

1975 WL 29491 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 10, 1975

***1 Re: Deputy Probate Judge's authority to participate in Judicial Commitments**

Honorable Marguerite S. Kinard
Judge of Probate
Colleton County Courthouse
Walterboro, South Carolina 29488

Dear Judge Kinard:

I am writing in response to your letter dated February 3, 1975, concerning the above question. Section 15-419.1 bestows upon the Probate Judge of Colleton County the authority to appoint a Deputy Probate Judge.

This act makes reference to the point that the Deputy Probate Judge may perform 'any and every act or deed necessary to the orderly discharge of the duties and powers of the office of the Probate Judge.' Since this act is broad and appears to bestow upon the Deputy Probate Judge all the powers of the Probate Judge, it is sufficient to bestow upon the Deputy Probate Judge the power to conduct commitment proceedings. The Deputy Probate Judge should have a bond filed equivalent to that of the Probate Judge.

The limitation I see in correlating the powers of the Deputy Probate Judge to those of the Probate Judge in Commitment matters is that all proceedings, orders, and similar actions must be done in the name of the Probate Judge. However, it appears that if there is compliance with this requirement, the Deputy Probate Judge may perform commitments.

Please contact your County Attorney in order that he may give his opinion as to this act and the scope of the same because he is more familiar than I as to the intent of the legislation. With kind regards, I remain

Sincerely yours,

Edwin E. Evans
Staff Attorney

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