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South Carolina Alimony and Spousal Support Laws

Under South Carolina law, the parties to a divorce may seek support payments also called alimony if there is a disparity between the parties' earning abilities and the interests of justice make it necessary. The court will decide alimony necessity on a case-by-case basis.

Types of Spousal Support

- Temporary – a court may award for the time between filing for divorce and final disposition.
- Short-Term – a court may award to allow one party to gain employability, care for children or for some other reason if the court determines it just.
- Long-Term or Permanent – a court may award, especially in the case of lengthy marriages, as the court determines just.

Who is Eligible for Alimony in South Carolina?

Either party to a South Carolina divorce may seek spousal support. The court will look at the situation of the parties, their contributions during marriage, their income and other factors listed below to decide whether support is needed.

South Carolina Alimony Guidelines (Factors for Awarding Alimony)

In making an award of support, the court must consider all of the following factors:

- Duration of the marriage together with the ages of the parties at the time of the marriage and at the time of the divorce or separate maintenance action between the parties;
- Physical and emotional condition of each spouse;
- Educational background of each spouse, together with need of each spouse for additional training or education in order to achieve that spouse's income potential;
- Employment history and earning potential of each spouse;
- Standard of living established during the marriage;
- Current and reasonably anticipated earnings of both spouses;
- Current and reasonably anticipated expenses and needs of both spouses;
- Marital and nonmarital properties of the parties, including those apportioned to him or her in the divorce or separate maintenance action;
- Custody of the children, particularly where conditions or circumstances render it appropriate that the custodian not be required to seek employment outside the home, or where the employment must be of a limited nature;
- Marital misconduct or fault of either or both parties,
- Tax consequences;

- Existing support obligations of either party; and
- Any other factors the court considers relevant.

Reasons for Termination or Modification of Alimony in South Carolina

Whenever the circumstances of the parties or the financial ability of the spouse making the payments changes, either party may apply to the court for an order decreasing or increasing the amount of alimony payments or terminating payments. The court is required to listen to both parties regarding any modification.

Marital Fault in South Carolina

South Carolina allows the following grounds for divorce:

- Adultery;
- Desertion for a period of one year;
- Physical cruelty;
- Habitual drunkenness; provided, including habitual drunkenness caused by the use of any narcotic drug; or
- On the application of either party when the husband and wife have lived separate and apart without cohabitation for a period of one year.
- How Long Does Spousal Support Last in South Carolina?

Alimony may be awarded for a short period, long period, permanently, or in a lump sum payment upon dissolution. The court will hear the parties' evidence and decide duration of support based on what it determines to be fair.

South Carolina Alimony Taxes

The spouse receiving alimony must claim payments as income if it is mandated by court order. The paying spouse may deduct the alimony on federal tax returns. Discuss the tax implications of your decree with an experienced South Carolina attorney.

Find an Alimony Attorney in South Carolina

Because divorce may impact your future income, it is best to seek the guidance of a knowledgeable attorney in filing the necessary paperwork and representing your interests in court. A family law attorney will help you through the difficult process from start to finish.

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