

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. 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 so make sure that you have the most current version of this packet before filing.

READ ALL THE INSTRUCTIONS CAREFULLY BEFORE YOU PROCEED.
FAILURE TO FOLLOW THE INSTRUCTIONS LISTED IN THIS PACKET COULD LEAD TO YOUR CASE BEING DELAYED OR POSSIBLY DISMISSED.

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 the 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 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 One Year Separation Divorce Packet. All of your forms should be filled out with the information that you provided when you completed the online automated interview. Before doing anything further, review all of the paperwork to make sure that the information that you provided is correct, including spelling, locations, dates, etc.

In order to officially begin the divorce 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 should be listed 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;
- Certificate of Exemption;
- Summons for Divorce;
- Complaint for Divorce; and
- Financial Declaration.

Once you have signed the Family Court Coversheet, Certificate of Exemption, 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 Order to Proceed *In Forma Pauperis* to the Clerk of Court and your Financial Declaration. 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 of \$150. The judge will review your motion. If the motion is denied, you must pay the filing fee of \$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. **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 of \$150; **do not bring a personal check or credit/debit card.**

Once your forms are correctly filled out, signed, dated (and notarized where applicable), you need to make two (2) additional copies of the forms. You will have to file the original and the 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 your spouse or your spouse's attorney with the divorce lawsuit (see Part 2).

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 th	102 Court Sq., Abbeville, SC 29620	864-366-5312
Aiken	2 nd	109 Park Ave., SE, Aiken, SC 29801	803-642-1715
Allendale	14 th	292 Barnwell Hwy. Allendale, SC 29810	803-584-2737

Anderson	10 th	100 S. Main St., Anderson, SC 29624	864-260-4053
Bamberg	2 nd	2959 Main Hwy., Bamberg, SC 29003	803-245-3025
Barnwell	2 nd	141 Main St., Barnwell, SC 29812	803-541-1020
Beaufort	14 th	102 Ribaut Rd., Beaufort, SC 29902	843-255-5050
Berkeley	9 th	300 California Ave., Moncks Corner, SC 29461	843-719-4406
Calhoun	1 st	902 S. F. R Duff Dr., St. Matthews, SC 29135	803-874-3524
Charleston	9 th	100 Broad St., #106, Charleston, SC 29401	843-958-5000
Cherokee	7 th	125 E. Floyd Baker Blvd., Gaffney, SC 29340	864-487-2571
Chester	6 th	140 Main St., Chester, SC 29706	803-385-2605
Chesterfield	4 th	200 W. Main St., Chesterfield, SC 29709	843-623-2574
Clarendon	3 rd	3 W. Keitt St., Manning, SC 29102	803-435-5120
Colleton	14 th	101 Hampton St., Walterboro, SC 29488	843-549-5791
Darlington	4 th	One Public Square, Darlington, SC 29532	843-398-4330
Dillon	4 th	301 W. Main St., Dillon, SC 29536	843-774-1425
Dorchester	1 st	5200 E. Jim Bilton Blvd., St. George, SC 29477	843-563-0120
Edgefield	11 th	129 Courthouse Square, Edgefield, SC 29824	803-637-4080
Fairfield	6 th	101 S. Congress St., Winnsboro, SC 29180	803-712-6526
Florence	12 th	180 N. Irby St., MSC-E, Florence, SC 29501	843-665-3031
Georgetown	15 th	401 Cleland St., Georgetown, SC 29442	843-545-3036
Greenville	13 th	305 E. North St., Ste. 232, Greenville, SC 29601	864-467-8551
Greenwood	8 th	528 Monument Street, Greenwood, SC 29646	864-942-8546
Hampton	14 th	1 Elm St., Courthouse Square, Hampton, SC 29924	803-914-2250
Horry	15 th	1301 Second Ave., Conway, SC 29526	843-915-5080
Jasper	14 th	265 Russell St., Ridgeland, SC 29936	843-726-7710
Kershaw	5 th	1121 Broad St., Camden, SC 29020	803-425-7223
Lancaster	6 th	104 N. Main St., Lancaster, SC 29720	803-285-1581
Laurens	8 th	100 Hillcrest Square, Laurens, SC 29360	864-984-3538
Lee	3 rd	123 S. Main St., Bishopville, SC 29010	803-484-5341
Lexington	11 th	205 E. Main St., Lexington, SC 29072	803-785-8212
Marion	12 th	103 N. Main St., Marion, SC 29571	843-423-8240
Marlboro	4 th	105 Main St., Bennettsville, SC 29512	843-479-5613
McCormick	11 th	133 S. Mine St., McCormick, SC 29835	864-852-2195
Newberry	8 th	1226 College St., Newberry SC 29108	803-321-2110
Oconee	10 th	205 W. Main St., Walhalla, SC 29691	864-638-4280
Orangeburg	1 st	151 Docket St., Orangeburg, SC 29115	803-533-6243

Pickens	13 th	214 E. Main St., Pickens, SC 29671	864-898-5867
Richland	5 th	1701 Main St., Columbia, SC 29201	803-576-1929
Saluda	11 th	100 E. Church St., Saluda, SC 29138	864-445-4500
Spartanburg	7 th	180 Magnolia St., Spartanburg, SC 29306	864-596-2591
Sumter	3 rd	141 N. Main St., Sumter, SC 29150	803-436-2237
Union	16 th	210 W. Main St., Union, SC 29379	864-429-1630
Williamsburg	3 rd	125 W. Main St., Kingstree, SC 29556	843-355-9321
York	16 th	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;
 - ✓ Certificate of Exemption;
 - ✓ Summons;
 - ✓ Complaint for Divorce; and
 - ✓ Financial Declaration.
- Notarize the 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 you are Filing your Lawsuit
- 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 have filed your initial paperwork with the Clerk of Court and have received certified copies of the documents back, you will need to serve **one** of the packets of the following documents on your spouse or spouse's attorney (if he or she has one already):

- Family Court Cover Sheet;
- Certificate of Exemption;
- Summons for Divorce;
- Complaint for Divorce; and
- Financial Declaration Form.

YOU CANNOT MOVE FORWARD WITH YOUR DIVORCE IF YOU DO NOT PROPERLY SERVE YOUR SPOUSE WITH A CERTIFIED COPY OF THE INITIAL PAPERWORK. ONCE YOU HAVE SERVED YOUR SPOUSE YOU HAVE TO FILE PROOF THAT YOU SERVED HIM/HER. This is called Service of Process and can be done in any of the five (5) following ways:

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

If your spouse is willing to accept service, provide your spouse with an Acceptance of Service form. Although the 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 your spouse accepted the documents **and** the location he/she received them **and** your spouse's mailing address for purposes of serving him/her for the Final Hearing.
- Your spouse **must** sign the form.

After you and your spouse complete the Acceptance of Service form, make an additional copy and take it to the Clerk of Court's office for filing. Ask the Clerk to file the original and to stamp the copy and give it back to you. The copy that the Clerk stamps and hands back is for your files. If you do not have access to a copy machine, you can ask the Clerk to make a copy for you; however, there will be a copying fee, which varies by county.

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

If you choose to serve your spouse 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 your spouse signed the card.

If someone other than your spouse signed the return receipt card (green card), the post office will 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 your spouse, 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.
- Check the first option on the Affidavit of Service form that says you served your paperwork via Certified Mail, Restricted Delivery, Return Receipt Requested
- Write in the date and the address that you mailed the paperwork to your spouse. 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 your spouse 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 your spouse**):

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" 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>1. Article Addressed to:</p> <p>Reggie Redbird 123 State St Normal IL 61761</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.</p>
<p>2. Article Number (Transfer from service label) # from certified mail slip</p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
PS Form 3811, February 2004	Domestic Return Receipt 10299-02-04-1540

- 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, make an additional copy and take it the Clerk of Court's office for filing. Ask the Clerk to file the original and to stamp the copy and give it back to you. The copy that the Clerk stamps and hands back is for your files. If you do not have access to a copy machine, you can ask the Clerk to make a copy for you; however, there will be a copying fee, which varies by county.

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 your spouse.

3) COMMERCIAL DELIVERY (Use the Affidavit of Service Form in Your Packet)

Somewhat similar to using Certified Mail, Restricted Delivery, Return Receipt Requested, you may choose to use a commercial delivery company like UPS or FedEx to serve the documents. You cannot mail the documents regular mail if you do it this way – you must explain that a signature is required and you will need proof of delivery.

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.

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.
- Check the second option on the Affidavit of Service form that says you served your paperwork using commercial delivery and attach the delivery record.
- Write in the date and the address that you mailed the paperwork to your spouse on the form.
- Attach the delivery record that you received from the commercial carrier (UPS or FedEx) showing that your spouse signed for the paperwork to the Affidavit of Service. You can do this by stapling it to the Affidavit.
- 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 and attach the proof of delivery paperwork you received from the commercial carrier, make an additional copy and take it the Clerk of Court's office for filing. Ask the Clerk to file the original and to stamp the copy and give it back to you. The copy that the Clerk stamps and hands back is for your files. If you do not have access to a copy machine, you can ask the Clerk to make a copy for you; however, there will be a copying fee, which varies by county.

4) SHERIFF'S OFFICE (Sheriff's Office will Provide the Affidavit of Service Form)

Contact the Sheriff's office in the county where your spouse lives or works. Be sure to provide the Sheriff's office with as much information as you can about your spouse to increase the likelihood that they will be able to serve him or her. For example, your spouse'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. You must then file the notarized Affidavit of Service that the Sheriff's Office provided to you 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.

After you receive the Affidavit of Service form from the Sheriff's Office, make an additional copy and take it the Clerk of Court's office for filing. Ask the Clerk to file the original and to stamp the copy and give it back to you. The copy that the Clerk stamps and hands back is for your files. If you do not have access to a copy machine, you can ask the Clerk to make a copy for you; however, there will be a copying fee, which varies by county.

5) 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.

After you receive the Affidavit of Service form from Process Server, make an additional copy and take it the Clerk of Court's office for filing. Ask the Clerk to file the original and to stamp the copy and give it back to you. The copy that the Clerk stamps and hands back is for your files. If you do not have access to a copy machine, you can ask the Clerk to make a copy for you; however, there will be a copying fee, which varies by county.

CHECKLIST: PART 2

- Serve Your Spouse in One (1) of Four (5) Ways:
 - ✓ Acceptance of Service;
 - ✓ U.S. Certified, Return Receipt, Restricted Mail;
 - ✓ Commercial Carrier;
 - ✓ Sheriff's Office; OR
 - ✓ Private Process Server
- 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 your spouse with the initial paperwork, 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. **DO NOT MOVE ON TO THIS STEP UNTIL THIRTY-FIVE DAYS HAVE PASSED.**

If you received an Answer from your spouse within the thirty-five (35) days, and that Answer indicates that your spouse:

- Does not agree with every paragraph in your Complaint, then your divorce is contested and you should consider hiring an attorney.
- Does agree with every paragraph in your Complaint, then your divorce is not contested and you can move forward with requesting your hearing date.

If you have NOT received an Answer from your spouse after thirty-five (35) days, file the Affidavit of Default for Divorce with the Clerk of Court. On the Affidavit of Default for Divorce form you will need to:

- Print the Docket Number in the caption;
- Print the month, day, and year the paperwork was delivered; and
- 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 for Divorce.**

Regardless of whether or not your spouse is contesting the divorce 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.

If you need an interpreter to be present at the hearing note this in the line marked "Comments and Issues." More information about how to complete and file a Motion and Order for an Interpreter (including the necessary forms) is on our website.

If you are filing an Affidavit of Default as well you can do this at the same time that you file your Request for Hearing form. Once you have completed the Affidavit of Default and Request for Hearing forms, make two (2) additional copies of each and take them the Clerk of Court's office for filing. Ask the Clerk to file the original and to stamp the copies and give them back to you. One copy is for your files and the other is to serve on your spouse. If you do not have access to a copy machine, you can ask the Clerk to make a copy for you; however, there will be a copying fee, which varies by county.

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 YOUR SPOUSE 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 your spouse or spouse's attorney **at least ten (10) days before** the hearing. The Notice of Hearing or completed Request for Hearing form must be sent to your spouse or spouse's attorney (if he or she has one) by Certified Mail, Return Receipt Requested. Restricted Delivery is **not** required this time.

YOU CANNOT GET YOUR DIVORCE WITHOUT SERVICING YOUR SPOUSE WITH NOTICE OF THE FINAL HEARING AND PROVIDING PROOF OF SERVICE TO THE JUDGE.

Once you have mailed the hearing notice to your spouse or spouse'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 that you mailed the paperwork to your spouse or your spouse'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 (Notice of Hearing) form 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 make an additional copy and take it the Clerk of Court's office for filing. Ask the Clerk to file the original and to stamp the copy and give it back to you. The copy that the Clerk stamps and hands back is for your files. If you do not have access to a copy machine, you can ask the Clerk to make a copy for you; however, there will be a copying fee, which varies by county.

If the envelope used to mail the Notice of Hearing to your spouse or your spouse'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 your spouse actually received the notice.

IF YOU GO TO THE FINAL HEARING WITHOUT EVIDENCE THAT YOU MAILED YOUR SPOUSE NOTICE OF THE FINAL HEARING VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED THEN THE JUDGE WILL NOT ALLOW YOU TO MOVE FORWARD.

CHECKLIST: PART 3

- File Request for Hearing with the Clerk of Court
- File Affidavit of Default (if applicable)
- Serve your spouse or your spouse'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 upcoming hearing you will need to prepare your paperwork and your testimony. For your paperwork, complete the following forms:

- The Judgment in a Family Court Case;
- Final Order of Divorce; and
- The Report of Divorce or Annulment of Marriage (DHEC Form 0682).

On the Judgment in a Family Court Case you will need to fill in the Docket Number on the caption.

Although most of it is already completed, on the Final Order of Divorce 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 applicable), if you know it, the name of your spouse's attorney.
- Write an "X" in the appropriate lines for whether or not your spouse is present, if he/she was represented by an attorney, how he/she was served, whether he/she filed an Answer, whether your spouse is in default.
- Write in the name of your witness in Paragraph Nine (9).

You will need to fill out as much information on the Report of Divorce or Annulment of Marriage (DHEC Form 0682) as possible. Fill in lines one (1) through fifteen (15) and then twenty-one (21) through twenty-seven (27). **Lines sixteen (16) through twenty (20) are for the Clerk of Court to fill out.** This will be given to the Judge when you have Court along with the Judgment in a Family Court Case and Final Order of Divorce forms.

You have to have a witness testify on your behalf when you present your case to the Judge.

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. This is your "witness." **Ask more than one person to testify on your behalf in case there are last-minute problems.** You cannot get your divorce unless you have a witness with you at the hearing to support your testimony.

It is important that you review the Sample Script for Plaintiff's Testimony and the Sample Script for Questioning the Witness before you actually go to Court so that you know what you are going to say when you get there.

TAKE BOTH SCRIPTS WITH YOU WHEN YOU GO TO COURT AND USE THEM WHEN PRESENTING YOUR CASE. It is fine to read directly from the Scripts when you are in front of the Judge. The scripts will help you stay on track so that you say the right things and ask the right questions. The Judge will be grateful that you brought them and used them.

GOING BEFORE THE JUDGE

On the day of your hearing:

- You and your witness should arrive at the courthouse at least thirty (30) minutes prior to your scheduled hearing time.
- Take copies of all your documents with you to court (most importantly proof that you served your spouse with the initial paperwork and notice of the hearing as well as the scripts).
- 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.
- Weapons of any nature (pocket knives, nail clippers, etc) are not allowed in the Courthouse.
- 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 child (ren) while you are in court.

When it is time for your hearing, the Bailiff (police officer) 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 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. You should 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 question(s) the judge asks you. When you are finished testifying, you will go back to your seat and then call your witness to the stand. You should use the **Sample Script for Questioning the Witness** in a Simple Divorce Action when asking your witness questions. Again, it is just fine to read directly from the Script. Give you witness time to answer each question after you

ask. Once you have asked all the questions on the script, you may ask the Judge that your witness be allowed to step down from the stand.

If the judge grants the divorce, you will need to hand the judge the following completed documents:

- Judgment in a Family Court Case;
- Final Order of Divorce; and
- The Report of Divorce or Annulment of Marriage (DHEC Form 0682).

The judge will sign the Final Order of Divorce and the Judgment in a Family Court Case. Make sure the Final Order of Divorce and the Judgment in a Family Court Case forms are filed with the Clerk of Court. Make sure you get two (2) certified, clocked copies of the Final Order for Divorce from the Clerk. Keep one copy for yourself and mail the second copy to your former spouse or his/her attorney.

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.

CHECKLIST: PART 4

- Complete the Following Forms:
 - ✓ Judgment in a Family Court Case
 - ✓ Final Order of Divorce, and
 - ✓ Report of Divorce or Annulment of Marriage (DHEC)
- Find a Witness for Your Hearing
- Arrive at the Hearing At Least 30 minutes Before Your Hearing Time
- Use the Plaintiff and Witness Scripts to Present your Testimony and Question your Witness
- Give the Following (**Completed**) Forms to the Judge at the Hearing:
 - ✓ Judgment In A Family Court Case
 - ✓ Final Order of Divorce, and
 - ✓ Report of Divorce or Annulment of Marriage (DHEC)
- Receive Your Certified, Clocked Copy of the Final Order for Divorce from Clerk
- Mail a copy of the Final Order for Divorce to your former spouse