

1980 WL 121249 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 28, 1980

\*1 Honorable LeRoy M. Want  
Judge  
Family Court  
Fourth Judicial Circuit  
Post Office Box 545  
Darlington, South Carolina 29532

Dear Judge Want:

Thank you for your letter of May 20, 1980 pertaining to your jurisdiction to try cases under the Compulsory School Attendance law ([§ 59-65-10, et seq. of the Code of Laws of South Carolina \(1976\)](#), and the amendments thereto) and take punitive action against parents or guardians in cases of educational neglect. In response to your questions, I am enclosing a copy of an Opinion of this Office dated October 30, 1972, written by Hardwick Stuart, Jr., Assistant Attorney General. This Opinion makes clear that the Family Court has jurisdiction to order a parent or guardian to require that a child attend school and hold the parent in contempt for failure to comply with the order. [Sections 59-65-50 and 59-65-60 of the Code of Laws of South Carolina \(1976\)](#). It also notes the availability of a separate proceeding in the Magistrates' Court against a parent or guardian for failure to enroll or failure to cause the child to attend school. [Section 59-65-20 of the Code](#).

The only other apparent provision under which the Family Court might take punitive action against parents in attendance matters is [§ 14-21-650 of the Code](#). This section gives the Family Court the power to find an adult in contempt who violates one of its orders and punish him or her by fine and/or imprisonment not to exceed one year or Fifteen Hundred (\$1,500.00) Dollars or both. Its penalty exceeds that for contempt under [§§ 59-65-50 and 59-65-60 of the Code](#).

The Compulsory School Attendance law contempt provision should be controlling. It clearly states that ‘. . . punishment for such contempt cannot exceed fifty dollars or thirty days imprisonment for each offense.’ [Section 59-65-60](#) (emphasis added). This statement must be read as a limitation on the general discretion of Family Courts to impose greater penalties for the violation of their orders. Although [§ 14-21-650](#) has been passed one year more recently (Act 1195, Acts and Joint Resolutions of South Carolina, 1968) than [§ 59-65-60](#) (Act 131 of 1967), the earlier contempt provision prevails under the following rule of construction:

Where one statute deals with a subject in general terms, and another deals with a part of the same subject in a more detailed way, the two should be harmonized if possible, but if there is any conflict, the latter will prevail, regardless of whether it was passed prior to the general statute, unless it appears that the legislature intended to make the general act controlling. Sutherland Statutory Construction, Vol. 2A, § 51.05.

Here, the legislature has given no indication that it intended the discretionary authority of [§ 14-21-650](#) to override the express limitations of [§ 59-65-60](#).

If I can be of further assistance to you, please let me know.

Yours very truly,

J. Emory Smith, Jr.

\*2 State Attorney

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