

1974 WL 27539 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 13, 1974

*1 Honorable W. Frank Rogers, Jr.
Judge
Lexington County Family Court
P. O. Box 37
Lexington, South Carolina 29072

Dear Judge Rogers:

You have inquired of this Office as to the propriety of the Family Court of Lexington County trying traffic offenses committed by juveniles.

After much discussion with Deputy Attorney General J. C. Coleman we must reach the conclusion that the Family Courts do have the jurisdiction to try these offenses when committed by that class of persons defined as children or a 'child' within the provisions of the Act. Section 15-1095.2, 1962 Code of Laws, as amended.

It is clear that under the earlier 'Juvenile and Domestic Relations Court Act' that Court did not have such authority. Section 15-1103(9)(a) 1962 Code of Laws. This Section exempted from the definition of 'delinquent child' those persons who committed traffic offenses while licensed to drive or of sufficient age to be licensed.

The pertinent provision of the Family Court Act is found at Section 15-1095.9(A)(1)(d):

(A) Except as otherwise provided herein, the court shall have exclusive original jurisdiction and shall be the sole court for initiating action:

(1) Concerning any child living or found within the geographical limits of its jurisdiction:

(d) Who is alleged to have violated or attempted to violate any State or local law or municipal ordinance, regardless of where the violation occurred.

It is generally held that if a statute is clear and unambiguous in its terms and there is no room for construction, the terms of the statute must be given their literal meaning. [Southeastern Fire Ins. Co. v. S. C. Tax Commission](#), 253 S.C. 407, 171 S.E.2d 355 (1969); [Jones v. S. C. Highway Dept.](#), 247 S.C. 132, 146 S.E.2d 166 (1966).

It seems clear that when a child or juvenile delinquent as designated in Section 15-1095.2(c), has allegedly violated any municipal ordinance or State law, even those involving traffic regulation, the Family Court would have jurisdiction.

You have also inquired as to whether the Family Court must try these cases or if the magistrates or city recorder courts have concurrent jurisdiction.

Section 15-1095.9(A), as quoted above, states that ‘ . . . the court shall have exclusive original jurisdiction and shall be the sole court for initiating action . . . ’ where any child has allegedly violated a State law or ordinance.

Exclusive jurisdiction is defined thusly:

‘ . . . jurisdiction confined to a particular tribunal or grade of courts and possessed by it to the exclusion of all others, or jurisdiction possessed by a particular court to the exclusion of not all other courts but merely to the exclusion of other courts of the same grade; that jurisdiction which gives to one tribunal sole power to try the cause. 21 C.J.S. Courts § 18; see also: 20 Am.Jur.2d Courts § 106.

The language of the Act, i.e. ‘exclusive original jurisdiction’, seems to clearly confer upon only the Family Court the jurisdiction to try this type of case. The use of the term ‘sole court’ would seem to substantiate this interpretation of legislative intent.

*2 The question of the disposition of the fines and points attributed to the guilty offender has been previously determined by this Office.

In an Opinion (1970 Op.A.G. 62) written by Assistant Attorney General Raymond Halford it was advised that the Family Court's jurisdiction does not extend to the levying of fines against juvenile delinquents. In another Opinion written this summer to the Orangeburg Family Court it was advised that the Family Court had no duty to report these violations to the Highway Department. Copies of these Opinions are enclosed for your inspection.

I hope this will satisfactorily answer your questions in regard to these offenses.

Yours truly,

Cameron B. Littlejohn, Jr.
Law Clerk

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