

Marital Separation/Divorce

A few factors to consider:

- The information presented here pertains mainly to proceedings in Beaufort County, South Carolina. Law, rules, and procedures will vary in other jurisdictions.
- Legal Assistance attorneys can prepare a separation agreement and help you obtain a no-fault divorce. If you cannot reach an agreement with your spouse, or if you are seeking a fault based divorce, you will be referred to a local civilian attorney at your own expense.
- While separation and divorce are by their nature unpleasant, the amount of financial and emotional stress you and your family may experience may be greatly reduced if you are able to reach an agreement. This will likely save you attorney's fees and an emotionally charged court battle.
- For a no-fault divorce, you must be physically separated from your spouse, with the intention of ending the marriage, for a minimum of one year. Legal Assistance can help prepare a separation agreement that will govern many matters such as division of property, child and spousal support, and custody and visitation during that year.
- In order to file for divorce in South Carolina, either you or your spouse must have lived in South Carolina for one year OR both you and your spouse must have lived in South Carolina for three months at the time of filing.
- At this time, Legal Assistance can only represent one party in a separation or divorce action. However, the other spouse is free and encouraged to seek counsel from Legal Assistance attorneys at neighboring military installations or in the civilian community.

Legal Assistance attorneys and civilian family law attorneys are specially trained in the legal considerations and procedures surrounding marital separation and divorce. An attorney who represents one spouse in such an action has only their own client's interests in mind, and will not act on behalf of or seek to advise or protect the opposing spouse. As such, it is vital to obtain your own counsel if your spouse has retained an attorney.

Separation Agreements

The Legal Assistance Office may be able to assist you in the creation of a Marital Separation Agreement. A Marital Separation Agreement is a useful tool to control child custody, child and spousal support, the distribution of marital assets/debts, and any other issues attendant to a separation and divorce.

A Marital Separation Agreement does not become binding until both parties have signed the document before a notary. After a period of separation in excess of one year, the Legal Assistance office can then assist in obtaining a pro se (self-represented) divorce incorporating the terms of the separation agreement.

Spousal and Child Support

The interplay between South Carolina law and Chapter 15 of Marine Corps Order P5800.16A, the Legal Administration Manual, is highly dependent on the details of an individual situation. Your attorney will explain these issues to you in detail at your appointment.

Counseling

There are many resources available for individuals struggling with the emotional and financial consequences of a divorce or separation, as well as for those couples interested in reconciling and saving their marriages.

Individual and couples counseling is available from the Family Advocacy Program and from Military OneSource, as well as from the command chaplains. The Military OneSource website provides many resources for service members and their families. Military and Family Life Consultants and Marine Corps Family Team Building also offer consultation and classes to aid couples facing difficult times.

For parents with children of any age, the New Parent Support program offers resources to aid in the family transitions associated with separation and divorce.

The Navy-Marine Corps Relief Society offers financial counseling, small loans and related services. Military OneSource also offers financial counseling.

Other Useful Contacts:

[Family Advocacy Program](#) - 843-228-2044

[Military OneSource](#) - 800-342-9647

[New Parent Support](#) - 843-466-0082

[Navy and Marine Corps Relief Society](#)- 843-228-3512

Military and Family Life Consultants - 843-271-8538/8535

[Marine Corps Family Team Building](#) - 843-228-1662

USEFUL LINKS

[South Carolina Self-Represented Divorce Information](#)

[South Carolina Child Support Enforcement](#)

[South Carolina Child Support Calculator](#)

[South Carolina Visitation Involvement Program for Custody/Visitation Mediation](#)

[Support Guidelines for all 50 states](#)