

The Supreme Court of South Carolina

Re: Amendments to the South Carolina Rules of Family
Court

Appellate Case No. 2022-000029

ORDER

Pursuant to Article V, § 4A of the South Carolina Constitution, the South Carolina Rules of Family Court are amended to add Rule 28, as set forth in the attachment to this order. This amendment shall be submitted to the General Assembly as provided in Article V, §4A of the South Carolina Constitution.

s/ Donald W. Beatty _____ C.J.

s/ John W. Kittredge _____ J.

s/ Kaye G. Hearn _____ J.

s/ John Cannon Few _____ J.

s/ George C. James, Jr. _____ J.

Columbia, South Carolina
February 1, 2022

The South Carolina Rules of Family Court are amended to add Rule 28, which provides:

RULE 28
GRANTING CERTAIN RELIEF WITHOUT A HEARING

(a) Granting of Uncontested Divorces Based on Separation for One Year Without a Hearing. The family court may grant an uncontested divorce based on separation for one year without holding a hearing, including granting any requested name change, if:

- (1)** The relief sought is limited to a divorce and any related change of name. If other relief is sought, including but not limited to, child support, child custody or visitation, alimony, property distribution, or fees for attorneys or guardians ad litem, the divorce may not be granted without a hearing.
- (2)** The parties submit written testimony in the form of affidavits of the parties and corroborating witnesses that address jurisdiction and venue questions, date of marriage, date of separation, and the impossibility of reconciliation.
- (3)** The written testimony must include copies of the parties' and witnesses' state-issued photo identifications.
- (4)** Any decree submitted by an attorney shall be accompanied by a statement, as an officer of the court, that all counsel approve the decree and that all waiting periods have been satisfied or waived by the parties.
- (5)** Should either party request a name change in connection with a request for divorce agreement approval, that party shall submit written testimony to the family court in the form of an affidavit addressing the appropriate questions for the name change and the name which he or she wishes to resume. This relief shall be included in any proposed order submitted to the Court for approval at the time of the submission of the documents related to the relief requested.

(b) Approval of Agreements and Consent Orders Regarding Temporary Relief Without a Hearing. Based on the consent of the parties, temporary orders, including but not limited to those relating to child custody, child support, visitation, and alimony, may, in the discretion of the family court judge, be issued without a hearing. Any proposed order or agreement must be signed by the parties, counsel for the parties, and the guardian ad litem, if one has been appointed, and may be submitted and issued without the necessity of filing supporting affidavits, financial declarations, or written testimony.

(c) Consent Orders Regarding Procedural Matters. With the consent of the parties, a consent order relating to discovery, the appointment of counsel or a guardian ad litem (including the fees for, or the relief of, counsel or a guardian ad litem) or any other procedural matter may, in the discretion of the family court judge, be issued without requiring a hearing.

(d) Submission of Additional Information. Nothing in this order shall be construed as preventing a family court judge from requiring additional information or documents to be submitted before making a determination that the order can be issued without a hearing or from holding a hearing where the judge finds a hearing is appropriate.