

# The State of South Carolina



## Office of the Attorney General

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December 6, 1991

Mr. George A. Markert  
Assistant Director  
South Carolina Court Administration  
Post Office Box 50447  
Columbia, SC 29250

Dear George:

You have requested the opinion of this Office as to whether the legal rate of interest on judgments may be collected on recorded child support arrearages. Relevant statutes are set forth, in part, below:

S.C. Code Ann. § 20-7-1316 (Supp. 1990): ...Where no petition to stay service is timely filed or where no relief is granted to the obligor pursuant to section 20-7-1315(D) [concerning the withholding of income to secure payment of support obligations], the arrearage may be recorded or provided for in section 20-7-1315(E) in the appropriate index in the office of the Clerk of Court or Register of Mesne Conveyances. Upon recordation, the arrearage has the same force and effect as a judgment and it is cumulative to the extent of any and all past due support, until the arrearage is paid in full. The judgment may be recorded in any county in which the obligor resides or in which he owns real property.... (emphasis added)

Section 34-31-20 (1987): ...(B). All money decrees and judgments of courts enrolled or entered shall draw interest according to law. The legal interest shall be at the rate of fourteen percent per annum.


"Where the terms of a statute are clear and unambiguous, there is no room for interpretation and [a court] must apply them according to their literal meaning." S.C. Department of Highways

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and Public Transportation v. Dickinson, 288 S.C. 134, 341 S.E.2d 134 (1986). Here, section 20-7-1316 clearly and unambiguously states that child support arrearages recorded thereunder have "the same force and effect as a judgment." Therefore, because the literal meaning of this statute is that these arrearages have "the same force and effect as a judgment", the provisions of section 34-31-20 concerning the legal rate of interest on judgments should be applied to the arrearage and the legal rate of interest may be collected on them.

If you have any questions, please let me know.

Yours very truly,



J. Emory Smith, Jr.  
Assistant Attorney General

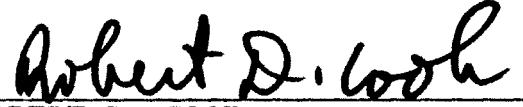
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REVIEWED AND APPROVED BY:



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JOSEPH. D. SHINE  
Chief Deputy Attorney General



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ROBERT D. COOK  
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