



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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Bill Number:	S. 0092	Amended by Senate Judiciary on March 21, 2017
Author:	Gregory	
Subject:	Alimony and Allowances	
Requestor:	Senate Judiciary	
RFA Analyst(s):	Gardner	
Impact Date:	March 31, 2017	

Estimate of Fiscal Impact

	FY 2017-18	FY 2018-19
State Expenditure		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Full-Time Equivalent Position(s)	0.00	0.00
State Revenue		
General Fund	\$0	\$0
Other and Federal	\$0	\$0
Local Expenditure	\$0	\$0
Local Revenue	\$0	\$0

Fiscal Impact Summary

The expenditure impact of this bill as amended will not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

Explanation of Fiscal Impact

Amended by Senate Judiciary on March 21, 2017

State Expenditure

This bill as amended prohibits an award of separate maintenance and support to a spouse who commits adultery before the earliest of either the formal signing of a settlement agreement or the entry of a permanent order. The bill also amends actions that a family court may take when revisiting a previous award of separate maintenance and support or alimony. Further, the amended bill adds two new forms of alimony, transitional and fixed term, and specifies circumstances under which these awards terminate and when they are suspendable, modifiable, or terminable. The amended bill also redefines continued cohabitation for purposes of terminating awards of alimony and separate maintenance and support, and it prescribes factors the family court must consider in determining if it exists.

The bill as amended prohibits the family court from considering the earnings of a subsequent spouse of the payor when awarding alimony or separate maintenance and support. The court may require a spouse to provide security for the payment of support and/or carry and maintain life insurance to assure spousal support without the need to establish special circumstances. In cases where the court awards custody of children to the spouse receiving alimony or separate maintenance and support, the court allocates the award between the supported spouse and the

children, and the supported spouse's portion of the support award ceases upon remarriage or continued cohabitation.

The bill as amended also defines factors the court must consider when determining if substantially changed circumstances exist. In the event of substantially changed circumstances, either party in an action involving periodic payments of separate maintenance and support may apply to the court to have the payments terminated, modified, or suspended. Retirement of the supporting spouse is sufficient grounds for a hearing to evaluate modifying, suspending, or terminating separate maintenance and support.

Judicial Department. The department reports that there is no data to determine the number of additional hearings that may be held in family court for awards of alimony and separate maintenance and support as a result of the bill. The department anticipates it can manage any expenditure impact from increased caseloads within current resources, though a significant number of additional hearings or trials may result in a backlog for family courts.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Amended by Senate Subcommittee on Alimony March 2, 2017

State Expenditure

This bill as amended allows either party in an action for separate maintenance and support to request an allowance and suit money during litigation. No separate maintenance and support may be awarded to a spouse who commits adultery before the earliest of either the formal signing of a settlement agreement or the entry of a permanent order. The bill also amends actions that a family court may take when revisiting a previous award of separate maintenance and support or alimony and it requires, when a specific reason is not otherwise applicable, that the circumstances warranting such action be substantial. Further, the amended bill adds two new forms of alimony, transitional and fixed term, and specific circumstances under which these awards may be terminated, suspended, or modified. The amended bill also redefines continued cohabitation for purposes of revisiting awards of alimony and separate maintenance and support, and it prescribes factors the family court must consider in determining if it exists.

The bill as amended prohibits the family court from considering the earnings of a subsequent spouse when awarding, modifying, suspending, or terminating an award of alimony or separate maintenance and support. The court may require a spouse to provide security for the payment of support and/or carry and maintain life insurance to assure spousal and child support without the need to establish special circumstances. The family court may approve all agreements involving child support whether brought to the court in actions for divorce, separate maintenance and support, or approval of an agreement where parties are living separate and apart. In cases where the court awards custody of children to the spouse receiving alimony or separate maintenance and

support, the court shall modify, suspend, or terminate the supported spouse's portion of the support award upon the remarriage or continued cohabitation.

The bill as amended also defines factors the court must consider when determining if substantially changed circumstances exist. In the event of substantially changed circumstances, either party in an action involving separate maintenance and support may apply to the court to have the payments terminated, modified, or suspended. Retirement of the supporting spouse is sufficient grounds for a hearing to evaluate modifying, suspending, or terminating separate maintenance and support.

Judicial Department. The department reports that there is no data to determine the number of additional hearings that may be held in family court for awards of alimony and separate maintenance and support as a result of the bill. The department anticipates it can manage any expenditure impact from increased caseloads within current resources, though a significant number of additional hearings or trials may result in a backlog for family courts.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A

Introduced on January 10, 2017

State Expenditure

This bill prohibits the family court considering the earnings of a subsequent spouse when awarding, modifying, or terminating an award of alimony or separate maintenance and support.

Judicial Department. The department does not anticipate a change in the number of hearings held in family court, because a judge may not consider a specific factor when deciding alimony, or modification or termination of alimony. If a significant number of additional hearings should result, the affect will be to increase the court backlog, but not expenditures. Therefore, this bill will not have an expenditure impact on the General Fund, Other Funds, or Federal Funds.

State Revenue

N/A

Local Expenditure

N/A

Local Revenue

N/A



Frank A. Rainwater, Executive Director