

Session 118 - (2009-2010)

S 1183 General Bill, By Malloy, McConnell, Ford and Pinckney

Summary: Divorce

A BILL TO AMEND SECTION 20-3-130, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AWARD OF ALIMONY AND OTHER ALLOWANCES IN DIVORCE CASES, SO AS TO PERMIT A COURT TO AWARD ALIMONY TO A PARTY WHO COMMITS ADULTERY IF THE ADULTERY OCCURS AFTER ONE YEAR FROM THE DATE OF FILING OR AN ACTION FOR DIVORCE OR SEPARATE MAINTENANCE AND SUPPORT, IF THE COURT FINDS THE ADULTERY DID NOT MATERIALLY AFFECT THE ECONOMIC CIRCUMSTANCES OF THE PARTIES OR DID NOT MATERIALLY CONTRIBUTE TO THE BREAK UP OF THE MARRIAGE; 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 PROVIDES 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; AND TO REQUIRE THAT WHEN CONSIDERING FACTORS FOR AWARDED ALIMONY OR SEPARATE MAINTENANCE AND SUPPORT, THE COURT MUST GIVE ADDITIONAL WEIGHT TO THE AWARD AND THE AMOUNT OF ALIMONY OR SEPARATE MAINTENANCE AND SUPPORT IF THE SPOUSE SEEKING ALIMONY OR SUPPORT HAD NOT ENGAGED IN ADULTERY AND THE OTHER SPOUSE HAS ENGAGED IN ADULTERY PRIOR TO THE FORMAL SIGNING OF A WRITTEN PROPERTY OR MARITAL SETTLEMENT AGREEMENT; AND TO AMEND SECTION 63-5-10, RELATING TO THE PROVISION OF CHILD SUPPORT, SO AS TO REQUIRE THAT ALL PAYMENTS MADE BY THE PAYOR MUST BE MADE THROUGH THE CLERK OF COURT UNLESS THE PAYOR DEMONSTRATES THAT HE WILL NOT DEFAULT ON THE OBLIGATION OR PROVIDES ADEQUATE SECURITY FOR THE PAYMENT OF THE SUPPORT, AND TO REQUIRE THAT IF THE PAYOR IS EVER TEN DAYS OR MORE LATE IN PAYING HIS OBLIGATION, THEN, UPON THE FILING OF AN AFFIDAVIT BY THE PERSON RECEIVING THE SUPPORT FOR THE CHILD, ALL FUTURE PAYMENTS, ALONG WITH A SERVICE FEE, MUST BE MADE THROUGH THE CLERK OF COURT.

- 02/17/10SenateIntroduced and read first time SJ-2
- 02/17/10SenateReferred to Committee on Judiciary SJ-2
- 02/19/10SenateReferred to Subcommittee: Campbell (ch), Knotts, Campsen, Lourie, Massey
- 03/31/10SenateCommittee report: Majority favorable, minority unfavorable Judiciary SJ-8
- 04/01/10Scrivener's error corrected