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The Family Court Process with *Motion for Temporary Relief*

- Initial consultation
 - Review of current situation
 - Brief discussion of history
 - Discuss preliminary limited options available
 - Quote fee, if requested
- Pleadings prepared
 - *Motion for Temporary Relief, Summons and Complaint*
 - Drafting process may take 1-2 weeks
- Pleadings filed with Family Court
 - Hand-delivered to Greenville; mailed out of county
 - Fee is \$175.00 to file *Motion, Summons and Complaint*; other fees may be necessary
 - Court assigns case number and *Motion for Temporary Relief* is scheduled at this time
 - May take 1-2 weeks
- Receipt of filed, stamped pleadings from Family Court
 - *Motion for Temporary Relief*: client notified of hearing date/time
 - Papers served on Defendant
 - Process Servers fee (\$45.00- \$100.00)
- *Motion for Temporary Relief*: client prepares documents for Temporary Hearing
 - Financial declaration (we will provide a form; required by Court)
 - Personal affidavit (we can provide a sample; we will edit for your review)
 - Affidavits gathered from friends, family, etc
 - All documents should be in our office one week prior to hearing
- Temporary Hearing
 - Usually 15 minutes
 - “Paper only”; no testimony/witnesses
 - Judges reads all documents submitted at hearing
 - Judge may take under advisement, or, more likely will rule that day
 - OR parties may agree on all issues on a temporary basis, and put *Agreement* on record.

- *Temporary Order* prepared
 - Attorneys draft the proposed *Temporary Order* per Judge's instructions
 - *Temporary Order* will outline Judge's temporary ruling or parties' *Agreement*
 - May take 1-2 weeks or up to 30 days
- Temporary Order is filed at Family Court
 - Judge signs/approves before filing
- Attempt settlement
 - Client prepares information for attorney
 - Attorney drafts settlement letter
 - Parties engaged in negotiations through their attorneys
- Parties attend mediation if not agreement is reached
 - Required by most counties as a means to attempt to settle contested issues before final hearing
 - Conducted by trained mediators who are usually attorneys
 - Parties' attorneys may or may not attend
- Final hearing is requested (cannot request until after mediation or unless settlement is reached)
 - Scheduled for 4-12 months from time of request, depending upon amount of time requested
 - May need to update financial declaration
 - Client to be actively involved in hearing preparation
- Final hearing
 - 15 minutes if all issues are settled
 - Full day or more if issues are contested
 - Testimony, evidence, and witnesses must be prepared in advance
- Final Order prepared, filed, and signed by Judge
- DHEC form prepared and filed with state (Records of marriages, divorces, births and death are filed with DHEC)