the filing fee \$150.

Once you have completed all the questions online, you will be able to download and print your complete Self Represented Litigant Child Support Modification. All of your forms should be filled out with the information that you provided when you completed the online program. Before doing anything further, review all the paperwork to make sure that the information that you provided is correct, including spelling, locations, dates, etc.

In order to officially begin the process you will need to file the first set of forms with the Clerk of Court in the county that is indicated on your paperwork. This county will be printed in the upper left hand side of your documents. Initially you will **ONLY** file the following forms:

- Motion **and** Order to Proceed *In Forma Pauperis* (if applicable);
- Family Court Coversheet;
- Summons for Child Support Modification
- Complaint for Child Support Modification ; and
- Financial Declaration.

Once you have signed the Family Court Coversheet, Summons and Complaint, Financial Declaration and Motion and Order to Proceed *In Forma Pauperis* (if applicable) you can file the first set of forms with the appropriate Clerk of Court, Family Court Division.

The filing fee is \$150. If you feel you are unable to pay the filing fee, you may submit the Motion and Affidavit to Proceed *In Forma Pauperis* to the Clerk of Court. By filling out and signing this form and then 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 all over again.

**Make sure that you have signed and dated each one of these forms before you file them.** As you can see, the Motion and Order to Proceed *In Forma Pauperis* and Financial Declaration both require your signature as well as the signature of a Notary Public. You will sign these in front of a Notary Public who will then sign the forms. **Do not file them with the Court until they are properly signed and notarized.**

Physical locations and contact information for all the South Carolina Family Courts can be found in the telephone book or online at <http://www.sccourts.org>. The physical locations for filing purposes are also listed in the chart below. Only bring cash, a cashier's check, or money order for the filing fee \$150; **do not bring a personal check or credit/debit card.**

**You will have to file the original and two (2) copies of the forms with the Clerk of Court.** The Clerk of Court will:

- Assign your case a Docket Number;
- Record the docket number on the upper right hand corner of all of the forms;
- Keep the originals; and
- Return the two (2) copies of the forms to you – one is for your file and one is to serve on the other party or the other party's attorney

**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.**

#### FAMILY COURT CLERK OF COURT ADDRESSES

County	Judicial Circuit	Physical Address	Phone Number
Abbeville	8 <sup>th</sup>	102 Court Sq., Abbeville, SC 29620	864-366-5312
Aiken	2 <sup>nd</sup>	109 Park Ave., SE, Aiken, SC 29801	803-642-1715
Allendale	14 <sup>th</sup>	292 Barnwell Hwy. Allendale, SC 29810	803-584-2737
Anderson	10 <sup>th</sup>	100 S. Main St., Anderson, SC 29624	864-260-4053
Bamberg	2 <sup>nd</sup>	2959 Main Hwy., Bamberg, SC 29003	803-245-3025
Barnwell	2 <sup>nd</sup>	141 Main St., Barnwell, SC 29812	803-541-1020
Beaufort	14 <sup>th</sup>	102 Ribaut Rd., Beaufort, SC 29902	843-255-5050
Berkeley	9 <sup>th</sup>	300 California Ave., Moncks Corner, SC 29461	843-719-4406
Calhoun	1 <sup>st</sup>	902 S. F. R Duff Dr., St. Matthews, SC 29135	803-874-3524
Charleston	9 <sup>th</sup>	100 Broad St., #106, Charleston, SC 29401	843-958-5000
Cherokee	7 <sup>th</sup>	125 E. Floyd Baker Blvd., Gaffney, SC 29340	864-487-2571
Chester	6 <sup>th</sup>	140 Main St., Chester, SC 29706	803-385-2605
Chesterfield	4 <sup>th</sup>	200 W. Main St., Chesterfield, SC 29709	843-623-2574

Clarendon	3rd	3 W. Keitt St., Manning, SC 29102	803-435-5120
Colleton	14 <sup>th</sup>	101 Hampton St., Walterboro, SC 29488	843-549-5791
Darlington	4 <sup>th</sup>	One Public Square, Darlington, SC 29532	843-398-4330
Dillon	4 <sup>th</sup>	301 W. Main St., Dillon, SC 29536	843-774-1425
Dorchester	1 <sup>st</sup>	5200 E. Jim Bilton Blvd., St. George, SC 29477	843-563-0120
Edgefield	11 <sup>th</sup>	129 Courthouse Square, Edgefield, SC 29824	803-637-4080
Fairfield	6 <sup>th</sup>	101 S. Congress St., Winnsboro, SC 29180	803-712-6526
Florence	12 <sup>th</sup>	180 N. Irby St., MSC-E, Florence, SC 29501	843-665-3031
Georgetown	15 <sup>th</sup>	401 Cleland St., Georgetown, SC 29442	843-545-3036
Greenville	13 <sup>th</sup>	305 E. North St., Ste. 232, Greenville, SC 29601	864-467-8551
Greenwood	8 <sup>th</sup>	528 Monument Street, Greenwood, SC 29646	864-942-8546
Hampton	14 <sup>th</sup>	1 Elm St., Courthouse Square, Hampton, SC 29924	803-914-2250
Horry	15 <sup>th</sup>	1301 Second Ave., Conway, SC 29526	843-915-5080
Jasper	14 <sup>th</sup>	265 Russell St., Ridgeland, SC 29936	843-726-7710
Kershaw	5 <sup>th</sup>	1121 Broad St., Camden, SC 29020	803-425-7223
Lancaster	6 <sup>th</sup>	104 N. Main St., Lancaster, SC 29720	803-285-1581
Laurens	8 <sup>th</sup>	100 Hillcrest Square, Laurens, SC 29360	864-984-3538
Lee	3 <sup>rd</sup>	123 S. Main St., Bishopville, SC 29010	803-484-5341
Lexington	11 <sup>th</sup>	205 E. Main St., Lexington, SC 29072	803-785-8212
Marion	12 <sup>th</sup>	103 N. Main St., Marion, SC 29571	843-423-8240
Marlboro	4 <sup>th</sup>	105 Main St., Bennettsville, SC 29512	843-479-5613
McCormick	11 <sup>th</sup>	133 S. Mine St., McCormick, SC 29835	864-852-2195
Newberry	8 <sup>th</sup>	1226 College St., Newberry SC 29108	803-321-2110
Oconee	10 <sup>th</sup>	205 W. Main St., Walhalla, SC 29691	864-638-4280
Orangeburg	1 <sup>st</sup>	151 Docket St., Orangeburg, SC 29115	803-533-6243
Pickens	13 <sup>th</sup>	214 E. Main St., Pickens, SC 29671	864-898-5867
Richland	5 <sup>th</sup>	1701 Main St., Columbia, SC 29201	803-576-1929
Saluda	11 <sup>th</sup>	100 E. Church St., Saluda, SC 29138	864-445-4500
Spartanburg	7 <sup>th</sup>	180 Magnolia St., Spartanburg, SC 29306	864-596-2591
Sumter	3 <sup>rd</sup>	141 N. Main St., Sumter, SC 29150	803-436-2237
Union	16 <sup>th</sup>	210 W. Main St., Union, SC 29379	864-429-1630
Williamsburg	3 <sup>rd</sup>	125 W. Main St., Kingstree, SC 29556	843-355-9321
York	16 <sup>th</sup>	2 Congress St., York, SC 29745	803-628-3039

## **CHECKLIST: PART 1**

- **Print Forms from online program**
- **Check Forms for Accuracy and Make Any Necessary Corrections**
- **Properly Sign and Date Forms:**
  - ✓ **Motion and Order to Proceed *In Forma Pauperis* (if applicable);**
  - ✓ **Family Court Coversheet;**
  - ✓ **Summons;**
  - ✓ **Complaint for Child Support Modification; and**
  - ✓ **Financial Declaration.**
- **Notarize Motion and Order to Proceed In Forma Pauperis and Financial Declaration**
- **Make Two (2) Complete Copies of These Forms**
- **File Forms with the Clerk of Court in the County where your child support order is.**
- **Pay the \$150 Unless the Judge Approved your Motion to Proceed *In Forma Pauperis***
- **Clerk Returns Two (2) Certified, Clocked Copies of Forms to You**

## PART 2: SERVICE OF PROCESS

After you receive copies of the documents from the Clerk of Court, you will need to serve **one** of the copies of the following on the other party or the other party's attorney (if he or she has one already):

- Family Court Cover Sheet;
- Summons for Child Support Modification
- Complaint for Child Support Modification ; and
- Financial Declaration Form.

This is called Service of Process and can be done in any of the four following ways:

### 1) ACCEPTANCE OF SERVICE (Use the Acceptance of Service Form in Your Packet)

If the other party is willing to accept service, provide the other party with an Acceptance of Service form. Although form should already be partially completed, you will still need to fill out the following:

- Write in the Docket Number that the Clerk of Court gave to you in the caption of this document.
- Write in the date that the other party accepted the documents **and** the location he/she received them **and** the other party's mailing address for purposes of serving him/her for the Final Hearing.
- The other party **must** sign the form.

After you and the other party complete 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 so you can keep the copy for your files.

### 2) U.S. MAIL (Use the Affidavit of Service Form in Your Packet)

If you choose to serve the other party through the mail, you **must** send the 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 the other party signed the card. **If anyone except the other party signed the return receipt card (green card) you do not have good service and must start over. The post office may assist you with re-sending all the documents by Certified Mail, Restricted Delivery, and Return Receipt Requested.**

If you receive the return receipt card (green card) and it was signed by the other party, then you can complete the Affidavit of Service by Mailing and file it with the Clerk. To properly fill out this form you will need to:

- Write in the Docket Number that the Clerk of Court gave to you in the caption of this document.
- Write in the date and the address that you mailed the paperwork to the other party. This date should be stamped on the small, green and white certified mail receipt that you got back from the Post Office. The receipt looks something like this:



- Tape the green card that the other party signed on the Affidavit of Service by Mailing. The green card that you tape to the Affidavit form looks something like this (**it MUST be signed by the other party**):

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul> <p>1. Article Addressed to:</p> <p><b>Reggie Redbird</b>  <b>123 State St</b>  <b>Normal IL 61761</b></p> <p>2. Article Number  <small>(Transfer from service label)</small> # from certified mail slip</p> <p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	<p>A. Signature  <input checked="" type="checkbox"/> X <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes      If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.  <input type="checkbox"/> Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

- Sign the form and have it notarized. **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.

After you complete the Affidavit of Service by Mailing form, take it 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 so you can keep the copy for your files.

If you do not get the green card back, you may have to call your local Sheriff’s office (see #3) or a private process server (#4) to serve the papers on the other party.

### 3) SHERIFF’S OFFICE (Sheriff’s Office will Provide the Affidavit of Service Form)

Contact the Sheriff’s office in the county where the other party lives or works. Be sure to provide the Sheriff’s office with as much information as you can about the other party to increase the

likelihood that they will be able to serve him or her. For example, the other party's home address, work address, type of car, etc. Once the Sheriff serves the papers they will complete an Affidavit of Service form and return the form to you. File the notarized Affidavit of Service with the Clerk of Court.

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 and they may be able to assist you at no or a low cost.

If you are using the Sheriff's office, complete the Case Party Information Sheet that printed with your forms. Provide as much information as you can and give the form to the Sheriff or process server. This information was not asked in the automated interview to help protect privacy.

After you receive the Affidavit of Service form from the Sheriff's Office, take it 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 so you can keep the copy for your files.

#### **4) PRIVATE PROCESS SERVER (Process Server will Provide the Affidavit of Service Form)**

Private process servers are listed in the telephone book. You will need to provide the process server with the same identifying information as you did the Sheriff's office. There will be a fee for this service.

If you are using a private process server, complete the Case Party Information Sheet that printed with your forms. Provide as much information as you can and give the form to the Sheriff or process server. This information was not asked in the automated interview to help protect privacy.

After you receive the Affidavit of Service form from Process Server, take it 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 so you can keep the copy for your files.

#### **5) SERVICE BY COMMERCIAL DELIVERY SERVICE**

You may use a commercial delivery company like UPS or FedEx to serve the summons and complaint.

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.

Check the box on the Affidavit of Service by commercial delivery and attach the delivery record. After you complete the Affidavit of Service 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 so you can keep the copy for your files.

### **CHECKLIST: PART 2**

- **Serve the other party in One (1) of Four (4) Ways:**
  - ✓ **Acceptance of Service;**
  - ✓ **U.S. Mail;**
  - ✓ **Sheriff's Office;**
  - ✓ **Private Process Server; OR**
  - ✓ **Commercial Delivery Service**
- **File Proof of Service With the Clerk of Court**
- **Keep a Copy of Proof of Service For Your Files**



## **PART 3: REQUESTING THE HEARING**

### **GETTING A HEARING DATE SCHEDULED**

Once you have properly served the other party with the initial paperwork, using a calendar, count **thirty-five** (35) days after the other party received the forms (**not** counting the day the other party was served) and mark that day on a calendar.

Regardless of whether or not the other party is contesting the child support modification action, you will need to request a hearing. To do this you will need to complete the Request for Hearing form (fill out the Docket Number, sign and date the form) and file it with the Clerk of Court's office. Ask the Clerk of Court to make a copy of the forms for you.

The Clerk of Court will inform you of your hearing date by mailing you a Notice of Hearing or by returning the completed Request for Hearing form directly to you (if you are at the courthouse).

### **SERVING THE OTHER PARTY WITH NOTICE OF THE HEARING**

After you receive the Notice of Hearing or completed Request for Hearing form from the Court, you **must** serve a copy on the other party or his or her attorney at least **ten** (10) days before the hearing. The Notice of Hearing form must be sent to the other party or other party's attorney (if he or she has one) by Certified Mail, Return Receipt Requested. Restricted Delivery is not required this time.

Once you have mailed the hearing notice to the other party or the other party's attorney, you will then need to complete the Affidavit of Service by Mailing (Notice of Hearing) form. **Do not sign this form until you are in front of a notary.** To properly fill out this form you will need to:

- Write in the Docket Number that the Clerk of Court gave to you in the caption of this document.
- Write in the date and address that you mailed the paperwork to the other party or the other party's attorney. If you do not remember it, this date should be stamped on the small, green and white certified mail receipt that you got back from the Post Office on the day that you mailed out the letter.
- Tape the green and white receipt that the Post Office gave to you on the Affidavit of Service by Mailing on the location that is indicated. You do not need to tape the green card to this form.



- **Once you are in front of a notary, sign the form and have it notarized.** The notary must witness your signature on the Affidavit of Service by Mailing (Notice of Hearing).

After you complete the Affidavit of Service by Mailing (Notice of Hearing) form, take it 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 so you can keep the copy for your files.

If the envelope used to mail the Notice of Hearing to the other party or the other party's attorney is later returned to you 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 the other party actually received the notice.

### CHECKLIST: PART 3

- **File Request for Hearing with the Clerk of Court**
- **Serve the other party or the other party's attorney with Notice of Hearing by Certified, Return Receipt Mail**
- **File Affidavit of Service by Mailing (Notice of Final Hearing) with the Clerk of Court**
- **Keep a Copy of Proof of Service for your files**

## **PART 4: GOING TO COURT**

### **PREPARING FOR THE HEARING**

- To prepare for the hearing, complete the order (Child Support Decrease or Child Support Increase). You will need to fill in the following information Write in the Docket Number on the caption.
- Print the date assigned for your hearing, the name of the judge assigned to your case, and, if you know it, the name of the other party's attorney.

### **GOING BEFORE THE JUDGE**

On the day of your hearing:

- You and any witness you may have, should arrive at the courthouse at least thirty (30) minutes prior to your scheduled time.
- Take copies of your documents with you to court.
- Turn off your cell phone.
- Dress appropriately. 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 and say:

“May it please the Court, my name is \_\_\_\_\_, and I am ready to proceed in this child support modification 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. You may take your **Sample Script for Plaintiff's Testimony** with you so that you know what you are supposed to say on the stand. It is fine to read directly from the script.

The judge may interrupt you from time to time to ask you a question. Listen carefully and answer the questions the judge asks you. The other party may also ask you questions. When you are finished testifying, you will go back to your seat. The other party will then have a chance to testify. When the judge makes a decision, you should hand the judge the order.

The judge will usually sign the order after the hearing. Make sure the Order is filed with the Clerk of Court. You need to get two certified, clocked copies. One is for your records and the other must be served on the Defendant or the Defendant's attorney.

**NOTE: The child support modification is not final until the order has been signed by the judge and filed with the Clerk of Court.**

#### **CHECKLIST: PART 4**

- **Complete the Order (Decrease Child Support) or Order (Increase Child Support that printed with your packet. Arrive at the Hearing At Least 30 minutes Before Your Hearing Time**
- **Use the Plaintiff Script to Present your Testimony Give the completed Oder to the Judge at the Hearing:**
- **Get two certified, clocked copies of the order. Keep one for your records and serve the other one the Defendant or Defendant's attorney.**