

**Summer 2017**

# **SOUTH CAROLINA BAR FAMILY LAW SECTION COUNCIL NEWSLETTER**

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*South Carolina Bar  
950 Taylor St.  
Columbia, SC*

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## **Professionalism Tip of the Month:**

"Project confidence, not arrogance."



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*Goodbye to Kirby Mitchell and Ruth Cate, and welcome new members!*

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We are sad to say that Kirby Mitchell and Ruth Cate will no longer be members of the S.C. Bar Family Law Council. Both have contributed greatly to the Council, and they will be missed. The Council has elected Allison Dunham, Leigh Sellers, and Dick Whiting as new members.

The Council's goals include monitoring pending legislation, sponsoring CLEs, and providing members with information pertaining to all other issues affecting or relating to family law.

We appreciate any input from the members of the Family Law Section. Our email addresses are listed above. Please feel free to contact any member to find out what Council can do for you or to give us feedback.

## **Family Law Seminars**

### **2017 Family Law Essentials**

This popular seminar will be held in Columbia on August 11, 2017. The course is designed and taught by experienced South Carolina practitioners, with the goal of providing basic and practical advice on handling family court cases. You can sign up for the seminar at <https://www.scbar.org/shop-cle/livecourse/family-law-essentials-mh/>

### **2017 Hot Tips for the Coolest Domestic Law Practitioners**

This seminar will be held in Columbia on September 22, 2017. Hot Tips is a must-attend program to help you stay current with the latest trends and tricks of the trade in this ever-evolving area.. You can sign up for the seminar at <https://www.scbar.org/shop-cle/livecourse/2017-hot-tips/>

### **Status of Alimony Legislation**

As reported in the last newsletter, the Council, in coordination with the South Carolina Chapter of the American Academy of Matrimonial Lawyers and the South Carolina Association for Justice, and with the approval of the House of Delegates, submitted proposed changes to the alimony statutes to the legislature. Among other changes, the proposed amendments add “Transitional” and “Fixed Term” alimony, clarify the definition of “continued cohabitation,” clarify that there is no special circumstance or other similar finding necessary for a court to order security for the future payment of support, and make the adultery bar inapplicable where the adultery occurs after marital litigation has been filed. In large part due to the hard work of Council Member Jim McLaren, on March 2, 2017, the South Carolina Senate Judiciary Alimony Subcommittee gave approval to our suggested alimony legislation, with the exception of removal of the adultery bar. Unfortunately, the legislation did not move further through the legislative process before the legislature recessed, so it will have to be taken up anew in the next session.



It has been relatively quiet the past few months in terms of published appellate decisions arising from family court cases. The Court of Appeals held in Sweeney v. Sweeney that a health savings account (an “HSA”) is non-marital property when the parties’ son is its sole owner and beneficiary, even though the husband’s name is on the account and he contributes money to it. No. 5479, 2017 S.C. App. LEXIS 35, at \*11 (Ct. App. Apr. 5, 2017).

The amendment of Rule 25, SCRFC, removing the requirement that a party obtain a stipulation or court order before engaging in formal depositions and discovery, became effective May 1, 2017. Rule 25 now reads:

Recognizing the unique nature of the court’s jurisdiction and the need for a speedy determination thereof, the prompt voluntary exchange of information and documents by parties prior to trial is encouraged. However, the parties shall be allowed to engage in formal depositions and discovery according to the South Carolina Rules of Civil Procedure.

**SOUTH CAROLINA  
FAMILY LAWYERS' TOOLKIT**

The **SC Family Lawyers' Toolkit** Third Edition is now available! Council has updated the previous version and it includes new sections, such as: How to Introduce Electronic Evidence, an Alimony Case Spreadsheet, an Adoption checklist and UCCJEA and UIFSA Flow Charts. The Toolkit is designed to provide a practical, user-friendly resource for new and experienced family law attorneys.

**[Order online here](#)**

or

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**FEEDBACK  
REQUESTED**

Do you have ideas for future issues of the Newsletter or features you would like to see? Please email Chris Paton at [chris@chrispatonllc.com](mailto:chris@chrispatonllc.com).