

Session 116 - (2005-2006)

S 1050 General Bill, By Ritchie, Ford, Mescher, Knotts, Bryant and Setzler

Summary: Family Court Reform Act of 2006

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "FAMILY COURT REFORM ACT OF 2006", BY AMENDING SECTION 15-36-10, AS AMENDED, RELATING TO LIABILITY FOR ATTORNEY'S FEES AND COSTS OF FRIVOLOUS SUITS, SO AS TO CLARIFY THAT AN ACTION IN FAMILY COURT IS SUBJECT TO THE SOUTH CAROLINA FRIVOLOUS CIVIL PROCEEDINGS SANCTIONS ACT AND MANDATE SANCTIONS FOR MULTIPLE FINDINGS OF FRIVOLOUS SUITS; TO AMEND SECTION 20-3-130, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES IN DIVORCE CASES, SO AS TO ELIMINATE ADULTERY AS A PROHIBITION TO AN AWARD OF ALIMONY, TO CREATE A CATEGORY OF "LIMITED ALIMONY", TO CREATE A REBUTTABLE PRESUMPTION OF FINITE ALIMONY FOR SHORT-TERM MARRIAGES AND DEFINE SHORT-TERM MARRIAGES, TO MODIFY THE TIME PERIOD FOR MARITAL MISCONDUCT AS AN ALIMONY FACTOR TO THE DATE OF FILING AN ACTION FOR DIVORCE OR SEPARATE SUPPORT AND MAINTENANCE AND RELATING TO THE PAYMENT OF ALIMONY AND SEPARATE MAINTENANCE AND SUPPORT IN DIVORCE PROCEEDINGS, TO REQUIRE THAT ALL PAYMENTS MADE BY THE PAYOR MUST BE MADE THROUGH THE CLERK OF COURT UNLESS THE PAYOR SPOUSE DEMONSTRATES THAT HE WILL NOT DEFAULT ON THE OBLIGATION OR PROVIDE ADEQUATE SECURITY FOR THE PAYMENT OF THE SUPPORT, AND TO REQUIRE THAT IF THE PAYOR SPOUSE IS EVER TEN DAYS OR MORE LATE IN PAYING HIS OBLIGATION, THEN, UPON THE FILING OF AN AFFIDAVIT BY THE PAYEE SPOUSE, ALL FUTURE PAYMENTS, ALONG WITH A SERVICE FEE, MUST BE MADE THROUGH THE CLERK OF COURT; TO AMEND TITLE 20, RELATING TO THE CHILDREN'S CODE, BY ADDING CHAPTER 6 ENTITLED THE "SOUTH CAROLINA FAMILY COURT HEARING OFFICER ACT", SO AS TO ESTABLISH FAMILY COURT HEARING OFFICERS; TO AMEND CHAPTER 7 OF TITLE 20, RELATING TO THE PAYMENT OF CHILD SUPPORT, BY ADDING SECTION 20-7-93, SO AS TO REQUIRE THAT IN CHILD SUPPORT ORDERS, THE PAYMENT MUST BE MADE THROUGH THE CLERK OF COURT UNLESS THE PAYOR SPOUSE DEMONSTRATES THAT HE WILL NOT DEFAULT ON THE OBLIGATION OR PROVIDES ADEQUATE SECURITY FOR THE PAYMENT OF THE SUPPORT; TO AMEND SECTION 20-7-420, RELATING TO THE JURISDICTION OF FAMILY COURT IN DOMESTIC MATTERS, SO AS TO ADD A SUBSECTION CONCERNING FAMILY COURT JURISDICTION IN FRIVOLOUS MATTERS AND TO MANDATE THAT JUDGES SANCTION PARTIES WITH TWO OR MORE PRIOR DETERMINATIONS OF FILING A FRIVOLOUS CLAIM OR MOTION; TO AMEND SECTION 20-7-472, RELATING TO THE EQUITABLE APPORTIONMENT AND CRITERIA OF MARITAL PROPERTY, SO AS TO MODIFY THE TIME PERIOD FOR MARITAL MISCONDUCT AS AN EQUITABLE DISTRIBUTION FACTOR TO THE DATE OF FILING AN ACTION FOR DIVORCE OR SEPARATE SUPPORT AND MAINTENANCE; TO AMEND SECTION 20-7-570, RELATING TO A FALSE REPORT OF SUSPECTED CHILD ABUSE OR NEGLECT MADE MALICIOUSLY OR IN BAD FAITH, SO AS TO MANDATE THAT JUDGES SANCTION THE REPORTING PARTY UPON A SECOND OR SUBSEQUENT DETERMINATION OF MAKING A FALSE REPORT MALICIOUSLY OR IN BAD FAITH; AND TO AMEND TITLE 20, BY ADDING CHAPTER 8 ENTITLED THE "SOUTH CAROLINA FAMILY LAW MEDIATION ACT", SO AS TO MANDATE MEDIATION IN ALL DOMESTIC RELATIONS ACTIONS IN FAMILY COURT, TO PROVIDE FOR EXCEPTIONS WHERE MEDIATION IS NOT REQUIRED AND EXCEPTIONAL CIRCUMSTANCES WHERE MEDIATION MAY BE WAIVED, TO PROVIDE A TIMEFRAME WITHIN WHICH MEDIATION MUST BE ACCOMPLISHED, AND TO PROVIDE THAT NO FINAL HEARING IN A DOMESTIC RELATIONS ACTION SHALL BE SCHEDULED UNTIL MEDIATION IS COMPLETED IN THE MATTER, UNLESS IT IS EXEMPTED OR EXCEPTED FROM MEDIATION.

01/17/06	Senate	Introduced and read first time SJ-8
01/17/06	Senate	Referred to Committee on Judiciary SJ-8
01/31/06	Senate	Referred to Subcommittee: Ritchie (ch), Rankin, Lourie, Scott
02/15/06	Senate	Committee report: Favorable with amendment Judiciary SJ-12
02/16/06		Scrivener's error corrected
02/23/06	Senate	Amended SJ-7
02/24/06		Scrivener's error corrected
03/01/06	Senate	Debate adjourned SJ-28
03/02/06	Senate	Debate interrupted SJ-32
03/08/06	Senate	Amended SJ-42
03/08/06	Senate	Read second time SJ-42
03/09/06	Senate	Amended SJ-16
03/09/06	Senate	Read third time and sent to House SJ-16

03/14/06 House Introduced and read first time HJ-21

03/14/06 House Referred to Committee on Judiciary HJ-23