



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	S. 0511	Amended by Senate Judiciary on May 3, 2019
Author:	Gregory	
Subject:	Alimony and Suit Money	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	December 20, 2019	

Fiscal Impact Summary

The bill will increase the number and complexity of court hearings related to alimony modifications. The Judicial Department indicates that any expenditures related to increased caseloads can be managed within existing appropriations. As such, the bill will have no impact on the General Fund, Other Funds, or Federal Funds for the Judicial Department.

While the number and complexity of alimony modification hearings may increase it is anticipated that the family courts will be able to manage their responsibilities within their current resources. As such, this bill will have no impact on local expenditures.

Explanation of Fiscal Impact

Amended by Senate Judiciary on May 3, 2019

State Expenditure

This bill, as amended, modifies existing alimony and suit money and provides for separate maintenance and support. The bill also establishes two new types of alimony, transitional and fixed-term. Both transitional and fixed-term alimony are modifiable, suspendable, or terminable based upon substantially changed circumstances occurring in the future. Existing types of alimony and separate maintenance and support would also be suspendable under the provisions of this bill.

Section 1 of the bill specifies that in every action for separate maintenance and support, either party may request for the allowance of separate maintenance and support and suit money, as well as the allowance of separate maintenance and support and suit money pendente lite. Section 2 of the bill establishes two new types of alimony, transitional and fixed-term. Both transitional and fixed-term alimony are modifiable, suspendable, or terminable based upon substantially changed circumstances occurring in the future. Existing types of alimony and separate maintenance and support would also be suspendable under the provisions of this bill. Section 3 of the bill enables the court to, upon the remarriage or continued cohabitation of a supported spouse who has custody of the children from the prior marriage, no longer require separate maintenance and support to be paid. Section 4 of the bill provides that in any action for separate maintenance and support, the court may order that security be given for the children of the marriage to protect their interests. Section 5 of the bill denotes the factors that the court must consider when a party making payments to a supported spouse under a decree of separate maintenance and support requests an order to decrease or increase the amount of the payments. This section also clarifies

the factors the court must consider when determining whether separate maintenance and support should be modified when the supporting spouse retires.

Sections 1 and 4 become effective upon approval by the Governor. Sections 2, 3, and 5 of the bill become effective upon approval of the Governor and apply to any actions filed with a court after the effective date.

Judicial Department. The Judicial Department indicates that the number and complexity of alimony modification hearings will increase as a result of this bill. The bill would provide new grounds for relief and new standards for determining entitlement to relief from alimony payments. The department further indicates that data are not available to predict the increase in the number of court proceedings that may result, but any additional expenditures related to the increased caseloads will be managed within the department's existing appropriations. As such, the bill will have no impact to the General Fund, Other Funds, or Federal Funds for the Judicial Department.

State Revenue

N/A

Local Expenditure

This bill adds two new types of alimony, which may lengthen and increase the number of alimony modification hearings. Family court proceedings may increase as a result of this bill, however there is no data to predict the change in caseloads. While the number and complexity of alimony modification hearings may increase it is anticipated that the courts will be able to manage their responsibilities within their current resources. As such, this bill will have no impact on local expenditures.

Local Revenue

N/A



Frank A. Rainwater, Executive Director