

The Supreme Court of South Carolina

Re: Amendment to Rule 3 of the South Carolina Rules of
Civil Procedure

Appellate Case No. 2022-001184

ORDER

Pursuant to Article V, § 4A of the South Carolina Constitution, Rule 3(b)(1) of the South Carolina Rules of Civil Procedure is amended as set forth in the attachment to this order. This amendment shall be submitted to the General Assembly as provided in Article V, § 4A of the South Carolina Constitution.

s/ Donald W. Beatty C.J.

s/ John W. Kittredge J.

s/ John Cannon Few J.

s/ George C. James, Jr. J.

s/ D. Garrison Hill J.

Columbia, South Carolina
January 31, 2024

Rule 3 of the South Carolina Rules of Civil Procedure is amended to add the following language to paragraph (b)(1), and the following Note to the Rule.

In determining whether the plaintiff is unable to pay the fee required to file the action, all factors concerning the plaintiff's financial condition should be considered including income, debts, assets, and family situation. A presumption that the plaintiff is unable to pay the fee required to file the action shall be created if the plaintiff's net household income is less than or equal to the Poverty Guidelines established and revised annually by the United States Department of Health and Human Services and published in the Federal Register. Net income shall mean gross income minus deductions allowed by law.

Note to 2024 Amendment:

This amendment added language to subsection (b) to provide guidance and create uniformity regarding who may proceed in forma pauperis. The language tracks that used for determining indigency in Rule 602, SCACR, and Rule 608, SCACR.