IMPORTANT NOTE:

Custody, Visitation and Child Support may be re-visited by the Court. If there is a change in circumstance, a party may ask the court for a change in custody, visitation or an increase or decrease in child support payments.

Additional information may be found at:

LawHelp.org/SC

South Carolina's guide to free legal resources

Family Cases Accepted

Physical Abuse Divorce
Custody and Child Support
Adoption
Orders of Protection
Other Family Court Matters

Other Legal Representation

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Employment
Federal Income Tax
Housing
Migrant Farm Workers
Probate
Public Benefits

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Balancing the Scales of Justice

CUSTODY, VISITATION AND SUPPORT

Our Mission

South Carolina Legal Services is a statewide law firm that provides civil legal services to protect the rights and represent the interests of low-income South Carolinians.

For Free Services

1 (888) 346-5592
contactus@sclegal.org
www.sclegal.org / www.lawhelp.org/sc
www.probono.net/sc

Who can get custody?

A Court will award custody to the most fit parent. The Court will look at all factors surrounding the child to determine what is in the best interest of the child, including the following:

- Who has shown the most responsibility for the child.
- Who has taken responsibility for making decisions for the child.
- Who is best able to take care of the child.
- The report and investigations of the Guardian ad Litem, a person appointed to represent the best interests of the child.
- The child's preference may also be considered by the Court depending on age.
- Other factors the Court considers: ages of the parties, health, income, education, parenting styles and living situation.

What if both parties are fit parents?

Because one party receives custody of the child does not mean that the other party is an unfit parent. The Court looks at all the factors (listed above) to determine which party is the most fit parent.

Who can get visitation?

Grandparents and Third Parties

Grandparents or third parties do not have superior rights to custody over those of a biological parent. The Court presumes that it is in the best interest of the child to be in the custody of a biological parent unless proven otherwise.

What visitation rights may the non-custodial parent have?

The Court will determine whether visitation is appropriate. If it is, the Court can choose from:

Reasonable: Every other weekend, summer and holidays.
Liberal : As often as possible.
Supervised: Someone else must observe each visitation.

Who pays child support?

- The custodial parent will generally receive child support payments from the non-custodial parent.
- The amount is determined by the South Carolina Child Support Guidelines.
- The guidelines take into account the income of both parents and the costs of child care and medical insurance.
- The non-custodial parent may be found in contempt of court, which could result in jail time, fines or both, for not paying the support.
- If the support is not paid the custodial parent may get pleadings from the Clerk of Court's office to file a contempt action.