

1977 S.C. Op. Atty. Gen. 296 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-371, 1977 WL 24708

Office of the Attorney General

State of South Carolina

Opinion No. 77-371

November 18, 1977

\*1 Hon. S. Norwood Gasque  
Judge  
Fourth Circuit Family Court  
P. O. Box 1022  
Dillon, South Carolina 29536

Dear Judge Gasque:

In response to your inquiry, my opinion is that the provisions of Section 14-21-830(b), CODE OF LAWS OF SOUTH CAROLINA, 1976, would indeed vest jurisdiction in the Fourth Circuit Family Court in the support action which you described if the conduct of the husband has been such as to make it 'unsafe' for the wife to continue to reside in Sumter County and if that fact has been established as a part of the record before you. As I interpret the language of Section 14-21-830(b) of the Code, a wife need not continue to reside in the area where the cause of action arose, i.e., the area or county of the matrimonial domicile of the parties, if the conduct of the husband has been such as to make it unsafe or improper for her to so reside, and she may bring the action in the family court of the jurisdiction in which she then resides and has become domiciled.

The holding in [Fordham v. Fordham](#), 76 S.E.2d 299 (1953), in my opinion, would invalidate only a local or special exception to the general law relating to venue and would not invalidate Section 14-21-830 which is a general jurisdictional law applicable to all family courts in certain circumstances. See also, 59 STAT. Act No. 690, Art. II, § 9 at 1863 (1976).

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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