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Divorce In South Carolina

The southern State of South Carolina is one of the smallest states of America, having a population of about 4.5 million. The State has been recording a growing number of divorce cases, which makes the presence of divorce lawyers important there. This has many financial implications on the divorcing couples, and their problems may be compounded if they have children to look after. This article will give useful information about how South Carolina attorneys can help you protect your rights in a divorce case, as well as look after the needs of your child.

The 'No Fault' Divorce Law

Many States, including South Carolina, have enacted 'no-fault' divorce laws, according to which, the residents of the State can obtain a divorce without proving that the other party wrong. SC divorce lawyers are trained to carry such cases to conclusion. They can help you prove in the trial court that the marriage has broken down irreparably, and that there is no way of restoring it. However, the issue of 'fault' may still remain important, especially for the custody of the child.

Judicial Requirements

Before filing for a divorce, the SC divorce lawyers will first prove that you are a resident of the State. This is important for division of property jointly owned by the divorcing couples. In some violent marriages, child abuse lawyers can also help to protect the rights of the child. South Carolina attorneys can be approached to find protection under the State laws, in case a child is involved in a violent marriage.

Waiting Period

Generally, the South Carolina law imposes a 'cooling off' period before a divorce is granted. This is similar to a practice followed in many other States, as well as abroad. This is done to let the divorcing couple introspect and come to a decision about whether their marriage can be saved from a complete breakdown. South Carolina attorneys will make you aware of this

law before proceeding to a trial. If you believe that the cooling off period is not required in your case, then you must approach your divorce lawyer to request the court to waive it off completely and finalize the divorce.

Alimony

In common parlance, alimony refers to spousal support. When alimony is granted, it is generally for temporary spousal support; while a divorce proceeding is pending. This can also be a fixed amount to be paid to the other spouse retrospectively. Alimony is decided taking into consideration the monetary value of marital estate; whether one of the spouses needs to liquidate some of his or her assets in order to let the other maintain a reasonable lifestyle. This is particularly useful if one spouse has sufficient income to prove his share in property settlement and the other does not.

Bankruptcy

There may be circumstances where one or both parties to the divorce may file for bankruptcy after the divorce. South Carolina attorneys generally take care of the financial division of the marital estate in order to protect their client spouse from the effects of the other's bankruptcy.

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