

1975 S.C. Op. Atty. Gen. 47 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3975, 1975 WL 22273

Office of the Attorney General

State of South Carolina

Opinion No. 3975

February 21, 1975

\*1 Honorable W. F. Cook  
Judge of Probate  
Jasper County Courthouse  
Ridgeland, South Carolina 29936

Dear Judge Cook:

This will acknowledge receipt of your letter dated February 18, 1975, in which you stated that juvenile matters had been referred to your court for disposition, but that it had not been the practice of the Probate Court in Jasper County to act as a family court. You asked whether or not these cases could be referred back to the Court of General Sessions? As I stated in my memorandum of September 4, 1974, a copy of which is enclosed, some counties have been in the practice of referring juvenile matters to the probate court. This Office has found a legal basis for such action and has approved of the practice.

Also, as Judge Ness found in his Order of Sheddan v. Allan, a copy of which is enclosed, the circuit court has jurisdiction to act as a family court regarding juvenile offenders. Some counties have followed this procedure and the circuit court has acted as a family court pursuant to the Family Court Act.

The above-mentioned case is presently on appeal so that hopefully we will soon have a statewide standard for treating juveniles in counties which do not yet have a family court. In the meantime this Office is of the opinion that either method would satisfy State statutory law and Federal constitutional requirements. Therefore it would be up to you, Solicitor Murdaugh, and the Circuit Court Judge to determine how these matters should be handled in Jasper County.

I hope this will answer your questions. Please feel free to contact me if I can be of any further assistance.

Very truly yours,

Stephen T. Savitz  
Assistant Attorney General

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