

1974 WL 28108 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 13, 1974

***1 Re: Application for marriage license Anthony Roberts and Barbara Y. Aiken (formerly Carvin).**

The Honorable A. Ray Hinnant
Judge of Probate
Richland County
Richland County Courthouse
Columbia, South Carolina 29200

Dear Judge Hinnant:

It appears from the facts related to me by Anthony Roberts and Barbara Y. Aiken that on October 31, 1973, a child was born to Mrs. Aiken. They apparently now desire to contract matrimony and wish to apply for a license pursuant to the provisions of 20-24.5, Code of Laws of South Carolina, as amended, 1973 Cum Supp.

In the opinion of this Office if the facts related by this couple are in fact true, which could be provided by the necessary certificates of birth and any other additional affidavit you may require, a marriage certificate may be issued under Section 20-24.5. From the statements given to me it appears that Jesse W. Aiken, the step-father of Barbara Y. Aiken has had this young lady in his home since the third day after her birth and it would be apparent to me that he would stand as a person in loco parentis or even guardian after this prolonged day after her birth and his consent could be given as required under Section 20-24.5(c).

Additionally, of course, under the provisions of Section 20-24.5 this couple will have to furnish your office with the report or certificate of at least one licensed physician which established the birth of the child or a copy of the certificate of birth which in fact is signed by the licensed physician, and having met the other requirements of this section, in the opinion of this office this couple will be qualified to marry under Section 20-24.5.

Very truly yours,

Raymond G. Halford
Assistant Attorney General

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