

RULE 21 TEMPORARY RELIEF

(Applicable to Any Request for a Temporary Hearing Submitted on or After October 1, 2025)¹

(a) Temporary Relief. A party may seek an order which addresses issues or grants relief for the period of time during which the case is pending. Any such request shall be presented by a written motion which shall be filed and properly served.

(b) Motion for Temporary Relief. A motion for temporary relief shall state with specificity the issues raised and the relief sought by the party.

(c) Scheduling a Hearing. To schedule a hearing on a motion for temporary relief, the moving party shall file or submit a request for hearing to the Clerk of Court. The request for hearing shall identify the amount of time requested and any known counsel of record. The date and time of the hearing shall not be sooner than twenty-one days and not later than forty-five days from the date the request for hearing is filed or submitted to the Clerk. For purposes of this Rule 21, notice from the Clerk of Court may be delivered to the moving party by email or in paper form.

(d) Notice. The moving party shall serve the motion and notice of the date and time of the hearing at least twenty days before the date scheduled for the hearing.

(e) Response to Motion. The responding party(ies) shall serve and file a return and (if applicable) request for affirmative relief no later than ten days prior to the date scheduled for the hearing. This responsive document shall state with specificity any new or additional issues presented (if any) and the relief sought by the party.

(f) Evidence.

(1) Evidence received by the court at hearings on motions for temporary relief shall be confined to affidavits, financial declarations, and any other documents which are statutorily-required (such as a parenting plan), and may be limited as detailed in this rule. No part of this rule should be interpreted to prevent a judge from considering the pleadings, motion, and return. For good cause, in the discretion of the judge who conducts the hearing, additional evidence or testimony may be permitted or required.

(2) Except as stated in this paragraph, all written evidence (including supporting documents) shall be served and filed no later than five days before the date of the scheduled hearing. At the hearing, either party may serve and file reply affidavits in response to the opposing parties' evidence, and additional detail in support of a request for attorney's fees and costs.

(3) All evidence shall comply with the South Carolina Rules of Evidence.

(4) The volume of evidence shall be limited as follows:

(A) If the hearing is scheduled for fifteen minutes, each party shall be limited to ten pages of affidavits.

(B) If the hearing is scheduled for thirty minutes, each party shall be limited to twenty pages of affidavits.

(C) If the hearing request seeks more than thirty minutes, the requesting party shall include an explanation in support of the requested time and any request to exceed the page limitations. In such event, the chief judge for administrative purposes must approve the amount of time and, if approved, shall designate any applicable limitation on the number of pages of affidavits.

(D) The page limitation for affidavits excludes proposed parenting plans, financial declarations, and attorneys' fees affidavits.

(E) Any affidavit may refer to one or more documents. If documents are attached as exhibits to affidavits, the total number of pages of exhibits submitted by a party shall not exceed thirty, and these thirty pages shall not be considered in the page limitations for affidavits described above. If a document is referenced but not attached, the document shall be served with the affidavit on the opposing party and must be available in the courtroom at the hearing. Any such document shall comply with the South Carolina Rules of Evidence. Voluminous documents shall be summarized in the manner described in Rule 1006, SCRE.

(g) Ex Parte Temporary Relief. The family court may order ex parte temporary relief to protect the health, safety, or welfare of a child, and/or to avoid irreparable harm. A party who seeks ex parte temporary relief shall follow the protocol and requirements related to temporary restraining orders as detailed in Rule 65, SCRCP.

(h) Modification of Scheduling, Notice, or Time Requirements. For good cause, the family court shall have the discretion, on its own motion, or upon motion of any party, to modify the scheduling, notice, and time requirements imposed by this Rule 21. Any motion filed by a party shall be supported by relevant affidavit(s).

¹By Order dated April 29, 2025, the Supreme Court delayed full implementation of the amendments to Rule 21 until October 1, 2025, and provided the new procedures in amended Rule 21 will apply to any request for a temporary hearing submitted on or after October 1, 2025. The prior version of Rule 21 is available [here](#).