



Divorce 101 in South Carolina

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Jurisdiction Requirements

(1 year or 3 months)

- If both spouses live within the State of South Carolina, and have lived within this state for more than three (3) months, the divorce can be filed within South Carolina
- If your spouse lives in a different state, you must have lived within the State of South Carolina for more than one year before filing for divorce in S.C.
- If you live within a different state, the divorce can also be filed in South Carolina if your spouse has lived within the State of South Carolina for at least one (1) year.



POLL QUESTION #1!

Five Divorce Grounds in South Carolina

- Abandonment/Desertion
- Adultery
- Habitual Drunkenness
- Physical Cruelty
- More than one-year continuous separation

Divorce Ground Requirements

- **Abandonment**
 - Parties live apart for at least one year
 - Intent to not live together again
 - Absence of consent
 - Absence of justification for the cessation
- **Adultery**
 - Sexual intimacy
 - Opportunity
 - Inclination
- **Habitual Drunkenness**
 - Showing that the abuse of alcohol or drugs contributed to the breakdown of the marriage
 - Alcohol or drug use existed at or near the time the divorce was filed
- **Physical Cruelty**
 - Physical violence, or a course of physical treatment, that makes it unsafe for the spouses to live together, and which endangers life, limb, or health
 - A pattern of physical abuse or one severe, life-threatening incident of physical abuse
- **More than one-year continuous separation**
 - Parties must live in separate residences for at least 366 days

SERVICE

- Do I have to know where my spouse lives in order to get a divorce?
- What if he lives within a different State?



POLL QUESTION #2!

Time Requirements

- Minimum of 30 days from the date the case is filed, if divorce ground is more than one (1) year continuous separation.
- At least 90 days from the date of filing for all other divorce grounds.
- Final hearing must be requested within one year of filing or it will be administratively dismissed by the Court

Agreement to Divorce

- Your spouse does not have to “sign” for the divorce!



POLL QUESTION #3!

Witnesses

- Generally required for all divorce grounds.

RESOURCES

- www.sccourts.org – The Supreme Court of South Carolina
- www.lawhelp.org/sc/resource/self-help-forms - Website with automated forms for pro se divorce packets (one-year separation – no minor children, no property, and no debt)
- <https://www.youtube.com/user/sclegalservices> - Videos on a variety of legal topics prepared by South Carolina Legal Staff members
- www.sclegal.org – Apply for free legal assistance online or by phone, 1-888-346-5592
- S.C. Bar’s Lawyer Referral Line – 1-800-868-2284



QUESTIONS?