

1972 WL 25345 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 6, 1972

*1 Honorable Austin J. Kemp, II
Solicitor
State Court of Houston County
P. O. Drawer MM
Warner Robins, Georgia 31093

Dear Mr. Kemp:

This is in reply to your letter of June 1, 1972. You have inquired as to whether or not this State would honor extradition proceedings based on a warrant charging violation of the Georgia statute which makes it a felony to leave the State of Georgia abandoning a child in a dependent condition.

We have had experience with these proceedings in the past. It is the policy of this State that there must be one good faith attempt to exhaust the remedies available under the Uniform Reciprocal Enforcement of Support Act. If the accused does not comply with that action after a good faith attempt, then we would seriously consider returning him to the demanding State for prosecution pursuant to extradition proceedings.

You have further inquired as to whether there is any law in South Carolina by which the father could be prosecuted by the mother of the child if she were willing to institute proceedings in this State. It would appear that Section 20-303, Code of Laws of South Carolina, 1962, as amended, would be the only criminal statute applicable. That statute provides that if the father abandons the child and fails to support his wife or minor child, he shall be guilty of a misdemeanor and upon conviction imprisoned for a term not exceeding one year or pay a fine of from \$300 up to \$1500, or both.

I hope this answers any questions which you may have and if there is anything further that you need or any further assistance that we can provide, please let me know.

Yours very truly,

Emmet H. Clair
Assistant Attorney General

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