**South Carolina General Assembly**

119th Session, 2011-2012

**A260, R304, H4738**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Govan and Hearn

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Introduced in the House on February 7, 2012

Introduced in the Senate on April 24, 2012

Last Amended on June 5, 2012

Passed by the General Assembly on June 7, 2012

Governor's Action: June 18, 2012, Signed

Summary: Divorce; alimony

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/7/2012 House Introduced and read first time ([House Journal‑page 16](file:///h:\hj%20archive\2012\02-07-12.docx))

2/7/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 16](file:///h:\hj%20archive\2012\02-07-12.docx))

3/28/2012 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 38](file:///h:\hj%20archive\2012\03-28-12.docx))

4/19/2012 House Amended ([House Journal‑page 55](file:///h:\hj%20archive\2012\04-19-12.docx))

4/19/2012 House Read second time ([House Journal‑page 55](file:///h:\hj%20archive\2012\04-19-12.docx))

4/19/2012 House Roll call Yeas‑99 Nays‑0 ([House Journal‑page 59](file:///h:\hj%20archive\2012\04-19-12.docx))

4/19/2012 House Unanimous consent for third reading on next legislative day ([House Journal‑page 60](file:///h:\hj%20archive\2012\04-19-12.docx))

4/20/2012 House Read third time and sent to Senate ([House Journal‑page 3](file:///h:\hj%20archive\2012\04-20-12.docx))

4/24/2012 Senate Introduced and read first time ([Senate Journal‑page 11](file:///h:\sj%20archive\2012\04-24-12.docx))

4/24/2012 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 11](file:///h:\sj%20archive\2012\04-24-12.docx))

4/27/2012 Senate Referred to Subcommittee: Sheheen (ch), Knotts, Campsen, Lourie, Campbell

5/31/2012 Senate Polled out of committee **Judiciary** ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\05-31-12.docx))

5/31/2012 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 10](file:///h:\sj%20archive\2012\05-31-12.docx))

6/5/2012 Senate Amended ([Senate Journal‑page 66](file:///h:\sj%20archive\2012\06-05-12.docx))

6/5/2012 Senate Read second time ([Senate Journal‑page 66](file:///h:\sj%20archive\2012\06-05-12.docx))

6/5/2012 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 66](file:///h:\sj%20archive\2012\06-05-12.docx))

6/6/2012 Scrivener's error corrected

6/6/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 8](file:///h:\sj%20archive\2012\06-06-12.docx))

6/7/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 8](file:///h:\hj%20archive\2012\06-07-12.docx))

6/7/2012 House Roll call Yeas‑89 Nays‑0 ([House Journal‑page 9](file:///h:\hj%20archive\2012\06-07-12.docx))

6/12/2012 Ratified R 304

6/18/2012 Signed By Governor

6/25/2012 Effective date 06/18/12

6/27/2012 Act No. 260

**VERSIONS OF THIS BILL**

[2/7/2012](file:///p:\pprever\2011-12\4738_20120207.docx)

[3/28/2012](file:///p:\pprever\2011-12\4738_20120328.docx)

[4/19/2012](file:///p:\pprever\2011-12\4738_20120419.docx)

[5/31/2012](file:///p:\pprever\2011-12\4738_20120531.docx)

[6/5/2012](file:///p:\pprever\2011-12\4738_20120605.docx)

[6/6/2012](file:///p:\pprever\2011-12\4738_20120606.docx)

(A260, R304, H4738)

**AN ACT TO AMEND SECTION 20‑3‑170, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MODIFICATION, CONFIRMATION, OR TERMINATION OF ALIMONY DUE TO CHANGED CIRCUMSTANCES, INCLUDING CHANGE IN FINANCIAL ABILITY, SO AS TO PROVIDE THAT UPON THE MOTION OF A PARTY, RETIREMENT BY A SUPPORTING SPOUSE IS SUFFICIENT GROUNDS FOR A HEARING TO DETERMINE WHETHER RETIREMENT CONSTITUTES A CHANGE IN CIRCUMSTANCES AND TO PROVIDE FACTORS THE COURT SHALL CONSIDER IN MAKING SUCH A DETERMINATION.**

Be it enacted by the General Assembly of the State of South Carolina:

**Retirement as change in circumstances for modification of alimony, factors court must consider**

SECTION 1. Section 20‑3‑170 of the 1976 Code is amended to read:

“Section 20‑3‑170. (A) Whenever any husband or wife, pursuant to a judgment of divorce from the bonds of matrimony, has been required to make his or her spouse any periodic payments of alimony and the circumstances of the parties or the financial ability of the spouse making the periodic payments shall have changed since the rendition of such judgment, either party may apply to the court which rendered the judgment for an order and judgment decreasing or increasing the amount of such alimony payments or terminating such payments and the court, after giving both parties an opportunity to be heard and to introduce evidence relevant to the issue, shall make such order and judgment as justice and equity shall require, with due regard to the changed circumstances and the financial ability of the supporting spouse, decreasing or increasing or confirming the amount of alimony provided for in such original judgment or terminating such payments. Thereafter the supporting spouse shall pay and be liable to pay the amount of alimony payments directed in such order and judgment and no other or further amount and such original judgment, for the purpose of all actions or proceedings of every nature and wherever instituted, whether within or without this State, shall be deemed to be and shall be modified accordingly, subject in every case to a further proceeding or proceedings under the provisions of this section in relation to such modified judgment.

(B) Retirement by the supporting spouse is sufficient grounds to warrant a hearing, if so moved by a party, to evaluate whether there has been a change of circumstances for alimony. The court shall consider the following factors:

(1) whether retirement was contemplated when alimony was awarded;

(2) the age of the supporting spouse;

(3) the health of the supporting spouse;

(4) whether the retirement is mandatory or voluntary;

(5) whether retirement would result in a decrease in the supporting spouse’s income; and

(6) any other factors the court sees fit.”

**Time effective**

SECTION 2. This act takes effect upon approval by the Governor.

Ratified the 12th day of June, 2012.

Approved the 18th day of June, 2012.

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