

**INSTRUCTIONS FOR COMPLETING THE
SELF-REPRESENTED LITIGANT REQUEST FOR
VISITATION PACKET**

PLAINTIFF

The Plaintiff is the parent who wants visitation and files the case with the Court. The Defendant is the other parent or person with custody of the child or children, also called the custodial party. **The instructions in this packet are for the Plaintiff.**

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, please consult an attorney. Please note that clerks of court, court staff, and judges may give you information about the court and its procedures but 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. Visitation 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. Before filing, make sure that you have the most current version at www.sccourts.org.

The information in this packet is intended for use by parents seeking visitation and is not intended for use by grandparents or other relatives seeking visitation. It is recommended that a grandparent or other relative seek advice from an attorney to seek visitation.

The following instructions will help you file for visitation in South Carolina without an attorney. This is called *pro se* or self-represented litigant (SRL). While the self-represented litigant may not incur the attorney expense, someone acting without an attorney does not have the expert guidance that an attorney can provide. The other party may choose to hire an attorney. If your visitation request is denied, you could be required to pay the other party's attorney's fees and costs.

If you do not know an attorney who can assist you, you may call the South Carolina Bar's Lawyer Referral Service at 1-800-868-2284 and ask for a Family Law attorney in your county. Members of the South Carolina Bar's Lawyer Referral Service have been in practice for more than 3 years, are in good standing, have provided proof of malpractice insurance, and have agreed to provide a 30 minute consultation for no more than \$50. If you cannot afford an attorney, you may contact South Carolina Legal Services (SCLS) through the Legal Aid Telephone Intake Service at 1-888-346-5592. Please note that to qualify for a legal aid attorney through SCLS, your income must not be more than 125% of the Federal Poverty Guidelines.

PART 1: BEFORE YOU FILE



You are strongly encouraged to speak with an attorney if your name is on a child abuse registry, sex offender registry, or if there is currently a restraining order or bench warrant out against you.

Does your child(ren) currently live in South Carolina?

The information in this packet only applies to those seeking visitation with child(ren) who live in South Carolina. Generally, the child(ren) must have lived in South Carolina for the past six months. If your child(ren) is in South Carolina, you must file for visitation in the county where the child(ren) lives.

Is there already a court order for visitation?

The forms in this packet are for someone who is asking the court to establish visitation. They are not the right forms if you already have a court order and want to change the visitation schedule.

If you already have a court order and the custodial party is not following the visitation schedule or not allowing you to visit the child(ren), you may want to contact an attorney or the Clerk of Court in the county where your order is for more information.

If you are the father and have questions about paternity, see the Frequently Asked Questions for Paternity on the Self-Help Resources page.



Filing these papers and having a hearing does not mean you will get visitation. The Judge will decide. The custodial party may ask for child support even if the Judge denies your request for visitation.

PART 2: COMPLETING YOUR PAPERWORK

The following forms are included in this packet:

Step 1 – FILING

1. Family Court Coversheet (SCCA 467)
2. Summons (SCCA 401F)
3. Complaint – Visitation (SCCA 400.41 SRL-VIS)
4. Motion and Affidavit to Proceed *In Forma Pauperis* (SCCA 405F)
5. Financial Declaration (SCCA 430)

Step 2 – SERVICE

6. Service of Process Forms
 - a. Acceptance of Service (SCCA 400.42 SRL-VIS)
 - b. Affidavit of Service by Mailing (SCCA 400.43 SRL-VIS)
 - c. Affidavit of Service (SCCA 402F)

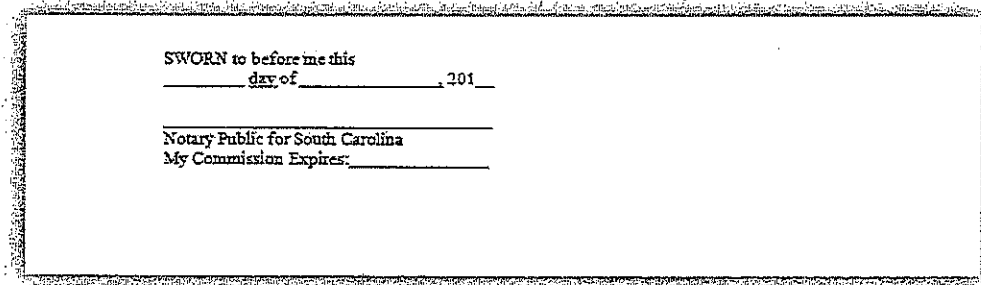
Step 3 – REQUEST FOR HEARING

7. Request for Hearing (Visitation) (SCCA 400.44 SRL-VIS)
8. Affidavit of Service by Mailing (Notice of Hearing) (SCCA 400.45 SRL-VIS)

Step 4 – HEARING

9. Script for Plaintiff's Testimony Hearing (Visitation) (SCCA 400.46 SRL-VIS)
10. Order – Visitation (SCCA 400.47 SRL-VIS)

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. Some of your documents will have to be notarized. This means that a notary must watch you sign the documents and provide the notary's seal. You will need to bring picture identification. You can find a notary at a bank, funeral home, post office, or courthouse. The notary may charge no more than \$5 per form (cash only). Below is an image of a notary block. If you see this on a form, it must be notarized.



It is important that you make copies of all paperwork. Keep the copies of the paperwork in a safe place and bring your copy to court with you. If any necessary information is missing, you risk your case being dismissed or delayed. If your case is dismissed, you may have to begin again by filing your information with the Clerk of Court a second time and paying the filing fee of \$150.00 again.

STEP 1 - FILING

You will start with the first five forms:

- 1) Family Court Coversheet (SCCA 467)
- 2) Summons (SCCA 401F)
- 3) Complaint – Visitation (SCCA40.41 SRL-VIS)
- 4) Motion and Affidavit to Proceed In Forma Pauperis (SCCA 405F) (if applicable)
- 5) Financial Declaration (SCCA 430)

Fill in the name of the county where you are filing the case in the upper left hand corner of each of these documents. This is the county where your child(ren) lives. Then print your name in the space labeled Plaintiff. Next, print the name of the child(ren)'s other parent or the custodial party in the blank above the word Defendant. This section of all legal forms is called the caption. **This caption should be completed on all forms filed with the court.**

SEE THE CHART STARTING ON PAGES 12-13 TO FIND YOUR JUDICIAL CIRCUIT.

STATE OF SOUTH CAROLINA COUNTY OF _____)	IN THE FAMILY COURT
_____)	_____ JUDICIAL CIRCUIT
)	
Plaintiff,)	COMPLAINT
)	(Visitation)
vs.)	
_____)	
)	
Defendant.)	Docket No.: _____
_____)	

Family Court Coversheet

On the Family Court Coversheet (SCCA 467), print your contact information in the spaces below the caption. Print your full name, address, email address (if you have an email address), and a reliable phone number.

If the county where you are filing is a mandatory mediation county, check the first box under DOCKETING INFORMATION. A list of these counties is at the top of the second page of the Family Court Coversheet. If you are filing in one of these counties, you are required to participate in mediation. There may be a fee for mediation.

A family mediator is a person who helps both parents reach an agreement about visitation. This process often helps the case move more quickly. Also, it teaches the parents how to work out problems. When the parents can work together to solve problems, the child(ren) feel less stress.

Sign and date the Coversheet at the bottom of the page.

Submitted by: _____	SC Bar # _____
Address: _____	Telephone # _____
Email: _____	Fax # _____
	Other: _____

DOCKETING INFORMATION (Check one bar below if filing in a Mandatory Mediation County)

This case is subject to MEDIATION pursuant to the Family Court Alternative Dispute Resolution Rules.

This case is exempt from ADR (certificate attached).

Nature of Action Codes
(Check One)

<p>Marital Dissolution</p> <p><input type="checkbox"/> Divorce (110)</p> <p><input type="checkbox"/> Annulment (120)</p> <p><input type="checkbox"/> Separate Support and Maintenance (130)</p> <p><input type="checkbox"/> Registration of Foreign Divorce Decree - without support/custody (190)</p> <p><input type="checkbox"/> Registration of Foreign Divorce Decree - with support/custody (191)</p> <p><input type="checkbox"/> Marital Dissolution - Other (199)</p> <p>Abuse and Neglect</p> <p><input type="checkbox"/> Abuse and Neglect - Child (210)</p> <p><input type="checkbox"/> Abuse and Neglect - Adult (220)</p> <p><input type="checkbox"/> Abuse and Neglect - Other (299)</p> <p>Juvenile Delinquency</p> <p><input type="checkbox"/> Juvenile (311)</p>	<p>Support</p> <p><input type="checkbox"/> Child Support - Private (501)</p> <p><input type="checkbox"/> Child Support - Administrative Process (502)</p> <p><input type="checkbox"/> Child Support - Judicial Process (503)</p> <p><input type="checkbox"/> Registration of Foreign Order of Support (504)</p> <p><input type="checkbox"/> UIFSA - Outgoing (505)</p> <p><input type="checkbox"/> UIFSA - Incoming (506)</p> <p><input type="checkbox"/> Modification of Child Support - Private (507)</p> <p><input type="checkbox"/> Modification of Child Support - DSS (508)</p> <p><input type="checkbox"/> Modification of Alimony (525)</p> <p><input type="checkbox"/> College Expenses (530)</p> <p><input type="checkbox"/> Support - Other (599)</p> <p>Custody/Visitation</p> <p><input checked="" type="checkbox"/> Child Custody/Visitation (610)</p> <p><input type="checkbox"/> Modification of Custody/Visitation (615)</p> <p><input type="checkbox"/> Registration of Foreign Child Custody Order (690)</p>
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Summons

On the Summons (SCCA 401F), fill in the name of the city where you live, then date and sign. Print your name and your address.

Complaint

Fill in the blanks and boxes in paragraphs 1 through 5 in the Complaint - Visitation (SCCA 400.41 SRL-VIS).

Paragraph 6 lists basic visitation. If you want something different, write it in paragraph 7.

At the bottom of the Complaint, fill in the name of the city where you live. Date and sign the Complaint.

Motion to Proceed *In Forma Pauperis*

The filing fee is \$150. If you are unable to pay the filing fee, you may file the "Motion and Affidavit to Proceed *In Forma Pauperis*" (Form SCCA 405F) with your signed and notarized Financial Declaration. By filling out and signing this form and having it notarized, you are swearing under oath that you do not have the funds available to pay the filing fee (\$150). Do not sign this form until you are in front of a notary public. The notary must watch you sign the form.

Do not fill in anything in the bottom section named **ORDER**. The Judge will review your motion and complete the order section. If the motion is denied, you must pay the filing fee (\$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 again by re-filing your information. If the Judge grants your motion, you may proceed without paying the filing fee.

Financial Declaration

The Financial Declaration (SCCA 430) asks questions about the finances of both parties. Only fill out the sections of the form that apply to you. Attach a copy of your most recent pay stub or benefits statement. Fill in your gross monthly income. This is the amount of money you earn before taxes, social security, or any deductions are taken out. When figuring your monthly income and expenses, multiply any weekly amounts by 4.33 to get the monthly amount. Do not sign this form until you are in front of a notary public. The notary must watch you sign the form.

Completing the Filing Process

The next step is to file the papers with the appropriate Clerk of Court, Family Court Division, and to pay the filing fee (\$150), if applicable. You will file this in the county where your child(ren) lives. Physical locations of all South Carolina Family Courts can be found on pages 12-13 of these instructions, in the telephone book, or online at www.sccourts.org.

Make two copies of the entire packet. Take the copies and the originals to the Clerk of Court in the county where your child(ren) lives. If you are paying the fee, the Clerk of Court will: (1) assign your case a docket number; (2) record the docket number on the upper right hand corner of all of the forms; (3) keep the originals; and (4) return two copies of the forms to you. The Clerk will keep the original and return two clocked copies to you. One copy is for you to keep. The other copy is to serve on the Defendant.

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.

The filing fee is \$150. You cannot pay with a personal check, credit or debit card; you can pay with cash, a bank check, or a money order.

If you cannot afford the filing fee, then you can file the Motion and Affidavit to Proceed *In Forma Pauperis*. You will not have to pay to file, but you may have to pay the fee after the Judge reviews your information and signs the Order. You should take a large brown envelope with enough postage to mail everything back to you. The envelope should be addressed to you. You will receive the envelope in the mail in about two weeks. Look at the Motion and Affidavit to Proceed *In Forma Pauperis*. If the box at the bottom marked "granted" is checked, your documents should have a date stamp and a docket number on them. Now you can serve the papers on the Defendant.

If the motion is denied, you must pay the filing fee (\$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 again by re-filing your information.

STEP 2: SERVICE OF PROCESS



READ THIS SECTION CAREFULLY. If you do not serve these papers correctly, you may not be able to proceed.

There are two steps for service of process.

- (1) Serve the Defendant with one clocked copy of the Family Court Coversheet, Summons, Complaint (Visitation), and the Financial Declaration.
- (2) Prove to the court the Defendant was properly served.

You must serve the Defendant in one of five ways. If one way is not successful, try another one. The most effective way to serve the Defendant is through the Sheriff's Office or by private process server. **There will be a fee for this service.**

1) SHERIFF'S OFFICE

Contact the Sheriff's office in the county where the Defendant lives or works to serve the papers. There will be a fee for this service. When the Sheriff serves the papers you filed with the court, ask the office to complete the bottom half of the Affidavit of Service (SCCA 402F) form before a notary, have the form notarized, and return the form to you. Many Sheriff's Offices use their own Affidavit of Service Form. File the Affidavit of Service with the Clerk of Court. Keep a copy for your own file.

2) PRIVATE PROCESS SERVER

Private process servers are listed in the telephone book and online. There will be a fee for this service. It is usually more expensive than the Sheriff's Office. Give the process server the Affidavit of Service (SCCA 402F) from this packet, along with the papers you filed with the court. The process server will give you the completed Affidavit of Service Form or their own form after they have served the papers. File the Affidavit of Service with the Clerk of Court. Keep a copy for your own file.

3) SERVICE BY COMMERCIAL DELIVERY SERVICE

You may use a commercial delivery company like UPS or FedEx to serve the papers you filed with the court. The company must be one approved by the Internal Revenue Service. You may check to be sure the company is approved at the IRS website: <https://www.irs.gov/uac/Private-Delivery-Services-PDS>

You need the delivery record. The delivery record will show the date, time and place of delivery, the name of the person served and will have 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. You can get a

copy of the delivery record at the delivery company's office, by calling the delivery company, or going online and printing a copy. You will need the tracking number that is printed on your receipt.

Complete an Affidavit of Service By Mailing (SCCA 400.43 SRL-VIS) showing the documents served with the delivery record attached. Do not sign the Affidavit of Service By Mailing form until you are in front of a notary public. The notary must watch you sign the form. This affidavit and delivery record must be filed with the Clerk of Court. Keep a copy for your own file.

4) U.S. MAIL

You may use U.S. Mail. If you do, you **must** send these 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 the Defendant signed the card. **If anyone other than the Defendant signed the return receipt card (green card), you do not have good service and must try again.**

If you receive the return receipt card (green card) and it was signed by the Defendant, record the docket number you received from the Clerk of Court and the words "Summons and Complaint" across the top of the return receipt (green card) and then make a copy of the card for your file.

Next, complete and sign the Affidavit of Service by Mailing form (SCCA 400.43 SRL-VIS) before a notary. **Do not sign this form until you are in front of a notary. The notary must watch you sign the Affidavit of Service by Mailing.** Attach the return receipt card (green card) to the notarized Affidavit of Service by Mailing and take it to the Clerk of Court's office for filing.

FRONT

<p>SENDER: COMPLETE THIS SECTION</p> <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 envelope or on the front if space permits. <p>Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>Defendant's Name and Address</p> </div> <p>2. Article Number (Number/Accession Number)</p>	<p>COMPLETE THIS SECTION FOR DELIVERY</p> <p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X _____</p> <p>B. Received by / Printed Name: _____ C. Date of Delivery: _____</p> <p>D. Is Delivery address different from above? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below: _____</p> <p>E. Service Type</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Certified Mail</td> <td><input type="checkbox"/> Express Mail</td> </tr> <tr> <td><input type="checkbox"/> Registered</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td><input type="checkbox"/> COD</td> </tr> <tr> <td colspan="2">Restricted Delivery? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</td> </tr> </table>	<input checked="" type="checkbox"/> Certified Mail	<input type="checkbox"/> Express Mail	<input type="checkbox"/> Registered	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Insured Mail	<input type="checkbox"/> COD	Restricted Delivery? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
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<input type="checkbox"/> Insured Mail	<input type="checkbox"/> COD								
Restricted Delivery? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									

PS Form 3811, February 2004

Check, highlight and circle these fields

U.S. Postal Service

CERTIFIED MAIL - RECEIPT

(Domestic Mail Only; NO International Certified Mail)

For details, visit www.usps.com and find products and services under **cert mail**.

OFFICIAL USE

<p>Postage \$ _____</p> <p>Certified Mail \$ _____</p> <p>Return Receipt for Merchandise \$ _____</p> <p>Insured Mail \$ _____</p> <p>Total Postage & Fees \$ _____</p>	<p>Postage Fee \$ _____</p>
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7007 0710 0000 3466 4828

Check with your local Post Office for the fees

Defendant's Name and Address

BACK

* Sender Please print your name, address, and ZIP+4 in this box *

Your Name and Address

Keep a copy for your own file.

5) ACCEPTANCE OF SERVICE

If the Defendant is willing to accept service, have the Defendant complete the Acceptance of Service Form (SCCA 400.42 SRL-VIS). Handing the papers to the Defendant yourself is not good service of process unless the Defendant is willing and completes the acceptance form. Take the completed form to the Clerk of Court's office

for filing. File the Acceptance of Service with the Clerk of Court and keep a copy for your files.



If the Defendant is not served properly, you will not be able to proceed.

STEP 3 – REQUEST FOR HEARING

Complete the Request for Hearing (Visitation) (SCCA 400.44 SRL-VIS). Print your name in the space marked "Plaintiff." Print your address, telephone number, and email address where requested. Complete the information for the Defendant or the Attorney for Defendant. Print any comments or issues that you would like to bring to the Court's attention and sign your name at the bottom of the form where it says "Plaintiff."

Take the original and a copy of the Request for Hearing to file with the Clerk of Court. The Clerk will clock your copy as filed and give it back to you for your records. The Clerk of Court will inform you of your hearing date. The hearing date may be several weeks or months away.



After you receive the Notice of Hearing from the Court,

- (1) Immediately send a copy of the Notice of Hearing to the Defendant or Defendant's attorney.**
- (2) The Notice of Hearing must be sent by certified mail, return receipt requested.**
- (3) Complete the Affidavit of Service by Mailing (Notice of Hearing) (SCCA 400.43 SRL-VIS) and sign before a notary. The notary must watch you sign. Attach a copy of the returned mail receipt and the green card if you receive it from the post office.**
- (4) File the Affidavit of Service by Mailing (Notice of Hearing) (SCCA 400.43 SRL-VIS) prior to the hearing. Keep a copy for your own file.**

If the envelope used to mail the Notice of Hearing to the Defendant or Defendant's attorney is returned 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 to the Defendant's last known address (or their attorney's address). You do not have to show that the Defendant or Defendant's attorney actually received the notice.

STEP 4 – HEARING

This packet has a Script for Plaintiff's Testimony (SCCA 400.46 SRL- VIS) that you should use at the hearing. Review and complete the script before your hearing.

Complete the Order (Visitation) (SCCA 400.47 SRL-VIS). On the Order, print the date assigned for your hearing and list the first name and initial of the last name and the year of birth for each child.

On the day of your hearing:

- (1) Arrive at the courthouse at least thirty (30) minutes prior to your scheduled time.
- (2) Bring copies of your court documents.
 - If you have any other documents that you want the Judge to see, bring the original and two copies to court.
- (3) Dress appropriately.
 - Appropriate dress includes suits, jackets, dresses, dress slacks, and neatly tucked shirts.
 - Do NOT wear casual clothing such as sweat clothes, tank tops, shorts, and similar summer beachwear.
 - Remove hats when entering the courthouse, unless they are required for a medical condition.
- (4) Make arrangements for a responsible adult to watch your child(ren) while you are in court.
- (5) Turn off your cell phone.

When it is time for your hearing, the Courtroom Deputy will call your name. At that time, enter the courtroom and wait for instructions. Before you begin, you will be sworn in. When the Judge is ready, the Judge will tell you to begin or to present your case. You will read the script as your testimony. Some Judges will ask you questions instead.



You are required to make your case for visitation.

Make sure you tell the Judge everything that shows that you should be given visitation with your child(ren). **Bring a copy of your work schedule with you to court. This should be on your company letterhead or printed from your company's website. This will be used to show the Judge when you are not working and can visit with the child(ren). This is especially important if you work a swing shift or work weekends.** If you have any papers that you want the Judge to see, hand the original and a copy to the Courtroom Deputy who will give the original to the Judge and a copy to the Defendant. Be sure to keep another copy for yourself in case the Judge or the Defendant asks you questions about it.

The Judge may stop you from time to time to ask a question. Listen carefully and answer the questions the Judge asks you. The Defendant or the Defendant's attorney has the right to ask you questions, called cross-examination. When you are finished testifying, the Judge will indicate that you may leave the witness stand or sit down at the table. The Defendant will have a chance to testify as well, and you will have a chance to ask the Defendant questions. At the end of the hearing, the Judge may tell you the decision or state that a decision will come later.

If the judge grants your request at the hearing, the Judge will likely sign the Order (Visitation). You may ask the Deputy to hand the Judge the order to finish completing. Make sure the Order (Visitation) is filed with the Clerk of Court.

The Clerk of Court will provide you and the Defendant or the Defendant's attorney with a clocked copy of the Order (Visitation). If the Judge does not sign the Order at the hearing, the Judge will give the signed Order to the Clerk, and the Clerk will mail a copy to you and to the Defendant.



The Order must be signed by the Judge and filed with the Clerk of Court before you have the scheduled visitation.

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 South 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

Plaintiff Visitation Checklist

- Complete the forms in Section 1 of this packet -- Family Court Coversheet, Summons, Complaint, Motion and Affidavit to Proceed *In Forma Pauperis* (if needed), and Financial Declaration Form.
- Make two copies of these forms.
- File these forms with the Clerk of Court in the appropriate county and pay the \$150 filing fee unless the motion to proceed *In Forma Pauperis* has been granted.
- Serve copies of these forms on the Defendant in one of five ways: (1) Sheriff's office, (2) Private Process Server, (3) Commercial Delivery Service, (4) U.S. Mail, (5) Acceptance of Service.
- Complete the Request for Hearing and file it with the Proof of Service with the Clerk of Court.
- Once you receive the Notice of Hearing from the Clerk of Court, mail a copy of this Notice to the Defendant or the Defendant's attorney by certified mail. File the Affidavit of Mailing with the Clerk of Court.
- To prepare for your hearing, complete the Script and the Order (Visitation).
- On the day of your hearing, you should arrive at least 30 minutes early, dress appropriately, turn off your cell phone, and remove your hat. Do not bring your children.
- At the hearing, you will testify using the Script for Plaintiff's Testimony. The Defendant or the Defendant's attorney and the Judge may ask you questions.
- The Judge will also allow the Defendant to present his/her case, and you will have an opportunity to ask questions.
- At the end of the hearing, the Judge may grant or deny your request or tell you a decision will come later. The Judge may sign the Order (Visitation) or make his or her own Order.
- If the judge signs your Order (Visitation), be sure that the signed Order is filed with the Clerk of Court's office and you receive a clocked copy for your files.
- If the Judge does not sign the Order at the hearing, a copy will be mailed to you.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
 Plaintiff,)
)
 vs.)
)
 _____)
 Defendant.)

IN THE FAMILY COURT
 _____ JUDICIAL CIRCUIT

FAMILY COURT COVERSHEET

Docket No. _____

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for docketing purposes for the Clerk of Court and must be signed and dated, and filled out completely. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

Submitted by: _____ SC Bar # _____
 Address: _____ Telephone # _____
 _____ Fax # _____
 Email: _____ Other: _____

DOCKETING INFORMATION (Check one box below if filing in a Mandatory Mediation County)

- This case is subject to MEDIATION pursuant to the Family Court Alternative Dispute Resolution Rules.
- This case is exempt from ADR (certificate attached).

**Nature of Action Codes
 (Check One)**

Marital Dissolution

- Divorce (110)
- Annulment (120)
- Separate Support and Maintenance (130)
- Registration of Foreign Divorce Decree – without support/custody (190)
- Registration of Foreign Divorce Decree – with support/custody (191)
- Marital Dissolution – Other (199) _____

Abuse and Neglect

- Abuse and Neglect – Child (210)
- Abuse and Neglect – Adult (220)
- Abuse and Neglect – Other (299) _____

Juvenile Delinquency

- Truancy (311)
- Incurable (312)
- Runaway (313)
- Criminal Offense (320)
- Juvenile Delinquency – Other (399) _____

Protection from Domestic Abuse

- Domestic Abuse – Intimate Partner (410)
- Domestic Abuse – Minor (420)
- Registration of Foreign Order of Protection (490)
- Domestic Abuse – Other (499) _____

Support

- Child Support – Private (501)
- Child Support – Administrative Process (502)
- Child Support – Judicial Process (503)
- Registration of Foreign Order of Support (504)
- UIFSA – Outgoing (505)
- UIFSA – Incoming (506)
- Modification of Child Support – Private (507)
- Modification of Child Support – DSS (508)
- Modification of Alimony (525)
- College Expenses (530)
- Support – Other (599) _____

Custody/Visitation

- Child Custody/Visitation (610)
- Modification of Custody/Visitation (615)
- Registration of Foreign Child Custody Order (690)
- Custody/Visitation – Other (699) _____

Miscellaneous Actions

- Name Change (710)
- Correction/Birth Record (720)
- Judicial Bypass (730)
- Adoption (740)
- Foreign Adoption (741)
- Post Dissolution Equitable Distribution (750)
- Paternity – Private (761)
- Paternity – DSS (762)
- Termination of Parental Rights – Private (771)
- Termination of Parental Rights – DSS (772)
- Miscellaneous Actions – Others (799) _____

Submitting Party Signature: _____ Date: _____

Custodial Parent (if applicable): _____

Note: Frivolous civil proceedings are subject to sanctions pursuant to Rule 11, SCRCP and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10 et seq.

Effective January 1, 2016, family court actions in all counties are subject to mediation. Under the provisions of the Supreme Court's Rules for Alternative Dispute Resolution (ADR), mediation is defined as [an] informal process in which a third-party mediator facilitates settlement discussions between parties. Any settlement is voluntary. In the absence of settlement, the parties lose none of their rights to trial.

Also under the ADR Rules, the parties may agree on a mediator or the Clerk of Court will appoint a mediator from the certified list. If the Clerk appoints a mediator from the list, the mediator will be certified by the Board of Arbitrator and Mediator Certification and may be either a lawyer, a licensed mental health professional or any other individual meeting the certification requirements.

Whether or not the mediator is a lawyer, if appointed by the court, the charge per hour is set at a specified amount under the provisions of ADR Rule 9. Parties are responsible for payment of the mediator as set out in ADR Rule 9.

SUPREME COURT RULES REQUIRE MEDIATION OF ALL CONTESTED DOMESTIC RELATIONS ACTIONS. IF THE DOCKETING INFORMATION ON PAGE 1 OF THIS COVERSHEET INDICATES THAT THIS CASE IS SUBJECT TO **MEDIATION** YOU ARE NOTIFIED THAT MEDIATED SETTLEMENT CONFERENCES ARE REQUIRED IN THIS CASE, AND THAT THE COURT-ANNEXED ADR RULES SHALL APPLY TO ALL CASES IN WHICH MEDIATION IS REQUIRED. FOR ADDITIONAL INFORMATION CONCERNING THE PROCESS AND TIME FRAMES, PLEASE CONSULT THE ADR RULES. KEY SECTIONS OF THE RULES ARE IDENTIFIED BELOW.

CONTESTED ACTIONS INVOLVING CUSTODY AND VISITATION

Rule 3	Actions Subject to ADR
Rule 4(d)(1)(3)(4) &(5)	Appointment of Mediator by Family Court
Rule 5(g)	Scheduling in Family Court
Rule 6(g)	Agreement in Family Court
Rule 7(f)	Reporting Results of Conference
Rule 9	Compensation of Neutral

ALL OTHER CONTESTED ACTIONS

Rule 3	Actions Subject to ADR
Rule 4(d)(2)(3)(4) &(5)	Appointment of Mediator by Family Court
Rule 5(g)	Scheduling in Family Court
Rule 6(g)	Agreement in Family Court
Rule 7(f)	Reporting Results of Conference
Rule 9	Compensation of Neutral

Indigent Cases: Where a mediator has been appointed, a party may move before the Chief Judge for Administrative Purposes to be exempted from payment of neutral fees and expenses based upon indigency. Applications for indigency shall be filed no later than ten (10) days after the ADR conference has been concluded. Determination of indigency shall be in the sole discretion of the Chief Judge for Administrative Purposes.

Please Note: Attendance at mediated settlement conferences is mandatory. You must comply with the Supreme Court rules regarding court-ordered mediation. Failure to do so may affect your case and may result in sanctions.

Note: Frivolous civil proceedings are subject to sanctions pursuant to Rule 11, SCRCP and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. § 15-36-10 et seq.

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)

IN THE FAMILY COURT

JUDICIAL CIRCUIT

Plaintiff,)
vs.)

Defendant.)

SUMMONS

Docket No. _____

TO THE DEFENDANT ABOVE-NAMED: _____

YOU ARE HEREBY SUMMONED and notified that an action has been filed against you in this court. Thirty (30) days after the day you receive this Summons and Complaint, you must respond in writing to this Complaint by filing an Answer with this court. You must also serve a copy of your Answer to this Complaint upon the Plaintiff or the Plaintiff's Attorney at the address shown below. If you fail to answer the Complaint, judgment by default could be rendered against you for the relief requested in the Complaint.

Date: _____, 20____
_____, S.C.

Plaintiff/Attorney for Plaintiff Signature

Print Name: _____

Address: _____

STATE OF SOUTH CAROLINA
COUNTY OF _____

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

Plaintiff,

**COMPLAINT
(Visitation)**

vs.

Defendant.

Docket No.: _____

The Plaintiff would respectfully show that:

1. Plaintiff lives in _____ (city), _____ County,
_____ (state).

2. I believe that the Defendant lives in _____ (city),
_____ County, South Carolina.

3. Plaintiff is the Father/ Mother of the following child(ren):

	Child's First Name and Last Initial	Year of Birth
a.		
b.		
c.		
d.		

4. I believe that the minor child(ren) has(have) lived in _____
County for at least 6 months.

5. This/these child(ren) are presently living with and in the care of Defendant.

6. Plaintiff wants to have scheduled visitation with the child(ren) including but not limited to alternating weekends, alternating holidays, alternating school breaks, and additional time in the summer.

7. Additional visitation requests are listed below (OPTIONAL):

WHEREFORE, Plaintiff prays for scheduled visitation with his/her child(ren) and for such other and further relief as may be reasonable, just and proper.

Plaintiff's Signature

_____ (city), South Carolina

Date: _____, 20____

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
)
)
)

) Plaintiff,
)
) vs.)
)
)
)

) Defendant.)

IN THE FAMILY COURT

JUDICIAL CIRCUIT

**MOTION AND AFFIDAVIT
TO PROCEED IN FORMA PAUPERIS**

Docket No. _____

I, _____, being duly sworn, state that I am the Plaintiff and that I do not have the funds available to pay the costs of filing and service in this case. I request that the complaint be filed and service made without cost to me.

Sworn to before me this
_____ day of _____, 20____

Notary Public of South Carolina Plaintiff

My Commission expires: _____

ORDER

- Leave is *granted* to proceed in forma pauperis.
- Leave is *denied* to proceed in forma pauperis. This case will be dismissed without further order of the court if the filing fee and associated costs are not paid on or before _____, 20____. (Family Court Only)

Date: _____, 20____

Family Court Judge
_____, S.C.

NOTICE TO PLAINTIFF: The Court may assess costs against either party at hearing.

Custodial Parent (if applicable): _____

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
 Plaintiff,)
 vs.)
 _____)
 Defendant.)

IN THE FAMILY COURT OF THE
 _____ JUDICIAL CIRCUIT

FINANCIAL DECLARATION
OF _____

Docket No. _____

HUSBAND/FATHER		WIFE/MOTHER	
Address		Address	
Age		Age	
Occupation		Occupation	
Employer		Employer	
Employer Address		Employer Address	

Gross Monthly Income	Husband/Father	Wife/Mother
Principal Earnings from Employment ¹		
Overtime, Tips, Commission, Bonuses ²		
Pensions, Retirement, and Annuities income		
Additional Employment income		
Social Security Benefits (SSA) and VA Benefits		
Disability and Worker's Compensation Benefits		
Unemployment and AFDC		
Spousal or Child Support (from other marriage/relationship)		
Dividends, Interest, Trust Income, and Capital Gains		
Rental Income and Business Profits		
Other (Specify):		
TOTAL GROSS MONTHLY INCOME		

Payroll Deductions from Monthly Income	Husband/Father	Wife/Mother
Federal Income Tax ³		
State Income Tax		
Social Security and Medicare Tax (FICA)		
Self-Employment Tax		
Health and Dental Insurance (Adult)		
Health and Dental Insurance (Child)		
Union Dues		
Voluntary Retirement Contribution (401(k), 457, IRA)		
Mandatory Retirement Contribution		
Savings Plan		
Other (Specify):		
TOTAL MONTHLY DEDUCTIONS		
NET MONTHLY INCOME ⁴		

Estimate monthly expenses: (Specify which party is the custodial parent and list name and relationship of all members of household whose expenses are included.) _____

MONTHLY EXPENSES ⁵	Husband/Father	Wife/Mother
Residential Rent Payment		
Note or Mortgage Payment on Residence(s)		
Food and Household Supplies ⁶		
Utilities, Water, and Garbage Collection		
Telephone and Cellular Phone		
Medical, Dental and Disability Insurance Premiums (not deducted from paycheck)		
Life Insurance Premiums (not deducted from paycheck)		
Child Support (from other relationship)		
Work Related Day Care		
Spousal Support (from prior marriage)		
Auto Payment		
Auto Insurance, taxes, gasoline, and maintenance ⁷		
SUBTOTAL:		
Real Property Tax on Residence(s)		
Maintenance for household ⁸		
Adult Clothing		
Children's Clothing ⁹		
Cable Television, Satellite, and Internet/Online Services		
Laundry and Dry Cleaning ¹⁰		
Medical and Dental Expenses (not paid by insurance)		
Prescriptions, Glasses, and Contacts (not paid by insurance)		
Children's incidental expenses ¹¹		
School lunches, supplies, field trips, and fees ¹²		
Entertainment ¹³		
Adult Incidental expenses ¹⁴		
All Installment payments ¹⁵		
Other (Specify):		
SUBTOTAL:		
TOTAL MONTHLY EXPENSES		

Installment Loan Payments Section

Creditor	For	Monthly Payment	Balance	Owed by ¹⁶

Other Debts and Obligations *not* payable in monthly installments

Creditor	For	Date Payable	Balance	Owed by ¹⁶

Are you currently in Bankruptcy? YES NO

Are any obligations listed above, including mortgage and note payments, in arrears? YES NO

If yes, please list the obligations in arrears.

All Marital Property Known to Parties

Assets	Husband/Father	Wife/Mother	Joint
Cash and Money in Checking Account(s)			
Money in Savings Account(s), Credit Union, Money Market, or Cert. of Dep.			
Value of Voluntary Retirement Account(s)			
Value of Pension Account			
Value of Publicly Held Stocks, Bonds, Securities, Mutual Funds			
Value of Privately Held Stocks and Other Business			
Value of Real Estate – Net of Mortgage Balances			
Value of All Other Property ¹⁷			
TOTAL ASSETS			

Any Non Marital Property Known to Parties

Description of Asset	Title Owner	Date of Acquisition	Source of Funds to Acquirer	Estimate Present market Value

If total assets are less than \$300,000.00, sign and have notarized.

If total assets are greater than \$300,000.00, itemize assets by completing additional sections below and sign and have notarized.

Financial Accounts Section¹⁸

Owner	Name of Institution	Type of Account	Balance

Voluntary Retirement Accounts and Pension Accounts Section

Type of Account	Value

Publicly Held Stocks, Bonds, Securities, Mutual Funds Section (Non-Retirement)¹⁹

Name of Company	Number of Shares/Type of Account	Value

Real Estate Section²⁰

Owner	Address	Value	Mortgage Balance	Mortgage Equity

Other Property Section¹⁷

Owner	Description of Asset	Value	Loan Balance	Equity

Signature

Sworn to before me this ____ day
of _____, 20____.

(SEAL)
Notary Public for South Carolina
My commission expires: _____

Custodial Parent (if applicable): _____

1. A recent paystub should be attached to the Financial Declaration. To compute Principal Earnings from Employment, first determine whether you are paid semi-monthly, biweekly, or weekly. If you are paid semi-monthly, multiply the gross amount of your pay check by two. If you are paid biweekly, multiply the gross amount of your pay check by 26 and then divide by 12. If you are paid weekly, multiply the amount of your paycheck by 52 and divide by twelve. Round to the nearest whole dollar.
2. To compute Overtime, Tips, Commission, and/or Bonuses, take an average of your monthly earnings from overtime, tips, commission, bonuses, etc. from the past three years or the length of employment if employed less than three years (including this year).
3. To compute State, Local, and Social Security Tax deductions, use the same formula used to compute principal earnings in endnote 1 above, or consult or have your attorney consult an accountant.
4. Net monthly Income is equal to Total Gross Monthly Income minus Total Monthly Deductions.
5. Do not include any expense in the Monthly Expenses section that has already been included in the Deductions from Gross Monthly Income on page one of the Declaration.
6. Food Expense is to include the cost of groceries, toiletries, cleaning supplies, and casual eating out.
7. Auto Expenses are to include gasoline, oil changes, tune-ups, tire replacement, maintenance, and related items.
8. Maintenance for Household is to include appliance and household repairs, landscaping, house cleaning, pest control, pool service, alarm service, and other related items.
9. Clothing Expense is to include shoes and clothing purchases, clothing repair and alterations, and related items.
10. Laundry Expense is to include the cost of laundry service, dry cleaning, and related items.
11. Children's Incidental Expenses are to include allowance, summer camp, baby sitters, lessons, activities, participatory sports, and related items.
12. School Expense is to include tuition, supplies, field trips, dues, tutors, locker rentals, school lunches, and other related items.
13. Entertainment is to include movies, theater, vacations, sporting events, compact discs, digital video discs, and related items.
14. Adult Incidental Expenses are to include cosmetics, hair and nail care, books, magazines, newspapers, business dues, memberships, pets, charity, religious dues or tithes, gifts, bank charges, hobbies, and related items.
15. All Installment Loan Payments is the total amount itemized in Installment Loan Payments Section, which should include all loan payments not already listed as a monthly expense. Examples: home equity loan, credit cards, etc.
16. Indicate which spouse legally owes the payment (husband, wife, or joint).
17. Other property is to include automobiles (minus loan balance), boats (minus loan balance), furniture, furnishings, china, silver, jewelry, collectibles, and other personal property.
18. Itemize Financial Accounts such as checking, savings, credit union, money market, or certificate of deposit accounts in the Financial Accounts Section.
19. Itemize Publicly Held Stocks, Bonds, Securities, Stock Options and Mutual Funds (excluding retirement accounts) in the Publicly Held Stocks, Bonds, Securities, Mutual Funds Section.
20. Itemize each parcel of Real Estate in the Real Estate Section.

STATE OF SOUTH CAROLINA)
COUNTY OF _____)

IN THE FAMILY COURT)
_____ JUDICIAL CIRCUIT)

Plaintiff,)

ACCEPTANCE OF SERVICE
(Visitation)

vs.)

Defendant.)

Docket No. _____

Pursuant to Rule 4(j) of the South Carolina Rules of Civil Procedure, I certify that I received a copy of the following:

Family Court Coversheet, Summons, Complaint, and Financial Declaration
in this action on ___/___/___ at the following location:

Date: _____, 20____
_____, S.C.

Defendant's Signature

Printed Name of Defendant

Home/Mailing Address

City, State, Zip

Telephone No.

STATE OF SOUTH CAROLINA)
COUNTY OF _____)
)
)
)

vs. Plaintiff,)
)
)

Defendant.)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

**AFFIDAVIT OF SERVICE
BY MAILING
(Visitation)**

Docket No. _____

The Plaintiff states that (s)he served Defendant with a copy of the Family Court Coversheet, Summons, Complaint, and Financial Declaration:

by certified mail, restricted delivery, return receipt requested (receipt attached) in the United States Mail, with proper postage attached;

by commercial delivery service pursuant to Rule 4(d)(9), South Carolina Rules of Civil Procedure with delivery record attached;

at the address as follows:

Sworn to before me this
_____ day of _____, 20__

Notary Public of South Carolina

My Commission expires: _____

Plaintiff's Signature

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
)
)
)

) Plaintiff,
)
vs.)
)
)

) Defendant.)

IN THE FAMILY COURT
____ JUDICIAL CIRCUIT

AFFIDAVIT OF SERVICE

Docket No. _____

Personally appeared before me, the affiant, who being duly sworn, states that (he/
she) served the _____ in this action on _____ (Party Served).

Service was completed in the following manner:
(check one)

- Personally served on _____ (Party served).
- Served at their residence by leaving the documents with _____ (Name of the person served) the _____ (Relationship of the person served) of the person served, a person of age and discretion. Service was completed at this address: _____ at their residence by leaving the documents with _____ (Name of the person served) the _____ (Relationship of the person served) of the person served, a person of age and discretion.
- _____ (Name of the person served) the _____ (Relationship of the person served) of _____ (Corporation name). Service was completed at this address: _____ on _____ (date) at _____ (A.M./ P.M.) (time).

Unable to locate and serve after diligent efforts to do so. The process is returned unexecuted. The following service attempts were made: _____.

Affiant is not a party to this action, is not less than eighteen (18) years of age and has no interest in or connection to this action.

Custodial parent (if applicable): _____

Sworn to before me this _____ day of _____, 20____

Notary Public of South Carolina

Affiant Signature

My Commission expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
)
_____)
)
Plaintiff,)
)
vs.)
)
_____)
)
Defendant.)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

REQUEST FOR HEARING
(Visitation)

Docket No. _____

Plaintiff:
Address: _____

Home Phone: _____ Cell Phone: _____
Other Contact Phone: _____ Email: _____

Defendant or Attorney for Defendant:
Address: _____

Home Phone: _____ Cell Phone: _____
Other Contact Phone: _____ Email: _____

Contested: Yes No Child Custody Issue: Yes No

Amount of Time Requested: 30 minutes

Dates / Times the Plaintiff and/or Defendant is/are UNAVAILABLE (exclude weekends and holidays): See Attached list(s)

Hearing Requested By: PLAINTIFF DEFENDANT

COMMENTS / ISSUES:

Date: _____, 20_____
_____, S.C. _____
Signature

******Section below to be completed by Clerk of Court. ******

The Final Hearing in this matter is scheduled for _____ day of _____, 20_____, at _____:____ a.m./ p.m., Courtroom _____, before the Honorable _____.

STATE OF SOUTH CAROLINA)
)
COUNTY OF _____)
)
)
)

) Plaintiff,
)
) vs.)
)
)
)

) Defendant.)

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

**AFFIDAVIT OF SERVICE
BY MAILING
(Notice of Hearing)**

Docket No. _____

Personally appeared the Plaintiff who states that (s)he served the Defendant with a copy of the Notice of Hearing by certified mail, return receipt requested (receipt attached) in the United States Mail, with proper postage attached, on _____, 20__ addressed as follows:

Sworn to before me this
_____ day of _____, 20__

Notary Public of South Carolina

Plaintiff's Signature

My Commission expires: _____

- Listen carefully and answer truthfully.
- Be prepared to discuss the visitation schedule that you want.
- Take this script and your other papers with you to the witness stand.

PLAINTIFF'S SCRIPT FOR VISITATION HEARING

After you are sworn in, you should say:

- Your Honor, may I begin?
- My name is _____.
- My address is: _____
in _____ County, _____ (state).
- The Defendant lives in _____ County, South Carolina.
- This court has jurisdiction over this case because the child/children live(s) in this county.
- I have filed a Financial Declaration with the Court that I ask the Court to review.
- I am the father/mother of (Name of each child) _____
_____.
- I am asking for scheduled visitation with my child/children as stated in the Complaint.
- I believe it would be in the best interest of my child/children to have visitation with me.
- Your honor, that is all of my testimony. I will be happy to answer any questions that you or the Defendant may have.

STATE OF SOUTH CAROLINA
COUNTY OF _____

IN THE FAMILY COURT
_____ JUDICIAL CIRCUIT

Plaintiff,

v.

Defendant.

**ORDER
(Visitation)**

Docket No.: _____

Date of Hearing: _____
Judge: _____
Plaintiff's Attorney: *Pro Se*

Defendant's Attorney: _____
Guardian *ad Litem*: _____
Court Reporter: _____

A hearing for visitation was held in this case on the date listed above. Plaintiff was present. Defendant was present. Defendant was not present but was properly notified of the hearing.

At the hearing, the Court determined it has jurisdiction over the subject matter and the parties in this action. Venue is proper. Based on the evidence and testimony, the Court makes the following findings of fact:

1. Plaintiff is the Father/ Mother of the following child(ren) who are living with and in the care of Defendant:

	Child's First Name and Last Initial	Year of Birth
a.		
b.		
c.		
d.		

2. Plaintiff wants to exercise scheduled visitation with the child(ren).

3. Visitation is is not in the best interest of the child(ren).

4. This Court further finds that _____

IT IS THEREFORE ORDERED

Visitation is granted as shown in the attached schedule.

Visitation is granted as follows: _____

_____;

Visitation is denied for the following reasons: _____

_____;

Other: _____

_____;

Failure to comply with this order may result in contempt proceedings.

AND IT IS SO ORDERED.

Family Court Judge

_____, South Carolina
_____, 20____

INSTRUCTIONS FOR COMPLETING THE
SELF-REPRESENTED LITIGANT VISITATION
PACKET

DEFENDANT

The Plaintiff is the parent who wants visitation and files the case with the Court. The Defendant is the other parent or person with custody of the child or children, also known as the custodial party. **The instructions in this packet are for the Defendant.**

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, please consult an attorney. Please note that clerks of court, court staff, and judges may give you information about the court and its procedures but 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. Visitation 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. Before filing, make sure that you have the most current version at www.sccourts.org.

The information in this packet is intended for use by parents seeking visitation and is not intended for use by grandparents or other relatives seeking visitation. It is recommended that a grandparent or other relative seek advice from an attorney to seek visitation.

The following instructions will help you file an Answer for visitation in South Carolina without an attorney. This is called *pro se* or self-represented litigant (SRL). While the self-represented litigant may not incur the attorney expense, someone acting without an attorney does not have the expert guidance that an attorney can provide. The other party may choose to hire an attorney. Depending on the outcome, you may be required to pay the other party's attorney's fees and costs.

If you do not know an attorney who can assist you, you may call the South Carolina Bar's Lawyer Referral Service at 1-800-868-2284 and ask for a Family Law attorney in your county. Members of the South Carolina Bar's Lawyer Referral Service have been in practice for more than 3 years, are in good standing, have provided proof of malpractice insurance, and have agreed to provide a 30 minute consultation for no more than \$50. If you cannot afford an attorney, you may contact South Carolina Legal Services (SCLS) through the Legal Aid Telephone Intake Service at 1-888-346-5592. Please note that to qualify for a legal aid attorney through SCLS, your income must not be more than 125% of the Federal Poverty Guidelines.

You must file your answer with the same Clerk of Court where the Complaint was filed. A chart showing the addresses and phone numbers of the Clerks of Court is on pages 6-7.

Defendant's Answer

Read the Complaint carefully and complete the Answer to the best of your abilities. Read each numbered paragraph in the Complaint. Find the matching numbered paragraph in the Answer. You will have the chance to agree or disagree (admit or deny) with each claim made by the Plaintiff.

- If you admit (agree with) each and every statement in that paragraph of the Complaint, check the box in the Answer next to "admits each and every statement."
- If you deny (disagree with) each and every statement in that paragraph of the Complaint, check the box in the Answer next to "denies each and every statement."
- If you agree with part of the claim in that paragraph of the Complaint, but not all of it, check the box in the Answer next to "admits paragraph except for the following" and write in the part that you disagree with.

COMPLAINT	
The Plaintiff would respectfully show that:	
1.	Plaintiff lives in _____ (city), _____ County, _____ (state).
2.	The above named Defendant files the following Answer to the Complaint (Visitation):
3.	ANSWER 1. As to paragraph 1 in the Complaint, Defendant <input type="checkbox"/> admits each and every statement <input type="checkbox"/> denies each and every statement <input type="checkbox"/> admits paragraph 1 except for the following: _____ Defendant denies the remaining statements in paragraph 1. 2. As to paragraph 2 in the Complaint, Defendant <input type="checkbox"/> admits each and every statement <input type="checkbox"/> denies each and every statement <input type="checkbox"/> admits paragraph 2 except for the following: _____ Defendant denies remaining statements in paragraph 2. 3. As to paragraph 3 in the Complaint, Defendant

- If you have more information you want the Judge to consider, add your request to the blank lines below paragraph number 7.

Financial Declaration

The Financial Declaration (SCCA 430) asks questions about the finances of both parties. Only fill out the sections of the form that apply to you. Attach a copy of your most recent pay stub or benefits statement. Fill in your gross monthly income. This is the amount of money you earn

before taxes, social security, or any deductions are taken out. When figuring your monthly income and expenses, multiply any weekly amounts by 4.33 to get the monthly amount.



Do not sign this form until you are in front of a notary public.

The notary must watch you sign the documents and provide the notary's seal. You will need to bring picture identification. You can find a notary at a bank, funeral home, post office, or courthouse. The notary may charge no more than a \$5 fee per form (cash only). Below is an image of a notary block. If you see this on a form, it must be notarized.

SWORN to before me this _____ day of _____, 201__
_____ Notary Public for South Carolina My Commission Expires: _____

File the Answer and Financial Declaration Form with the Clerk of Court's office in the county where the Complaint was filed. Take the originals and two copies to that Clerk of Court's office. Ask the Clerk to clock both the originals and copies of the forms. The Clerk will keep the original forms and will return two clocked copies of each form to you.

Mail a clocked copy of both the Answer and Financial Declaration Form to the Plaintiff or to the Plaintiff's attorney by first class mail. Keep the other clocked copies for your files.

Affidavit of Service by Mailing

After you have mailed the Answer and Financial Declaration form, complete the Affidavit of Service by Mailing. Complete the form by filling in the date and address. You cannot fill out the Affidavit of Service until you have filed and mailed the Answer and Financial Declaration. Do not sign this form until you are in front of a notary public. File the original Affidavit of Service Mailing with the Clerk of Court and keep one copy for your files.

PART 3: THE HEARING

On the day of your hearing:

- (1) Arrive at the courthouse at least thirty (30) minutes prior to your scheduled time.
- (2) Bring copies of your court documents.
 - If you have any other documents that you want the Judge to see, bring the original and two copies to court.
- (3) Dress appropriately.
 - Appropriate dress includes suits, jackets, dresses, dress slacks, and neatly tucked shirts.
 - Do NOT wear casual clothing such as sweat clothes, tank tops, shorts, and similar summer beachwear.
 - Remove hats when entering the courthouse, unless they are required for a medical condition.
- (4) Make arrangements for a responsible adult to watch your child(ren) while you are in court.
- (5) Turn off your cell phone.

When it is time for the hearing, the Courtroom Deputy will call the Plaintiff's name. At that time, enter the courtroom and wait for instructions. The Plaintiff will present his/her case first. You should only speak when asked to do so. You will have the opportunity to question the Plaintiff and witnesses. After the Plaintiff and witnesses have testified, you will be given an opportunity to testify and present witnesses for your case. Before you begin, you will be sworn in.

If you are concerned for the care or safety of the child(ren) be prepared to explain this to the Judge. You may ask the Judge to limit visitation or for supervised visitation. Limited visitation may be only a couple of hours at a time, no overnight visits, or held in a public place (fast food restaurant, DSS, etc.). Supervised visitation means that a third party (friend, relative, etc.) must be present at all times when the Plaintiff visits with the child(ren). If you and the Plaintiff agree on a person who is willing and able to supervise, you can tell the Judge. If you cannot agree on a person, the Judge will pick someone for you.

The Judge may stop you from time to time to ask you a question. Listen carefully, and answer the questions the Judge asks you. If you have documents you want the Judge to see, hand the original and a copy to the Courtroom Deputy who will give the original to the Judge and a copy to the Plaintiff. At the end of the hearing, the Judge may tell you the decision and sign an order or state that a decision will come later. The Clerk of Court will provide you and the Plaintiff or the Plaintiff's attorney with a copy of the order. If the Judge does not sign the order at the hearing, a copy will be mailed to you.

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 South 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

Defendant Visitation Checklist

- Once you are served with a Summons and Complaint for Visitation, complete the Answer. Also, complete the section of the Financial Declaration Form that applies to you and have the form notarized.
- File the completed Answer and Financial Declaration Form with the Clerk of Court's office **within 30 days after service**.
- Mail a clocked copy of the Answer and Financial Declaration Form to the Plaintiff or Plaintiff's attorney **within 30 days after service**.
- Complete and file the Affidavit of Service by Mailing (Answer).
- The Plaintiff or Plaintiff's attorney will then mail you a Notice of Hearing, which will give you the date and time of your hearing.
- Make sure you have appropriate childcare for the day of your hearing.
- Arrive on the day of your hearing at least 30 minutes early and dress appropriately. Turn off your cell phone and remove your hat.
- At the hearing the Plaintiff and his/her witnesses will testify first. The Judge will give you the opportunity to question the Plaintiff and his/her witnesses and present your case.
- At the end of the hearing, the Judge may grant or deny the Plaintiff's request or tell you a decision will come later. The Judge may sign the Plaintiff's Order (Visitation) or make his or her own order.
- If the Judge signs an order at the hearing, be sure that the signed Order (Visitation) is filed with the Clerk of Court's office and you receive a clocked copy for your files.
- If the Judge does not sign the order at the hearing, a copy will be mailed to you.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF _____)
)
 _____)
 Plaintiff,)
 vs.)
)
 _____)
 Defendant.)

IN THE FAMILY COURT
 _____ JUDICIAL CIRCUIT

DEFENDANT'S ANSWER
 (Visitation)

Docket No. _____

The above named Defendant files the following Answer to the Complaint (Visitation):

1. As to paragraph 1 in the Complaint, Defendant
- admits each and every statement
 - denies each and every statement
 - admits paragraph 1 except for the following: _____

Defendant denies the remaining statements in paragraph 1.

2. As to paragraph 2 in the Complaint, Defendant
- admits each and every statement
 - denies each and every statement
 - admits paragraph 2 except for the following: _____

Defendant denies the remaining statements in paragraph 2.

3. As to paragraph 3 in the Complaint, Defendant
- admits each and every statement
 - denies each and every statement
 - admits paragraph 3 except for the following: _____

Defendant denies the remaining statements in paragraph 3.

4. As to paragraph 4 in the Complaint, Defendant
- admits each and every statement
 - denies each and every statement
 - admits paragraph 4 except for the following: _____

Defendant denies the remaining statements in paragraph 4.

5. As to paragraph 5 in the Complaint, Defendant

- admits each and every statement
- denies each and every statement
- admits paragraph 5 except for the following: _____

Defendant denies the remaining statements in paragraph 5.

6. As to paragraph 6 in the Complaint, Defendant

- admits each and every statement
- denies each and every statement
- admits paragraph 6 except for the following: _____

Defendant denies the remaining statements in paragraph 6.

7. As to paragraph 7 in the Complaint, Defendant

- admits each and every statement
- denies each and every statement
- admits paragraph 7 except for the following: _____

Defendant denies the remaining statements in paragraph 7.

Defendant's Signature

Printed Name of Defendant

Street Address

City, State, Zip

Telephone No.