

1977 S.C. Op. Atty. Gen. 72 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-79, 1977 WL 24421

Office of the Attorney General

State of South Carolina

Opinion No. 77-79

March 16, 1977

*1 TO: Mr. Neal Forney
Assistant Director
South Carolina Court Administration

QUESTION PRESENTED

1. Does the apparent total repeal by the General Assembly of the jurisdiction of the Juvenile and Domestic Relations Court of York County eliminate the Court?
2. Does the Juvenile and Domestic Relations Court of York County have the jurisdiction of a Family Court under the provisions of the Family Court Act?
3. Is the jurisdiction of the Juvenile and Domestic Relations Court of York County affected by the amendment of the Judicial Article of the South Carolina Constitution in 1973?

STATUTES INVOLVED

Sections 15–1691.11 to 15–1691.23 and 15–1691.31 (Repealed by 1966 (54) 2685, effective January 1, 1967)

Sections 15–1691 to 15–1691.6 and 15–1691.32 to 15–1691.37 (Repealed by 1975 (59) 25)

Section 15–1095

Act No. 690 of 1976 (Judicial Reform Act)

DISCUSSION OF ISSUES

QUESTION ONE AND TWO

The repeal of Sections 15–1691.1 through 15–1691.37, (the sections which created the Juvenile and Domestic Relations Court of York County) by the passage of 1966 (54) 2685 and 1975 (59) 25 does not eliminate that Court. The Family Court Act (Section 15–1095, et seq.; 1968 (55) 2718) would set the limits of the Court's jurisdiction.

QUESTION THREE

The passage of Act No. 690 of 1976 (Judicial Reform Act) changes somewhat the jurisdiction of the Family Courts. Article II, Section 2 provides that that said jurisdiction remains the same as under the Family Court Act of 1968 except that said jurisdiction is now exclusive in the Family Court rather than concurrent as formerly. This provision goes into effect as of July 1, 1977.

CONCLUSION

The 'Juvenile and Domestic Relations Court of York County' has the jurisdiction of a Family Court under the provisions of Section 15–1095 et seq. as amended by Act No. 690 of 1976.

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