

1972 WL 25288 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 19, 1972

\*1 The Honorable M. E. McDonald

Senator

Anderson County

Route 2

Box 9

Iva, South Carolina 29655

The Honorable Patrick Harris

Member

Anderson County

Box 655

Anderson, South Carolina

Gentlemen:

You have inquired as to the expiration date for the term of office for the Honorable S. Eugene Haley, Judge of the County Court for Anderson County.

The records in the office of the Secretary of State show that Governor Robert E. McNair, on July 15, 1967, appointed Judge Haley to a term of office 'to expire July 15, 1971.'

The Judge of the County Court for Anderson County acts as ex officio Judge of the Juvenile and Domestic Relations Court for Anderson County. Section 15-1280, Code of Laws, 1962, as amended. His term is fixed at four years and until his successor has been appointed and qualified. Section 15-631.1, Code of Laws, 1962, as amended.

The County Court for Anderson County was created by an act adopted in 1963. The Juvenile and Domestic Relations Court was established by an act approved the 12th day of July, 1967. The Family Court Act (Sections 15-1095, et seq.) was adopted in 1968 and provides that any county which has established a Juvenile and Domestic Relations Court should thereafter, from May 22, 1968, 'be required to follow the plan and procedures' of the Family Court Act. The terms of the judges are fixed at six years and until their successors are appointed and qualify, but with respect to then existing Juvenile and Domestic Relations Courts, the act provides that the judges thereof 'shall complete the terms for which appointed—.' Section 15-1095.3(a).

It is not necessary to determine whether this act has the effect of modifying the provisions of the act creating the County Court for Anderson County and making the judge thereof ex officio the judge of the Juvenile and Domestic Relations Court for Anderson County for the reason that, viewed in any light, the Judge of the Juvenile and Domestic Relations Court for Anderson County was, on the date of the enactment of the Family Court Act, serving in an existing court. By the specific terms of Section 15-1095.3, he was required to complete the term for which appointed.' The term for which Judge Haley had been appointed expired four years from the date of such appointment, to wit, July 15, 1971.

It appears therefore that Judge Haley's term expired on July 15, 1971, and he has since that date, in the opinion of this Office, acted in a holdover capacity.

Very truly yours,

Daniel R. McLeod  
Attorney General

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