

1984 WL 250005 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 13, 1984

*1 Johnny Mack Brown
Sheriff
Greenville County Sheriff's Department
4 McGee Street
Greenville, South Carolina 29601

Dear Sheriff Brown:

In a letter to this Office you questioned whether you are obligated to serve petitions, summonses, and subpoenas in connection with neglect and abuse cases in the family court.

[Section 20-7-745, Code of Laws of South Carolina](#), 1976, as amended, provides in part that:

'(s)ervice of summons, process or notice required by this chapter may be made by any suitable person under the direction of the court, and upon request of the court shall be made by any peace officer.' (Emphasis added.)

Such provision is included in Subarticle 1, Article 9, of Chapter 7 of the Code which specifically deals with abused, neglected and delinquent children. Chapter 7 is the Children's Code.

Also, the general law with respect to sheriffs imposes on the sheriff the ultimate responsibility to ' . . . serve, execute and return every process, rule, order or notice issued by any court of record in this State' [Section 23-15-40, Code of Laws of South Carolina](#), 1976.

Pursuant to [Section 14-23-1120, Code of Laws of South Carolina](#), 1976, as amended, a family court is a court of record.

Referencing the above, it appears that as sheriff you would be obligated if requested to serve the petitions, summonses, and subpoenas in connection with neglect and abuse cases heard by the family court. If there are any further questions, please advise. Sincerely,

Charles H. Richardson
Assistant Attorney General

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