

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )  
 )  
\_\_\_\_\_  
 )  
Plaintiff, )  
 vs. )  
\_\_\_\_\_  
 )  
Defendant. )

IN THE FAMILY COURT  
\_\_\_\_\_ JUDICIAL CIRCUIT

**RULE 24 – CLERK’S AFFIDAVIT**

Docket No. \_\_\_\_\_  
Case ID. \_\_\_\_\_  
JR No. \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
Physical Address: \_\_\_\_\_  
\_\_\_\_\_

Employer: \_\_\_\_\_  
Employer Address: \_\_\_\_\_  
\_\_\_\_\_  
DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

Personally appeared before me \_\_\_\_\_, who being duly sworn, states that (s)he is the custodian of the support records in the \_\_\_\_\_ County Clerk of Court Office, and that according to the records, \_\_\_\_\_ has failed to make support payments as required by Order of the Family Court.

- Child Support was ordered on \_\_\_\_\_ and as of \_\_\_\_\_ a total arrears of \$\_\_\_\_\_ with \$\_\_\_\_\_ to comply with the last order dated \_\_\_\_\_.
- Spousal Support was ordered on \_\_\_\_\_ and as of \_\_\_\_\_ a total arrears of \$\_\_\_\_\_ with \$\_\_\_\_\_ to comply with the last order dated \_\_\_\_\_.

This hearing is scheduled for a Rule to Show Cause because at least one obligation is delinquent. If the non-custodial parent has more than one obligation, both obligations will be addressed at the hearing listed below, along with payments that become due after the date of this document.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public of South Carolina  
My Commission expires: \_\_\_\_\_

\_\_\_\_\_  
Signature

**RULE TO SHOW CAUSE**

**It is therefore ordered that you** \_\_\_\_\_, appear in the \_\_\_\_\_ County Family Court located at \_\_\_\_\_, at \_\_\_\_\_ on \_\_\_\_\_ and be prepared to show cause, if any, why you should not be adjudged in Contempt of Court for such disobedience.

**BE ADVISED THAT YOUR ABILITY TO PAY IS A CRITICAL ISSUE IN THIS CONTEMPT PROCEEDING.**

Date: \_\_\_\_\_, 20\_\_\_\_\_  
\_\_\_\_\_, S.C.

\_\_\_\_\_  
Clerk of Court

**AFFIDAVIT OF SERVICE OR NON-SERVICE**

The undersigned officer states under oath that service of the within document was as follows:

- By serving the defendant \_\_\_\_\_ personally at the date, time and address noted below;
- By serving \_\_\_\_\_ a person of age and discretion;  
on \_\_\_\_/\_\_\_\_/\_\_\_\_ at \_\_\_\_:\_\_\_\_ am/pm at \_\_\_\_\_
- Non Service: \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission expires: \_\_\_\_\_

Custodial Parent (if applicable): <<54>> <<55>> <<56>> <<57>>

## **Rule 24 - Clerk's Affidavit**

### **NOTICE**

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If you fail to attend, a bench warrant may be issued for your arrest.

At the hearing, your ability to pay your support is a critical issue to be determined.

Complete the attached Short Form Financial Declaration and present it to the Court at your hearing. SCCA 430S – Short Form Financial Declaration is available on the South Carolina Judicial Branch website at <http://www.sccourts.org/forms/pdf/SCCA430.pdf> or at the office of the Clerk of Court.

Requests to modify the support obligation will not be addressed at the contempt proceeding.

If the Court determines that you have the ability to pay the support obligation and finds you to be in willful violation of the support order, you may be incarcerated for up to one year and/or fined. You will be given the opportunity to purge the contempt and avoid the incarceration/fine by certain methods to include payment of an appropriate amount of court costs and/or a payment toward your support arrearage up to the entire amount due.

If at a later time, you have failed to pay your support for an extended period of time and law enforcement is unable to locate you, a bench warrant may be issued for your arrest for failing to comply with the court order. You will then be transported to court, and a hearing will be held to determine if you have the ability to pay and therefore if the failure to pay was willful. Sanctions may then be imposed as mentioned above.