

1974 WL 27560 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 27, 1974

***1 In Re: Juveniles in Counties With No Family Court**

Honorable David W. Harwell
Resident Judge
Twelfth Judicial Circuit
City-County Complex
Florence, South Carolina 29501

Dear Judge Harwell:

I have been a little slow in responding to your call about cases involving juveniles in Marion County because I wanted to read Judge Ness' order in the Sheddan case thoroughly and go over it in detail with Steve Savitz and Emmet Clair before putting out a general memorandum to probate judges.

After a discussion of the decision with Steve and Emmet, and a telephone discussion of the question with Justice Ness, I find that the Sheddan case holds that the Circuit Court has the same jurisdiction of juveniles as a Family Court in counties in which there is no Family Court. The only condition is that when dealing with juveniles, the Circuit Court must follow the same procedures as are stipulated for Family Courts. In other words, the Circuit Court becomes a Family Court when cases involving juveniles are presented to it.

Although it has been stated as the opinion of this Office that probate judges have jurisdiction with respect to juveniles when there is no family court in the county, the answer is by no means entirely clear. Even if they do, however, the Sheddan case holds that such jurisdiction is concurrent with that of the Circuit Court.

It is my understanding, that Judge Weatherford followed this procedure (acting as a family court judge) at the October term of General Sessions in Warion—without having the cases referred to him by the Probate Judge.

As things now stand, it is the opinion of this Office that the Circuit Court has jurisdiction of juveniles in counties in which there is no family court, and that probate courts, if they have such jurisdiction, exercise it concurrently with the Circuit Court.

If the foregoing is not in accord with your thinking, I shall be happy to research the question anew.

Sincerely,

Joseph C. Coleman
Deputy Attorney General

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