

1974 WL 27475 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 9, 1974

**\*1 Re: Mrs. Latrelle Nix Register No. FS73 017 63**

The Honorable J. Perrin Anderson  
Judge  
The Family Court  
Greenwood, South Carolina 29646

Dear Judge Anderson:

I am writing in response to your inquiry of September 26, 1974, and I wish to explain the position taken by the Attorney General's office with regard to the admission of adults to a State Hospital by the Family Court.

There is no common law right of admission to a State hospital or other institution, admission procedures are generally statutory provisions. [In Re Cogdell's Estate, 236 S. C. 404, 114 S. E. \(2d\) 562 \(1960\)](#), holds that all statutory commitment procedures must be strictly followed and complied therewith.

The authority for the commitment of an adult to a State hospital from a Family Court is at Section 32-969, S. C. Code, 1962, as amended, and also at Section 15-1095.24(b)(13) of the Family Court Act. Sect on 32-969 provides that a Family Court Judge may order a person charged with the commission of any criminal offense to a State hospital. It must be noted that this applies only to persons charged with the commission of any criminal offense. The Family Court Act in the opinion of this office does not est the Court with criminal jurisdiction, either over juveniles or adults.

Section 15-1095.24(b)(13) only vests the Family Court with authority to order a psychiatric examination of a person. It does not give the Family Court jurisdiction to commit an individual to a State hospital for care and treatment. The statutory procedures for commitment to a State hospital are within the jurisdiction of he Probate Courts.

Yours very truly,

Edwin E. Evans  
Legal Assistant

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